

Legislative Council

Tuesday, 18 November 1986

THE PRESIDENT (Hon. Clive Griffiths) took the Chair at 3.30 p.m., and read prayers.

AMERICA'S CUP YACHT RACE (SPECIAL ARRANGEMENTS) AMENDMENT BILL

Assent

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

EQUAL OPPORTUNITY

School Activities: Petition

The following petition bearing the signatures of 66 people was presented by Hon. Doug Wenn—

To: The Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament Assembled.

We, the undersigned, object to equal opportunity laws compelling our children to integration of school activities, including sports, without referral, consultation or regard for parents and further the current law does not have regard for individual communities.

We request that this legislated educational experiment cease.

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

(See paper No. 483.)

LIQUOR: BAR STAFF

Clothing Standards: Petition

The following petition bearing the signatures of 50 persons was presented by Hon. Kay Hallahan—

To the Honourable the President and members of the Legislative Council in Parliament assembled.

The petition of the undersigned object to the practice of employing naked 'see-thru' and topless female barworkers in an attempt to increase alcohol sales. In particular we believe that:

as with all forms of sexist advertising, this practice denigrates all women

clothed barmaids who perform the same task as 'see-thrus' but for lower wages are discriminated against workers should be attired for their task, without special conditions being attached to dress which are unrelated to task performance.

Your petitioners most humbly pray that the Legislative Council, in Parliament assembled, should take action to prohibit the practice of employing naked, 'see-thru' and topless women barworkers in Western Australian hotels and taverns.

(See paper No. 484.)

CLOSING DAYS OF SESSION

Standing Orders Suspension

HON. D. K. DANS (South Metropolitan—Leader of the House) [3.33 p.m.]—by leave: I move, without notice—

That Standing Orders be suspended so far as to enable any Bill to be introduced and proceed throughout any or all stages in one sitting; provided that this order shall expire on Wednesday, December 24, 1986.

HON. A. A. LEWIS (Lower Central) [3.34 p.m.]: I know that at this time of the year the Government views this type of motion as a normal one to be moved. The Legislative Council has worked two days or less every week because the Government has knocked off work to suit itself. I do not believe that the Leader of the House should go ahead with any Bill unless the Opposition agrees.

I think the Opposition would be fair about it; but having been in the position myself of having to speak to a Bill today, and having done an inordinate amount of research in one week or less because the leaders of both sides of this House decided that this Bill would come on—and it is one of the most important Bills likely to face this Chamber—am I to believe that we will be asked to put that Bill through this place in one day? That is not to mention all the other Bills, such as the Exim Bill, that the Government wants to bring up from the other place. I warned the Government weeks ago that if it did not get on with its business instead of wanting to knock off, this would happen.

I believe the Leader of the House should give the House an assurance that some discussion will be held with the Opposition in respect of the Bills that will be dealt with. Otherwise, I believe this motion ought to be opposed. I would hate to have the business of the House taken out of the Leader of the House's hands.

HON. G. E. MASTERS (West—Leader of the Opposition) [3.35 p.m.]: I will continue with the comments made by Hon. Sandy Lewis.

I would assume that the Leader of the House, as is normal, will consult with the Opposition on the Bills it is prepared to handle and that if the Opposition is not prepared for debate, it will be accommodated. I understand that to be the position; perhaps the Leader of the House could confirm it.

HON. D. K. DANS (South Metropolitan—Leader of the House) [3.36 p.m.]: I have just heard the most astounding statement by Hon. Sandy Lewis, for whom I have a great deal of respect, although I sometimes wonder whether he takes himself seriously.

This House has adjourned early, but that has been with the concurrence of the Opposition simply because there was no business on the Notice Paper. I have not heard anyone opposing an adjournment motion. I have, on all occasions, consulted with the Opposition. I consulted with the Leader of the Opposition today on this motion. Of course, on all occasions the Government will accommodate the wishes of the Opposition.

I assure the House that there has been no dereliction of duty on the part of the Government or the Opposition because parliamentary procedure has made it incumbent upon us to knock off early. It is very unfair of Hon. Sandy Lewis to make those comments. I moved this motion in good faith after consultation with the Leader of the Opposition. I thank the Leader of the Opposition for his comments and I place on the record that the good relations in respect of the conduct of business of this House will continue.

Question put.

The **PRESIDENT**: I have counted the House, and there being no dissentient voice, I declare the motion carried with an absolute majority.

Question thus passed.

SESSIONAL ORDERS

Suspension

HON. D. K. DANS (South Metropolitan—Leader of the House) [3.38 p.m.]—by leave: I move, without notice—

That notwithstanding any order to the contrary, the House for the remainder of this session, proceed after 11.00 p.m. on Tuesdays and Wednesdays and 5.30 p.m.

on Thursdays with such business as may be determined.

HON. P. G. PENDAL (South Central Metropolitan) [3.39 p.m.]: I want to add one or two remarks as an extension of the remarks put by Hon. Sandy Lewis because, notwithstanding what the Leader of the Opposition said, I do not think that they were unreasonable remarks at all.

As of last Tuesday, the number of hours that this House has sat for this year in its entirety was 112.

Hon. D. K. Dans: It seems like 112 years.

The **PRESIDENT**: Order! We are on a different motion. The honourable member cannot talk about the previous motion.

Hon. P. G. Pendal: I am not.

The **PRESIDENT**: I thought the honourable member said he was going to talk about what Hon. Sandy Lewis had said. Hon. Sandy Lewis has not spoken on this motion.

Hon. P. G. PENDAL: Without referring to what Hon. Sandy Lewis said, I make two brief comments. The Leader of the House told us a few minutes ago no voices of protest have been raised in this session about the hours of sitting of this House. I point out to him that that is not correct. Members on this side of the House have raised such matters on two occasions. I complained about matters not unrelated to that raised by Hon. Sandy Lewis, and on a second occasion I recall Hon. Tom McNeil raised matters of a not dissimilar nature.

It seems to me we will be in the position in the next few weeks of cramming through some of the most important legislation this House has seen for 10 years, and I do not think that is very good given that we have sat for 112 hours this year which, in anyone's language, is less than the equivalent of three weeks' working life of people in the community. That does not mean that members have worked anything other than 60 or 70 hours a week, but we are going to be asked to press-gang important legislation and review it in a way that ill-becomes the House.

HON. D. K. DANS (South Metropolitan—Leader of the House) [3.42 p.m.]: I must react to that. Mr Pendal is trifling with the truth accidentally. I said when the motion to adjourn the House was moved no-one got up and protested. I heard Mr Pendal's comments about the time we had sat, as I heard Mr McNeil's comments. You have been here a long time, Mr President, but I think that if you went

back over the years and saw how long we sat previously you might be astounded. We happen to be a House of Review, and the only reason we adjourned was that there was not enough business to carry on with. No-one in his right mind would adjourn if there was pressing business. The House only adjourned after I discussed the matter with the Leader of the Opposition.

The PRESIDENT: Order! I remind both speakers that the motion we are dealing with has nothing to do with what they are talking about. The motion before the Chair is that the House will sit after 11.00 p.m. on Tuesdays and Wednesdays, and after 5.30 p.m. on Thursdays. It does not say anything else.

Hon. D. K. DAVIS: I said I was reacting. I take your point, Mr President. I reacted to the remarks of Hon. Phillip Pendal. I think we should have a look at what has happened in past years.

Question put and passed.

EDUCATION AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. Kay Hallahan (Minister for Community Services), read a first time.

Second Reading

HON. KAY HALLAHAN (South-East Metropolitan—Minister for Community Services) [3.45 p.m.]: I move—

That the Bill be now read a second time.

It is highly desirable that facilities provided for the education of children should be available for community use when they are not required as part of the school programme. Obviously this is more relevant for those facilities which are highly suitable for both groups. Such facilities include libraries, sporting complexes both indoor and outdoor, drama complexes, and to a lesser extent classrooms. It is also appropriate that the user groups should contribute to the building costs and the recurrent costs such as minor maintenance and running expenses. If these conditions can be negotiated, the wasteful duplication of similar facilities, provided on the one hand by the Education Department and on the other hand by local governments and other agencies, can be avoided.

Where joint funding is provided it is appropriate that the control of the facility should be by a committee representing the various interests. In this way the investments of all parties will be protected.

The Education Amendment Bill will enable the Minister for Education to grant a licence to a municipality so that a joint committee can manage and control facilities and land vested in the Minister for Education. Already there are a number of facilities which have been funded in part by the Education Department and in part by other bodies such as local government and the Department for Sport and Recreation. These are working well, offering a service to the school and to the larger community. It is anticipated that closer cooperation between agencies will lead to many more of these jointly-funded facilities which, as a general rule, provide a single facility with a level of provision in excess of what could be offered if only one agency were providing the funding. The facilities provided are used more fully by a wider community.

The amendment will encourage these developments and lead to participant involvement in their management.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. N. F. Moore.

PAY-ROLL TAX ASSESSMENT AMENDMENT BILL (No. 3)

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Minister for Budget Management), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Minister for Budget Management) [3.47 p.m.]: I move—

That the Bill be now read a second time.

The Bill provides relief from payroll tax for State Government departments where the payment of payroll tax is essentially a transfer of funds with no net impact on Consolidated Revenue. It is proposed that these departments in future be exempt from payroll tax.

The exemption will end the current practice of departments, whose expenditure is often fully funded from Consolidated Revenue, being required to return some of these funds to Consolidated Revenue as payroll tax. The exemption will improve administrative efficiency by eliminating the need for departments designated as exempt to calculate their tax liability and provide monthly returns, and for the State Taxation Department to monitor payment.

The departments proposed to be exempted are generally those established under the Public Service Act rather than under separate legislation. Departments or agencies which operate as business undertakings or compete with the private sector will remain liable for the tax and will not therefore receive any advantage over their competitors. The exemptions are listed in the Bill.

To cater for new departments and future re-organisations, provision has been made for additions or deletions to be effected by regulation.

The exemption is to be backdated to 1 June 1986, to enable it to be effective for the whole of 1986-87.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. Max Evans.

RESERVES AND LAND REVESTMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Assembly: and, on motion by Hon. Kay Hallahan (Minister for Community Services), read a first time.

Second Reading

HON. KAY HALLAHAN (South-East Metropolitan—Minister for Community Services) [3.49 p.m.]: I move—

That the Bill be now read a second time.

This Bill is similar in intent to many other measures brought before the House each year to obtain the approval of Parliament to vary Class "A" reserves for whatever reason and, in this case, to remove the trust and change the purpose of a trust existing in certain Crown grants as well as closing certain pedestrian accessways and a right-of-way situated in various suburbs. Apart from the final three clauses, the provisions of the Bill relate to Class "A" reserves.

Class "A" Reserve No. 24969 at Swanview in the Shire of Swan, electoral district of Helena and electoral province of North East Metropolitan, is set apart for the purpose of "recreation" and is unvested. A change in the subdivisional design of the area, as agreed to in principle by the Shire of Swan and State Planning Commission, calls for the cancellation of Reserve No. 24969 and provision of an alternative and equal area of land elsewhere in the subdivision for public recreation. Parliamentary approval is required for the cancellation of

Reserve No. 24969 and this clause seeks that approval.

Class "A" Reserve No. 30826 at Hamelin Bay in the Shire of Augusta-Margaret River, electoral district of Vasse and electoral province of South-West, is set aside for "national park", being part of the Leeuwin-Naturaliste National Park, and is vested in the National Park and Nature Conservation Authority. Consultation with the Shire of Augusta-Margaret River and the former National Parks Authority outlined certain anomalies concerning the control, management, and responsibility for land adjoining national parks, particularly between high and low water marks. It was therefore agreed that the extension of the reserve boundaries to low water mark would benefit the management of reserves as a whole. This clause seeks approval to extend the boundaries of Reserve No. 30826 to low water mark.

Class "A" Reserve No. 29729 at Champion Bay in the Town of Geraldton, electoral district of Geraldton and electoral province of Upper West, is set apart for the purpose of "public recreation" with vesting in the Town of Geraldton. Following a request from the Town of Geraldton for the realignment of Willcock Drive, the former alignment has been closed and is now designated as Geraldton Lot 2859. It is proposed to include the lot in Reserve No. 29729, and this clause seeks that approval.

Class "A" Reserve No. 24653 at Flinders Bay in the Shire of Augusta-Margaret River, electoral district of Vasse and electoral province of South-West, is set apart for "recreation and camping" and is vested in the Shire of Augusta-Margaret River. The shire and Westrail have reached agreement on the cancellation of "railway purposes" Reserve No. 30654 and its inclusion in Reserve No. 24653, the former reserve no longer being required. The reserve and its closed access road have been resurveyed as Augusta Lot 850, and this clause seeks approval for the inclusion of that lot into Reserve No. 24653.

Class "A" Reserve No. 21451 at Hamelin Bay in the Shire of Augusta-Margaret River, electoral district of Vasse and electoral province of South-West, is set aside for "national park", also being part of the Leeuwin-Naturaliste National Park, vested in the National Parks and Nature Conservation Authority. Agreement was also reached between the Shire of Augusta-Margaret River and the former National Parks Authority for the extension of this reserve's boundaries to low water mark

for better management of the reserve. This clause seeks approval for that extension.

Class "A" Reserve No. 24482 at William Bay in the Shire of Denmark, electoral district of Stirling and electoral province of South, is set apart for "national park", being the William Bay National Park, and is vested in the National Parks and Nature Conservation Authority. The former National Parks Authority and the Shire of Denmark reached agreement on the inclusion of an area of vacant Crown land and a closed road into Reserve No. 24482 as well as the extension of the reserve boundaries to low water mark. This clause seeks approval for these amendments.

Class "A" Reserve No. 29860 near Lake King in the Shire of Lake Grace, electoral district of Katanning-Roe and electoral province of South, is set apart for "conservation of flora and fauna", being the Pallarup nature reserve, and is vested in the National Parks and Nature Conservation Authority. The former Department of Fisheries and Wildlife requested the inclusion of an area of vacant Crown land into this reserve, resulting in the rationalisation of the reserves boundaries to comprise Roe Location 3099. This clause seeks approval for the amendment of Reserve No. 29860 as described in the clause.

Class "A" Reserve No. 24258 at Albany in the Shire of Albany, electoral district of Stirling and electoral province of South, is set apart for "national park and recreation", being the Torndirrup National Park, and is vested in the National Parks and Nature Conservation Authority. With the realignment of "rifle range" Reserve No. 23524, two portions of that reserve have become vacant Crown land and are identified as Plantagenet Locations 7401 and 7592. It is intended to include these locations in Reserve No. 24258 to offset the area earlier excised from the reserve to permit the realignment. This clause seeks approval for that action.

Class "A" Reserve No. 27004 at Kalbarri in the Shire of Northampton, electoral district of Greenough and electoral province of Upper West, is set aside for "national park", being the Kalbarri National Park, and is vested in the National Park and Nature Conservation Authority. Following a request from the Shire of Northampton for the establishment of a dog kennel adjacent to the townsite, Victoria Location 11673 has been identified as the most suitable site and agreement has been reached on its excision from Reserve No. 27004. This clause seeks approval for that excision.

Class "A" Reserve No. 26741 in the City of Perth, electoral district of Perth and electoral province of Metropolitan, is set aside for "use and requirements of Government and Parliament" and is not vested in any authority. On the advice of the former Minister for the Environment, Hon. R. Davies, MLA, that the National Trust was ready to occupy the old Observatory building and required vesting of the site, Perth Lot 972 was surveyed. It is intended to excise this lot from Reserve No. 26741 for separate reservation as a site for "preservation of historic buildings" with vesting in the National Trust. This clause seeks approval for the excision of the lot.

Class "A" Reserve No. 30082 near Wittenoom in the Shire of West Pilbara, electoral district of Kimberley and electoral province of North, is set aside for "national park—Dales Gorge", being the Hamersley Range National Park, and is vested in the National Parks and Nature Conservation Authority. Agreement has been reached with the various authorities for the excision of 4.4 hectares, being Windell Location 84, from Reserve No. 30082 for a tourist stop site, and this clause seeks approval for that excision.

Class "A" Reserve No. 35815 in the City of Perth, electoral district of Perth and electoral province of Metropolitan, is set apart for "vehicle park and gardens" with vesting in the City of Perth. In accordance with the proposal to develop a bus junction on part of this reserve, it is proposed to change the reserve purpose to "vehicle park, gardens and bus terminal". It is further proposed to excise an area of 2 134 square metres from the reserve to allow construction of a sewerage pumping station in conjunction with the proposed development. This clause seeks approval for these amendments.

Class "A" Reserve No. 17862 in the City of Melville, electoral district of Melville and electoral province of South Metropolitan, is set apart for "recreation" with vesting in the City of Melville. The city council has found it necessary to construct underground drainage facilities within the reserve and requires a change in the purpose of the reserve to "recreation and drainage" to reflect this dual usage. This clause seeks approval for that change of purpose.

Foundation Park at Albany in the Town of Albany, electoral district of Albany and electoral province of South, is freehold land held by the Town of Albany in trust for the purpose of "public recreation". The town council in-

tends developing and leasing parts of the land to individual sporting groups and requires a change of purpose of the trust to "recreation" to allow this leasing. This clause seeks approval for the trust purpose being changed.

Reserve No. 24674 at Corrigin in the Shire of Corrigin, electoral district of Merredin and electoral province of Central, is held by the St John Ambulance Association in Western Australia Inc. under freehold title in trust for the purpose of "ambulance depot". The association has requested the removal of the trust over the title to allow disposal of the land with proceeds from the sale being utilised to offset debts incurred in constructing a new regional subcentre elsewhere in the town. This clause seeks approval for removal of the trust.

The latter part of this Bill seeks approval for the closure and revestment of three pedestrian accessways and a right-of-way situated in various suburbs. These accessways as described on the table were created from private freehold subdivisions under section 20A of the Town Planning and Development Act and, as a condition of subdivision, are vested in Her Majesty. Passage of time has indicated that, in these instances, the accessways are no longer required or are causing problems through misuse, vandalism, intrusion into family privacy, and antisocial behaviour. In all cases the closure applications have been submitted by the relevant local government authority after adequate publicity, provision of time for submission of objections and, in some cases, consideration of petitions for and against the closure. The need for this legislative measure arises from the lack of existing legislation to close these types of accessways. While amendments to existing legislation are being prepared to establish permanent powers to deal with these accessways, this revestment clause is intended, as a short-term solution, to provide the legislative authority necessary to resolve these particular cases where closure is considered to be an immediate requirement.

Existing machinery established under part VIIA of the Land Act will be used to enable disposal of the land to adjoining landowners with reasonable time being allowed for payment for the land.

I commend this Bill to the House.

Debate adjourned, on motion by Hon. V. J. Ferry.

BILLS (2): RETURNED

1. America's Cup Yacht Race (Special Arrangements) Amendment Bill.
Bill returned from the Assembly without amendment.
2. Foreign Judgments (Reciprocal Enforcement) Amendment Bill.
Bill returned from the Assembly with amendments.

MOTOR VEHICLE (THIRD PARTY INSURANCE) AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Attorney General), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.03 p.m.]: I move—

That the Bill be now read a second time.

This Bill retrospectively amends section 26 of the Motor Vehicle (Third Party Insurance) Act 1943 to limit the operation of section 26 to death and bodily injury claims.

The need for the amendment to the Act arises because of the uncertainty generated by a decision of the High Court handed down in August 1985. The High Court decision considered South Australian legislation equivalent to section 26 and decided that the section precludes carriers from contracting out of liability for claims relating to property damage or loss which resulted from negligence in driving a motor vehicle.

Section 26 of the Western Australia legislation has previously been thought only to apply to contracts which restricted liability for personal injury. On the evidence presented to the Government, the High Court decision has a number of consequences for the road transport industry, including—

a potential increase in road freight costs because of the necessary adjustments in carriers' insurance arrangements; and

a greater financial burden on road transport operators, particularly owner-driver operators who are less able to absorb the higher insurance costs and liability exposure.

On the advice of the Crown Solicitor, and with the support of the industry, the Bill also proposes to amend section 26 retrospectively to the effect that it "has only applied" to death

and bodily injury claims. A case for retrospectivity is always difficult to judge. However, if the proposed amendment were not retrospective the door would be open to a few people who might seek to have declared void otherwise normal contracts entered into over the past six years, six years being the statutory period within which legal proceedings for breach of contract must be sought. This would leave open to litigation people who were acting in good faith and who may not have adequate insurance arrangements. Retrospectivity would remove this potentially unjust situation.

I commend the Bill to the House.

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

FORREST PLACE AND CITY STATION DEVELOPMENT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. Kay Hallahan (Minister for Community Services), read a first time.

Second Reading

HON. KAY HALLAHAN (South-East Metropolitan—Minister for Community Services) [4.05 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is threefold. Firstly, it corrects a minor error in the principal Act. Secondly, it ensures that not only the parties who have signed the development plan agreement but also any future owners of the land who are the subject of that agreement, will be bound by its terms.

The rights and obligations in the terms of the development plan agreement include various rights of access to the land and various obligations to maintain public access through the land, such as City Arcade and the Carillon. The State has an obligation to retransfer to the owners of the Boans' land and the north-west corner site any parts of that land which the State is to be given, if at any time those pieces of land are not required for the purposes of the development. There is also an obligation for all buildings to be maintained.

Thirdly, this Bill directs the Registrar of Titles to endorse a suitable memorandum on the certificates of title for the land involved so that any future owners will become aware of the rights and obligations attaching to that land under the provisions of the development plan agreement. This agreement, by virtue of the provisions of the Forrest Place and City Station

Development Act 1985, must be published in the *Government Gazette* and tabled in Parliament.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. P. H. Lockyer.

FRIENDLY SOCIETIES AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. Kay Hallahan (Minister for Community Services), read a first time.

Second Reading

HON. KAY HALLAHAN (South-East Metropolitan—Minister for Community Services) [4.07 p.m.]: I move—

That the Bill be now read a second time.

In 1983 the Friendly Societies Act 1894 was amended whereby the limit of the gross assurance sum to be held by a society from any one person was increased from \$6 000 to \$25 000. This increase was made as a means of arresting the flow of funds via single premium assurance schemes to other States, and in particular to Victoria, where this product is being marketed successfully.

Western Australian friendly societies are presently holding in excess of \$12 million from this source, but with the HBF Friendly Society offering single premium assurance and the recently registered Home Owners Friendly Society intending to market this product, an increase in the limit is requested.

In line with present-day legislation, the limit sought is to be determined by prescription upon recommendation of the registrar and with approval of the Treasurer, subject to the satisfaction of prudential and procedural safeguards. Current limits applicable in other States are: New South Wales, \$100 000; Victoria and South Australia, \$50 000; and, Queensland, \$20 000. The Friendly Societies Council of WA fully supports the increase.

The traditional welfare services originally offered by the friendly societies are now operated through various Government departments at both State and Federal level. Therefore, to retain acceptable membership levels there is a need for them to provide other services such as tax-advantaged single premium assurance. When compared to the benefits offered in the Eastern States, a more realistic

figure will be necessary to allow the WA societies to remain competitive.

I commend the Bill to the House.

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

Decorum of the Chamber

The PRESIDENT: I point out to the Leader of the Opposition that he is getting into a very bad habit in recent times. He is constantly endeavouring to breach the rules which state that a member cannot read a newspaper in this Chamber. Those rules still apply and I suggest to the Leader of the Opposition that he is developing a bad habit.

CONTROL OF VEHICLES (OFF-ROAD AREAS) AMENDMENT BILL

In Committee

The Chairman of Committees (Hon. D. J. Wordsworth) in the Chair; Hon. J. M. Berinson (Attorney General) in charge of the Bill.

Clause 1: Short title—

Hon. J. M. BERINSON: A number of questions were asked during the second reading debate, for which I undertook to obtain answers at this stage.

The Leader of the Opposition asked the names of the current chairman and the two members appointed to the advisory committee under section 21(1)(d). I am advised that the chairman is Mr Bob Dymock, the Assistant Secretary (General), Department of Local Government. The other two members are Mr Brent Parker of the WA Beach Buggy Association and Mr Ern Searles of the WA Motor Cycling Association.

Hon. Mick Gayfer asked how the Government proposed to approach the selection of the new member to be appointed under new section 21(1)(e). He asked in particular whether consideration would be given to the position of four-wheel drive vehicles on farms. The Minister responsible has advised that he proposes to seek a panel of three names from the Western Australian Association of Four-Wheel Drive Clubs. This is the representative organisation which has been seeking representation for a considerable period. It has been participating to this stage in an observer capacity. The Minister also advised that farmers using four-wheel drive vehicles on farms are not affected by the Act, as it does not apply to private property. Off-farm, they are in the same position as other four-wheel drive users.

Clause put and passed.

Clauses 2 to 5 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon. J. M. Berinson (Attorney General), and passed.

SUPERANNUATION AND FAMILY BENEFITS AMENDMENT BILL

Second Reading

Debate resumed from 12 November.

HON. A. A. LEWIS (Lower Central) [4.13 p.m.]: The most significant point about this Bill is that it enables members of the State superannuation scheme to leave it. Those public servants who have other superannuation cover may, from the enactment of this legislation, choose to leave the State scheme in order to claim tax deductibility for their other superannuation contributions. They could not do this previously.

The Federal tax commissioner has ruled that technically those public servants were already in an employer-sponsored scheme, although many of them joined the scheme because it was compulsory to do so but were paying only a minimum contribution. That precluded them from obtaining tax deductions on their other, main superannuation cover.

Members will remember some Press releases going backwards and forwards as tax agents picked up the fact that some civil servants were liable to repay tax deductions previously claimed. I can only ask the Attorney General that he request the Treasurer to make representations to the Federal Treasurer so that those civil servants do not lose thousands of dollars, as they could if the tax commissioner took the hardest line possible.

Another point made by the Minister in his second reading speech was that any member of the Civil Service Association who is a member of the scheme and wishes to continue in the new fund now being set up by the CSA should not resign from the present scheme until the new fund has been set up, when he should make the transfer; otherwise he will lose his continuity of cover.

The Opposition supports this Bill and hopes that the Government will make a commitment to public servants to ask the Federal Treasurer to relieve them of the possibility of tax payments they may have incurred because of their

forced enrolment in the State superannuation scheme.

HON. J. N. CALDWELL (South) [4.16 p.m.]: In many instances the State superannuation scheme was promoted to new Public Service appointees and apprentices in the very early days of their careers. I hope they realised that the State superannuation scheme was a voluntary scheme. I believe that, as in the case of the Police Force, for instance, after a period of time some participants found it completely unacceptable to them and attempted to join private schemes.

This Bill gives the right to an individual to opt out of the State scheme without any personal loss. It enables public servants to buy into any superannuation scheme that suits their own personal requirements. I believe the Bill has great merit, and it is supported by the National Party.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.17 p.m.]: I thank both honourable members for their support of this Bill, and I will ensure that Mr Lewis' comments are brought to the attention of the Treasurer.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Hon. J. M. Berinson (Attorney General), and passed.

ACTS AMENDMENT (PARLIAMENTARY SUPERANNUATION) BILL

Second Reading

Debate resumed from 12 November.

HON. V. J. FERRY (South-West) [4.19 p.m.]: The provisions contained in this Bill are worthy of consideration by this House. Some of the provisions are long overdue in order to make appropriate adjustments to the Parliamentary Superannuation Fund. Other provisions are perhaps of a more recent vintage but are still worthy of inclusion to amend the Act. It is never the right time to make changes, either to the parliamentary salary and allowances provisions or to the parliamentary superannuation provisions.

Some years ago another Government introduced a Bill to establish the Salaries and Allowances Tribunal to take away from members of Parliament the machinery to set their own salaries and allowances. That move met with general public acclaim. I supported the move, and I still support it.

Similarly, this Bill has a provision for the tribunal to be charged with the responsibility to make determinations affecting the Parliamentary Superannuation Act. This is a move in the right direction, and I say that in the knowledge that for a number of years some provisions of the existing Act have required attention.

It is well known that a number of members who have retired have done so to their own disadvantage under the present system. The Act has especially disadvantaged those members who have held high office during their terms as members of Parliament, and the longer they stayed in Parliament after having vacated those high offices, the lesser remuneration they have obtained on retirement. This situation is completely unacceptable and this Bill will correct that anomaly, among other things.

There are people in the community who believe members of Parliament should not be paid anything. Other people believe members should be paid a reasonable reward for the service they provide to the public. There are, of course, people in the community who believe members of Parliament should not be provided with their own Parliamentary Superannuation Fund. I believe the bulk of the people support the principle of members of Parliament having their own superannuation fund to support members in their retirement and certainly to provide some protection for their spouses and families.

This Bill makes no changes to the benefits which are available under the existing Parliamentary Superannuation Act and which flow to a widow or a widower of a member who dies in office. That is as it should be. However, certain provisions of the Bill could affect the spouse of a member, depending on the option a member decided on upon retirement. I make the point that it is up to the individual member to make provision for any dependent spouse who may be left, just as it is for any person in a vocation other than being a member of Parliament.

The new provision will allow a member to take a 100 per cent commutation entitlement at the time of retirement or to take a percentage of commutation and the remainder in

superannuation. The decision is entirely up to the member on retirement. That is a reasonable proposition. It is up to each member upon retirement to make a thorough assessment of his or her position before electing to take whatever course he or she deems to be in the best interest of that member and his or her family. It quite rightly should not be left to anyone else inside or outside the Parliament.

The trustees of the Parliamentary Superannuation Fund have been faced with difficulties from time to time because of the provisions of the existing Act. The proposal in the Bill to allow members to retire voluntarily after 12 years' membership of the Parliament or upon serving in four Parliaments, is a reasonable one. Being a member of Parliament is to be in a most unusual occupation; no other occupation is comparable, especially with respect to finances and how the occupation affects a member's life and the lives of members of his or her family. All sorts of circumstances arise which cause members at times to reassess their personal commitment to public life. Therefore the proposal to enable members to retire a little more readily will have some appeal to those members who think it fit that they should leave public life a little earlier than might have been the case for whatever reason.

The trustees of the Parliamentary Superannuation Fund have deliberated long and thoughtfully on some occasions on the subject of members who have sought benefits from the fund after they have lost their party's endorsement for a seat or when they have tried to get endorsement for several seats, and this position will be clarified by the Bill. The Bill will overcome the anomalous situation where at present a member, to ensure that he or she is assured of parliamentary superannuation, is obliged to stand at election time for a seat that he or she perhaps has no chance of winning. This ridiculous situation is to be removed from the Act.

The changes that may be effected to the fund will not be excessive. I believe they will approximate the average of superannuation funds in other Australian Parliaments. It can be argued that there is no need to go to the average, but our fund must be seen to be reasonable, and for my money an approximate average of those funds obtaining in other Parliaments of Australia is a reasonable proposition for our fund.

One updating provision is that which recognises de facto spouses, and in these days across Australia there is legal precedent for

recognising de facto spouses. This is something which has evolved in our society in more recent years; it is no longer considered unacceptable as it was in bygone days. This arrangement is backed up by legislation, and this Bill is in keeping with what is now regarded as the norm.

I see no need to go into the Bill chapter and verse. It has my support just as it has the support of all Liberal Party members, although any of our members is entitled to speak to the measure. The Bill is worthy of support and I believe it will be accepted by the public at large.

HON. E. J. CHARLTON (Central) [4.29 p.m.]: This Bill has received a fair bit of consideration, and we have seen a good number of Press reports of the debate in the other place and particularly of comments by members of the National Party.

While we support the move to have the fund administered by the Salaries and Allowances Tribunal, certain serious considerations need to be met. As Hon. V. J. Ferry has just said, there is never a right time to make these decisions. Members of the tribunal will need to give serious consideration to the contributions made to our fund, both directly and indirectly, by the taxpayers. This is particularly so at this time in our history, because of the increasing amounts that are being required to fund our superannuation scheme. The tribunal must give serious consideration to prevailing economic conditions.

We see hard-working successful business people suffering because of the present economic conditions. Never before—certainly not in recent times—has the pressure been so dramatic. In the last couple of weeks we have seen a number of notable businesses go to the wall, and it has been suggested that a great many more will follow.

I believe that the Salaries and Allowances Tribunal should be responsible for making determinations in respect of the parliamentary superannuation scheme. However, without placing too many restrictions on its determinations, it needs to be very careful about how it makes its determinations, and it should take great account of the economic conditions prevailing at the time.

I agree with the sentiment that there is never a right time for making increases to these sorts of payments. The Salaries and Allowances Tribunal has a difficult responsibility for not only determining matters relating to superannuation for parliamentarians but also determining their

salaries. It is therefore extremely important that it be responsible in determining the future remuneration of members of Parliament.

If this legislation is passed, the tribunal will not only have to look at superannuation contributions under the legislation, but it will also have to consider the effect of the extra payments on the taxpayers who provide the funds for the scheme.

Hon. G. E. Masters: Do you support the legislation?

Hon. E. J. CHARLTON: I support the tribunal's power to make determinations. However, I am also saying that, in determining superannuation payments, it should consider the economic conditions prevailing in this nation at the time.

Daily we see different organisations making more and more demands on the Government. I support the Government in its stand against the nurses. If it gives in once, it will have to give in to every organisation's demands. Industrial peace is not worth more and more demands being placed on the taxpayers. We will all have to bite the bullet sooner or later.

Another matter very important to me was raised by the previous speaker, Hon. Vic Ferry. I am totally opposed to any provision in this Bill referring to de facto relationships. I do not see any justification for those relationships being included in the Bill. People may say that I am moralistic and a prude.

Hon. J. M. Brown: Are you neither of those?

Hon. E. J. CHARLTON: I am probably neither of those. However, I seriously believe in the family. People ask, "What is the family?" To me it is the whole basis of society. I believe that a man and woman who have been properly married are still the accepted basis of our society. I do not have the figures to support my argument, but I believe that a great majority of the problems existing in society today emanate from unstable relationships. In many cases people involved in crime come from broken homes or from families that have been unstable.

It is all very well to say that people are responsible for their own actions. However, I believe that, until society reverts to demanding that the family be its base, we will all be worse off.

I do not know whether any member of Parliament lives in a de facto relationship, and I do not care. However, I believe it is the last straw when parliamentarians encourage those

sorts of relationships by making provision for de facto partners in superannuation schemes. If people want to live in those relationships that is their decision, but taxpayers should not have to support them.

It has been said that other States' schemes support de facto relationships. If someone jumped over a cliff, would we follow? How can we believe that we are doing the right thing by including this provision in this legislation? I think we as members of Parliament should be setting an example for the rest of society. I believe there are all sorts of pressures on people to try to keep up with the times. However, I also believe that there should be no provision in this legislation allowing for people living in de facto relationships to benefit from the parliamentary superannuation scheme.

I would be very much surprised if anyone could give me a valid reason, but I would be very pleased to hear one.

Hon. Graham Edwards: You have not told us the bad thing about it.

Hon. E. J. CHARLTON: One of the problems of today's society lies in coming to terms with what is right and what is wrong. Some people believe that nothing is wrong. It is up to the individual to judge whether pornography is a bad thing. Some people in our society would say that pornography, for example, is acceptable and that there is nothing wrong with it. I say that some things should not be promoted or encouraged in our society. Members of Parliament should be responsible for making provision for someone they live with under the terms stated in this Bill. If they determine to live in a de facto relationship, they should do so knowing that they will not get some handout from the taxpayer. That is my reason for saying it is wrong. I could go into a host of moral and other arguments and enlarge upon them, if Hon. Graham Edwards likes, but I have already done so previously.

I agree that the Salaries and Allowances Tribunal should be given jurisdiction in making the final decision about superannuation, bearing in mind the economic position of the State at the moment. I make that very serious point. However, more importantly, I believe that the de facto relationship should not be taken into account in this legislation. I find that provision in the legislation totally unacceptable and I will not support it.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Hon. D. J. Wordsworth) in the Chair; Hon. J. M. Berinson (Attorney General) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 5 amended—

Hon. E. J. CHARLTON: I repeat what I said during the second reading debate. It is very wrong of so-called responsible people to put into a Bill dealing with superannuation an entitlement for some individual living in a de facto relationship to receive finance under the superannuation scheme. I am totally opposed to this provision. The Government should delete this clause from the Bill.

Hon. J. M. BERINSON: As it happens, I am a rather old-fashioned sort of member. If Hon. Eric Charlton at any stage would like to initiate a debate on the virtues of the traditional family, I would be happy to speak on his side. However, I suggest that this is not the occasion on which to try to translate those sentiments into legislation.

A couple of principles are involved. The first relates to that part of clause 4 which deals with de facto spouses who are dependants of the deceased member. There are important reasons in principle why a dependent de facto spouse should not be disadvantaged under a scheme to which members have contributed to cover the death of the member. On a wider basis, the situation is that members contribute for the purpose of securing their own retirement, but also that of their partners. If some are living in a domestic arrangement of a de facto nature, that is their choice and they should not be deprived for that reason of the dependant component, so to speak, of the scheme to which they have contributed.

Apart from all of that, it is just too late to attempt to put the moral argument in opposition to the practical requirements of dependent spouses, or even spouses who are not dependent, who become widows or widowers. The honourable member himself acknowledged that there are a wide range of provisions of an analogous nature where de facto spouses are cared for. These are to be found in other superannuation schemes, including the scheme on which we just legislated a few moments ago. They are to be found in the inheritance legislation, and in the legislation dealing with workers' compensation and with social security benefits.

In very many areas, especially those in which dependence is involved, the acceptance of de facto spouses as being properly entitled to the remaining benefit of pensions or superannuation is recognised. Hon. Eric Charlton recognises that, but he says that there is no reason because of that to reflect the same provisions in this legislation. The only answer one can give to an argument like that is to ask why this should be the only such area of legislation in which that provision is not available. What is so peculiar about members of Parliament that they or their widowed de facto spouses alone should be precluded from the benefits which are available to the rest of the community? That is the question to be asked and I do not think that there is a satisfactory answer to it other than to adopt the amendment that is provided by the Bill.

Hon. E. J. CHARLTON: Hon. Joe Berinson correctly stated that provision for de facto spouses is made in the wider community. That does not mean that I must condone that fact. If we are to make a start towards redirecting this nation by making people a little more responsible, the best place to start would be with members of Parliament who make the decisions in the community, rather than with people who may be on the bottom rung of society economically or in some other way. I promote the idea of putting one's own house in order before telling someone else what to do. If I decided to enter into a de facto relationship, I would say that it was my responsibility to face the consequences and to put up with the economic or financial results of that decision. I will not accept Hon. Joe Berinson's argument that the provision in this legislation is no different from that in any other Bill as a reason for accepting this clause. I disagree strongly with what is happening to our society.

I would like to get the statistics, because I am certain that a great many problems in society stem from this destabilising and irresponsible attitude. This is the opinion of all members of the National Party, because we have discussed it.

Hon. Garry Kelly: Did you?

Hon. E. J. CHARLTON: Yes. I am talking about a member's wife, and that is the biggest difference. If we are to act responsibly as individual members of Parliament, let us face it, we do not often have opportunities to stand up and be counted on specific issues like this. I am not convinced by anything the Attorney General has said—that it is there because it is in everything else. I oppose it.

Hon. A. A. LEWIS: I would like to ask one question, and that is whether the benefit would be paid to the de facto. The Attorney might like to comment on that.

Hon. J. M. BERINSON: Frankly I am not aware of that particular situation, and I hope I will not need to find out.

Clause put and a division taken with the following result—

Ayes 25

Hon. C. J. Bell	Hon. Garry Kelly
Hon. J. M. Berinson	Hon. A. A. Lewis
Hon. J. M. Brown	Hon. P. H. Lockyer
Hon. T. G. Butler	Hon. G. E. Masters
Hon. D. K. Dans	Hon. Margaret McAleer
Hon. Graham Edwards	Hon. Tom McNeil
Hon. Max Evans	Hon. N. F. Moore
Hon. V. J. Ferry	Hon. Mark Neville
Hon. John Halden	Hon. S. M. Piantadosi
Hon. Kay Hallahan	Hon. Tom Stephens
Hon. Robert Hetherington	Hon. Doug Wenn
Hon. B. L. Jones	Hon. John Williams
	Hon. Fred McKenzie

(Teller)

Noes 4

Hon. J. N. Caldwell	Hon. P. G. Pandal
Hon. E. J. Charlton	Hon. W. N. Stretch

(Teller)

Pair

Aye	Noe
Hon. Tom Helm	Hon. H. W. Gayfer

Clause thus passed.

Clauses 5 to 16 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon. J. M. Berinson (Attorney General) and passed.

[Questions taken.]

ENVIRONMENTAL PROTECTION BILL

Second Reading

Debate resumed from 11 November.

HON. A. A. LEWIS (Lower Central) [5.02 p.m.]: If one were to be flippant, one could call this a hodgepodge Bill because it is made up of bits and pieces of various Acts thrown together without really worrying about how they end up. There are pieces from the Noise Abatement Act, pollution laws and environmental protec-

tion laws and, as witnessed in another place, the Minister responsible for the Bill did not understand what it said and what the previous Act was about.

I was disappointed as I read through the speeches in another place. I have already referred to the time the Opposition was given to study this Bill. I thank the Minister handling the Bill in this House for the courtesy of ringing me with an offer of help. I appreciate that very much. Both the Minister and I probably suffer from the same problem when getting the draftsmen working out the 70 or 80 amendments needed to make this a decent piece of legislation.

I will not get emotional about the Bill. I will suggest what I think the Bill should do and how it should be handled. The Environmental Protection Bill should be a little like a picture frame so that any proponent of a scheme can do as he wishes as long as he stays within the framework and guidelines. Once he gets outside that framework he should be thumped. It seems easy in most environmental issues to determine the amount of pollution from noise, smoke, or effluent in waste water and who is doing it; whether it be a cannery, a business, an oil refinery, a farm or a piggery. As long as they stay within the guidelines there should be no need for an environmental impact assessment. There should be no need for anybody to do anything.

This Bill does not take that aspect into consideration. The Opposition would like to make its point here and now because we do not want the nonsense that went on in the other place and the accusation that we do not believe in the environment. I think our record proves that you, Sir, the Leader of the Opposition, Hon. Vic Ferry, Hon. Bill Stretch, Hon. Fred McKenzie and I have all had a fair bit to do with the environment.

Some members may have read in the *Daily News* of 17 November an article headed "Wuff Justice". It was about a dog that barks in Melbourne. Under the Environmental Protection Act, those people will have to move because already they have been hit with \$700 worth of fines and they can be fined up to \$4 000 a day. Members might say that cannot happen here. If this Bill passes, it can.

Under clause 82 (2) of the Bill the penalty is not \$4 000. It is an initial fine of \$5 000 and then \$400 a day which is "wuff justice", if one has a barking dog. I believe the dog owners of this State ought to look at this Bill.

The department has given me a lot of help. We do not agree at all on most of the contents of the Bill. People thought this dog business could only happen in the Eastern States, but if this Bill gets through in its present form, it will happen here. That is not good enough.

Somebody with very little knowledge of this Bill said it will advance the progress that Western Australia has made in environmental protection over the last 15 years. I challenge that there is any advance in this Bill in respect of environmental protection. Other States have advanced environmental protection. We ought to get up to that standard. This is absolute bunkum. The other States look at Western Australia as the leader of all States, except for that ratbag fringe who are like rent-a-crowd, the New Right, the hard left or whatever Hon. Tom Butler likes to call them. The sort of fringe we are talking about encompasses all the niceties.

Hon. T. G. Butler: Why are you taking it out on me?

Hon. A. A. LEWIS: Because the honourable member interjected and if he wants a barney we will have one, otherwise Hon. Fred McKenzie will have nothing to do in his position of Whip.

I would love to know from where the Minister got the third paragraph of her second reading speech: "These changes have done little to maintain the Act as an effective piece of legislation in a period of rapidly changing technical and economic development." I do not know who wrote this speech. The breadth of our Environmental Protection Act is its beauty. Once one starts tying little bits into it, one gets a narrow and constrained environmental approach.

That is what this Bill aims to do. I guess it does not matter under this Government that this kind of approach is taken because there will be no development under this Government. That has been proven; the days of the magnificent developments of the Court and Brand Governments have disappeared. This Government has done absolutely nothing as far as development is concerned. The developments put forward by this Government are ones which have been paid for out of the public purse. This Government has not encouraged any private enterprise to come to this State at all.

Several members interjected.

Hon. A. A. LEWIS: Well, I may be, but I will be boring members until around 9.00 p.m. tonight; it may be later if the interjections continue.

The Minister said in her second reading speech that the Environmental Protection Authority had demonstrated a capacity "to provide Government with sound, dispassionate professional advice on the conservation role". Most of the advice given came from other departments, such as the old Forests Department and the National Parks and Wildlife Authority so that the EPA could look at it. I will have more to say about that later because some speeches were made in the other place which, I believe, denigrated the work of scientists, especially in the old Forests Department, which is now the Department of Conservation and Land Management. I believe it is no wonder that so many of the wonderful people from the old Forests Department have left the Government service because of the way they were treated by this Government.

Several members interjected.

Hon. A. A. LEWIS: I will list for Hon. Tom Butler the number of senior members of the old Forests Department who have since left because he seems to have a problem about this matter. Let us start from the time this Government came to power. The Conservator of Forests was Bruce Beggs, and he has since left; there was also Pat MacNamara, Frank Campbell and Steve Cray, who were Assistant Conservators.

Hon. T. G. Butler: Some of them have retired.

Hon. A. A. LEWIS: Why should a man like Bruce Beggs retire at 56—because of political interference by this Labor Government! He was moved out of the Forests Department because the greenie element of the Labor Party had him moved.

Hon. Mark Nevill: Do you still believe in logging in national parks?

Hon. A. A. LEWIS: Yes, and so does Hon. Fred McKenzie. I suggest Hon. Mark Nevill talk to him about it.

Hon. T. G. Butler: You are denigrating your own argument.

Hon. A. A. LEWIS: No I am not. I am talking about a matter of which I have some knowledge. Hon. Tom Butler does not have the experience of his senior colleagues. I am glad Hon. Fred McKenzie did not have the experience of being a Government adviser before he

came to this place because at least he can view this matter in a dispassionate way without rambling on like Hon. Tom Butler, who had everything thrown at his feet and who really has not learnt a thing since he came to this place.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order! Hon. A. A. Lewis will stick to the Bill and ignore the interjections.

Hon. A. A. LEWIS: Well, Sir, that will be very difficult but as you have instructed me, I will do my best.

The procedure under the old Environmental Protection Act was that jobs were contracted out so that the department was kept small. Despite what the Minister says, under this legislation there is no way that this department will be kept small. As a matter of fact, somebody asked me to comment on this in a few words the other day.

Hon. Mark Nevill: That would be impossible.

Hon. A. A. LEWIS: Really, Hon. Mark Nevill seldom makes a contribution. His predecessor was the same until the Labor Party sacked him because he did not have the relationship with the Premier that Hon. Mark Nevill has.

Hon. Mark Nevill has not given this House too much of the benefit of his knowledge so I would think that most of his speeches were made from the position he is in now.

The DEPUTY PRESIDENT: Order! I instructed Hon. A. A. Lewis to stick to the Bill. I do not believe he is doing so.

Hon. A. A. LEWIS: I am; it comes under noise pollution.

I believe the department is trying to build up a kingdom of its own through this Bill. I believe that if this Bill is passed in toto, Mr Pearce and Mr Hodge could run this State and could override anything that happens in Cabinet. That is how seriously I regard this Bill in its present form. The Government may want to do that sort of thing and may believe that this is the way to go. Well, while this is still a House of Review, it may be able to stop the Government in this aim. Maybe Government members could pick up some thoughts about how the department should be run.

I believe there is talk of going on with the Committee stage of this Bill tomorrow. I think that would be a very silly move, when one considers that I do not expect to receive the last 20 or 30 amendments to the legislation before lunchtime tomorrow. However, if the Govern-

ment, with an inexperienced Minister, wants to try that on, let it try.

Hon. Kay Hallahan: You would not be threatening an inexperienced Minister, would you?

Hon. A. A. LEWIS: I do not threaten anyone; I am far too gentlemanly.

Hon. Mark Nevill interjected.

Hon. A. A. LEWIS: Hon. Mark Nevill must have sex on his brain. I said, "An inexperienced Minister" and I meant that. The Minister is not experienced in environmental matters.

Hon. T. G. Butler: She is more than a match for you.

Hon. A. A. LEWIS: We will see about that. We do not see her in this House very often.

Several members interjected.

Hon. A. A. LEWIS: It is amazing how the jackals of the Labor backbenches howl. I guess this will be dealt with under noise abatement, probably under clause 82(2) of the Bill. We may be able to get rid of them altogether; it will be "wuff justice" again.

Hon. T. G. Butler: Give him another bale of hay!

Hon. A. A. LEWIS: I have never known Hon. Tom Butler to give anything.

I wonder why the EPA must now have more members. Surely the Government can employ expertise. Why does it have to have a larger EPA? Is this another jobs for the boys exercise? Is this another Labor adviser bits and pieces?

The other aspect of this matter is that the members of the EPA can be either full-time or part-time. I do not really believe that having five full-time members would be desirable. The Government is talking about cutting down; the Minister said that the department's size was to be cut down and yet here we have at least two or three full-time jobs. Another question must be addressed in respect of the Chief Executive Officer. I am mentioning this because I have been talking about the size of the membership of the EPA. Members will recall that in Bills such as the Forests Act and, I think, in the legislation for CALM, the Deputy Chief Executive Officer is always mentioned so that a delegation does not have to be put through the *Government Gazette* when the Chief Executive Officer goes on holiday so that someone else can sign the material the Chief Executive Officer has to sign.

I would like the Minister to tell me whether that is going to happen again. It is not provided for in the Bill, and I think perhaps it should be. Can the Minister tell me the number of staff in the Department of Conservation and Environment? The Minister said staff numbers had been cut; I would like to know what the number is and how many of those people have drawn up management plans in the past, because it seems to me in regard to the Hillarys marina, which most people out there do not want—

Hon. Graham Edwards: You cannot get into it at the weekend it is so popular.

Hon. A. A. LEWIS: That is good. I wonder who is going to manage the reef?

Hon. Graham Edwards: Which reef?

Hon. A. A. LEWIS: The reef 100 metres off the groyne.

Hon. Graham Edwards: Are you talking about the reef offshore, or the rocks adjacent to the harbour entrance, or the limestone pinnacles?

Hon. A. A. LEWIS: They are all parts of reefs. There is one set of limestone pinnacles in the water—am I right?

Hon. Graham Edwards: No, there is not.

Hon. A. A. LEWIS: According to Barry Wilson from the Department of Conservation and Land Management there is, but I will defer to the honourable member.

Some parts of the reef are extremely valuable. When the Government announced what was going to happen in regard to this development, it said that CALM was going to manage the area. The Department of Conservation and Environment has drawn up the management plan. This is where one can get into severe difficulties with a department which is not a managerial department drawing up management plans for areas. I am sure the honourable member understands what I am talking about.

Hon. Graham Edwards: That management plan was open to any section of the community, the Government, or any instrumentality to make input. I think it was a very well done exercise.

Hon. A. A. LEWIS: I am sorry, I disagree with the honourable member. We will have to agree to disagree. I believe the land and sea managers ought to be the people who draw up the management plans; the people involved in environmental protection should be setting guidelines and policing them.

Hon. Graham Edwards: I feel you are selling short the people who draw up management plans.

Hon. A. A. LEWIS: I am selling nobody short. The people who have been handed the plan were not very happy about the way they were treated.

Hon. Graham Edwards: They have not conveyed that to me.

Hon. A. A. LEWIS: Probably because the honourable member does not have as much to do with them as I do.

Hon. Graham Edwards: I talk to them quite a lot.

Hon. A. A. LEWIS: It is a pity because they conveyed that sentiment to me.

Hon. T. G. Butler: Perhaps you have misinterpreted what they said.

Hon. A. A. LEWIS: I guess I have had a little more experience in environmental matters and the use of the environment than Hon. Tom Butler.

Several members interjected.

Hon. A. A. LEWIS: That is the sort of comment that was made in the other place.

Hon. T. G. Butler: With some justification.

Hon. A. A. LEWIS: With absolutely no justification. Hon. Tom Butler has completely destroyed his own argument by saying that we do not believe in environmental protection. I made the point 20 minutes ago, which everybody who was listening heard, that it was nonsense for that sort of interjection to be made.

Hon. T. G. Butler: I heard you say that.

Hon. A. A. LEWIS: It has not differed from the nonsense spoken in another place.

Hon. T. G. Butler: It did not impress me then, and it does not impress me now.

Hon. A. A. LEWIS: I am not here to impress Mr Butler. His interjections are so asinine one should not have to argue with him. Perhaps I need protection.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): I believe you should ignore them.

Hon. A. A. LEWIS: I was asking the Minister to provide the staff numbers in the department and an estimate of the numbers required under this Bill because I believe this talk of a smaller department is wrong.

Hon. Graham Edwards: Did Mr Carbon say his people were involved in drawing up the plan for the park?

Hon. A. A. LEWIS: No, Mr Carbon did not say his people were involved in that; it was the Department of Conservation and Environment. That is the pity when people interject without knowing who drew up a plan.

Hon. Graham Edwards: You might need to retract those words. Keep your options open.

Hon. A. A. LEWIS: I might need to do so. I will say the Department of Conservation and Environment drew up the plans. Mr Carbon may have seen them and presented them, but the department drew them up.

I would like the Minister to tell me how community-based advisory committees are going to work. Nowhere in the Bill have we found how they will work and on what basis—whether formal or informal—and their size. Is a member of the authority or a member of the department going to chair one? Will independent people be on these committees? Where will they draw their members from—is it on a shire or regional base? Those are the sorts of things we need to know. Can the Minister show how these advisory committees will assist? What will their function be?

Turning to environmental plans, I just cannot believe some of the stuff about impact assessments in this Bill. Most of it looks as though it came from Queensland, that place the Labor Party loves to belittle. I will go into that in greater depth in a minute. We will have some problems if we are going to follow Queensland. Perhaps the Government believes Joh has the answer to all its prayers. I know some people on this side of the House would probably agree with that.

On page 3 of the Minister's second reading speech there is a reference to providing a clear mechanism for the preparation and declaration of environmental protection policies. Can the Minister say whether these policies are the policy guidelines I am talking about, or are they like shifting sands—a movable feast? On page 4 of the Minister's speech she referred to setting out "mechanisms for the Government and decision-making authorities, where a development proposal is approved to proceed subject to environmental conditions, to agree on those conditions; moreover, for developments to be monitored during implementation to ensure that the conditions are being complied with." When one looks at the width of the Bill one realises that could mean anything from a town planning development to a development of major size.

I do not believe the Government is dinkum. Why cannot the Government say that as long as a person does not break such-and-such a guideline he can go ahead with his plan? Why does the Government have to interfere? I cannot understand the reason the Government is interfering in some of these things.

In her reply to the second reading I would like the Minister to explain to me the reason the appeal mechanism has been included in the Bill. I take this opportunity to deal with the comments of the Law Society of WA about the appeal provisions. I warn the Minister that during the Committee stage I will move to scrap the entire appeal provisions in the Bill and will introduce other provisions, to which the Minister in another place said he agreed, which follow the guidelines prepared by the Law Society. As soon as I receive the proposed amendments I will provide a copy of them to the Minister.

I refer now to the public scrutiny of environmental plans. The plans should not be available to the public for scrutiny. The Minister has not denied that they will all be available to the public, but both the member for Welshpool and the member for Gosnells said in another place that they should be available to the public for scrutiny. If people are asked to submit environmental plans, they should be the business of the Environmental Protection Authority and the person directly concerned with the project and no-one else.

The Bill refers to public scrutiny by any person. It is not a class action as it was referred to by members in the other place, but it is a sort of foot-in-the-door class action and members on this side of the House believe that it is going too far.

I wonder how many experts we have in the community. Public scrutiny of various things can be overdone. If the State is to go forward in a reasonable sort of manner public scrutiny would not be acceptable. One need look only at examples in the United States of America to realise the dangers involved with public scrutiny. For example, in that country if a person wants to burn off four acres of his property he has to obtain 17 or 18 permits and it can take up to 18 months to obtain those permits.

Last year Hon. Fred McKenzie, Hon. Vic Ferry and I visited the United States of America and we found that in relation to restrictions placed on burning off the people in California looked to us for example. On our return I received a letter, which I showed to Hon. Fred McKenzie, from a fire chief who

advised that after we had left the country they had lost 300 000 acres of prime timber in a fire. Members may recall the television footage of houses being burnt in Los Angeles.

We should not undersell ourselves. Western Australia happens to be among the world leaders in many areas. Time and time again we are told by certain people that we are going in the wrong direction.

I am sure that Mr McKenzie will make a contribution to this debate.

Hon. Doug Wenn interjected.

Hon. A. A. LEWIS: The member should explain what he means because the Deputy President (Hon. D. J. Wordsworth) would take to me if I started a discussion at this end of the Chamber.

A person who is directly involved in a project should have the right to scrutinise an environmental plan. However, the Bill says any person has the right to do this.

I am being quite blunt when I say that the signing of the woodchip agreement which will come up next year could be interfered with by certain people. Public scrutiny has not worked well.

Hon. John Halden: Experience shows that it has worked well.

Hon. A. A. LEWIS: Hon. John Halden can tell me where it has worked well. I have looked world-wide for evidence.

I will give the House some figures from the Bracebridge district in Ontario. I have a copy of a report which details the public meetings which were held and the number of people who attended them. Page 52 contains a summary of contracts. I will give the member a copy of the report to read.

Two background open houses were held, one at Bracebridge and one at Huntsville and overall 144 people attended—60 were in attendance at one meeting and 84 were in attendance at the other. The Labor Party would get more members to a meeting than that! The attendance at the draft strategy open house meeting was 230 people; this meeting was held to discuss a major park.

Hon. Fred McKenzie: What is the title?

Hon. A. A. LEWIS: It is, "The Bracebridge District Land Use Guidelines". The member should have a copy of it.

Hon. Fred McKenzie: I want to check it.

Hon. A. A. LEWIS: Five hundred draft copies of the report were sent out and they were accompanied by a comment sheet to be completed by the recipients. Only 37 were returned and 13 telephone calls relating to this matter were received. The population of the area concerned is about 250 000 and it seems to me that there was very little public interest. There was a heap of work involved with ascertaining public interest.

Hon. John Halden interjected.

Hon. V. J. Ferry: Is this a private conversation?

Hon. A. A. LEWIS: The member is asking whether it could mean the converse.

It appears that this Bill is dealing with the purist theory rather than practicality. This Government tends to get onto the purist ideas at times. I do not blame it for that because there must be a few purist ideas, but in practical input terms the associations we have in Western Australia could probably do the job. The Bill allows for individuals to do it and I think that is going a little too far.

Looking at the Bracebridge district, certain people in the Chamber will remember the d'Entrecasteaux draft management plan. I think 1 300 or 1 400 people were crammed into the Manjimup Town Hall on that occasion. The public soon come out if they reckon they are not getting a fair go. That was a fascinating exercise. The Press in Manjimup rang me during the weekend and asked me whether d'Entrecasteaux had been declared a national park. I said that it had been illegally declared in 1980. Mr Masters and Mr Wordsworth illegally declared it a national park but subsequently it was all fixed up. They had used the wrong section of the Land Act when making the declaration.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): I sense that the speaker is calling for interjections and I believe he should return to the Bill.

Hon. A. A. LEWIS: I am very much dealing with the Bill; I am talking about public participation. I am sorry I hit home so close to the bone.

The second reading speech states that North America had led the way; I think it has led the way downhill. Maybe in the early days North America did some good work until the Sierra club and other such things appeared. From talking to their officers now, with the tightness of their administration, I find they are too rigorous in their attempts to do the right thing.

The situation is very difficult. Accusations are made that people do not believe in environmental protection but I think we all do; it is a matter of how it is put into practice. Far be it from me to say that the ALP is completely wrong or that the Liberal Party is completely right or that the National Party knows nothing about it. Nobody can say that, but a lot of people try to and imagine themselves to be instant experts. It hurts a little.

I ask the Minister to explain the gobbledegook contained in the following sentence in her second reading speech—

As well as protecting the wellbeing of the community at large, these standards allow for the continued conservation of important elements of the environment.

Hon. John Halden has also asked me about the sentence which reads—

To provide a clear appeals mechanism whereby the results of the environmental assessment are open for public scrutiny, and, where appropriate, an appeal to the Minister can be lodged.

I attempted to rewrite the appeals provisions and I hope the Government will accept my amendment. As it stands at present, it does not meet the criteria the Government has agreed to in previous Bills, especially those relating to the town planning appeals tribunal. If it is intended to have an appeal system, it must be written into the Bill. Individuals should not have the right to appeal unless they have something to do with the area or are closely allied to the proposal. I do not think everybody can get what they want; the world is not as good as that.

Hon. John Halden interjected.

Hon. A. A. LEWIS: Obviously the member has not read the Bill, but if he reads it he will find reference to major and minor changes. How does one define a person who has something to do with the proposal? That must be left to the Environmental Protection Authority which will decide whether a person has a case and will be listened to.

Referring to the Minister's statement about protecting the wellbeing of the community at large, I sometimes wonder about the use of the English language in second reading speeches and whether the speeches are being padded.

The Minister also stated that the Bill will remove many of the ambiguities which have arisen over the years. I doubt whether it will remove ambiguities and I ask the Minister to

explain why she thinks it will. It appears to have made a bigger mess of the situation.

I am concerned that the other Acts have been included in this Bill. I think we shall have a shocking piece of legislation if we allow it to go through in its present form.

I query the statement that under the 1971 Act, the Environmental Protection Authority was provided with a limited overview role and tended to concentrate its activities mainly on assessing the environmental impact of development proposals. That work was carried out for the EPA by other departments in the main and it had only to assess the reports of the other departments. The work was virtually contracted out and the real work was done by the managers.

The Minister said that the independence of the EPA is assured. Its independence is not assured under the provisions of this Bill; it is under the direct control of the Minister. There is nothing more certain than that and that is confirmed by the Minister's remarks in another place that he considers it under control. He suggested that the EPA will virtually do as it is told and that he will make the decisions. He suggested that the EPA is not a decision-making body.

That horrified me. The authority has less stature than an advisory committee or the Minister, according to the comments made in the second reading speech and the Committee stage of the other place. I will take quotes from those later this evening if that is allowable, although I do not think it is.

The Minister says that other States are better off than Western Australia. I hope the Minister will tell me which States are better off and which are better equipped to handle the environment than Western Australia at the moment, with our present laws. It seems to me, and I have had a fair look at the laws of other places, that other States are worse off. It may interest the Minister to know that in one case in New South Wales—and I am quoting only one—the National Parks Authority was taken to the environment court, and 2½ years later no decision has been made on what should be done. I always thought the National Parks Authority in New South Wales was well set up, and certainly magnificently financed, and I would have thought it a leader in the field and that its officers were pretty efficient. Yet this is a case in which it has been held up for 2½ years by the environment court. Do we want to get to

that stage and hold up our authority like that? I do not believe we do.

After the first paragraph on page 9 of the Minister's second reading speech, dealing with the subject on which I have just spoken, I wrote "No, no, no." I ask the Minister to expand on the third paragraph on page 9 of her second reading speech because I cannot understand why the word "social" is included. I do not know why she included it and I believe her reasons must be explained to the House.

The final paragraph on page 9 of the Minister's second reading speech says it all. It reads in part—

The Environmental Protection Authority must be allowed to advise Government on how the inter-relationship between the natural environment and the community should be managed.

They are not managers! I am told by departmental people and by the Minister—whether or not with tongue in cheek—that they do not want to manage. In that case why does the Minister, in her second reading speech, talk about managing? It seems to me that one way or another things are not quite going the way they were expected to go.

Hon. Garry Kelly: It gives advice, though.

Hon. A. A. LEWIS: Why use the word "manage"? That is the big problem between the purist and the practical man. The purist can do and say what he likes, but then he hands it over to the practical bloke who does not have an input; but the Government has accepted the purist's view. I do not refer only to this Government, Mr Kelly, and I am not being critical.

Hon. Garry Kelly: The authority gives advice, but the Government does not have to accept it.

Hon. A. A. LEWIS: But if it is about management, the advice on management should come from the Department of Conservation and Land Management, or the Marine and Harbours Department, or somebody who is doing the managing. This body was set up to assess the environmental impact and status of pieces of land, or projects—whether there is pollution, or whether there are emissions of noise, sound, or anything else. We have dealt with the example of the dog. In all of those matters the authority has been set up to set the standards, and should leave the rest to the managers.

A Royal Commission report has been presented setting out how that commission believed this should be handled. I believe it was set out very well, and I know Mr McKenzie agrees with me. If he does not, there will be trouble. I would not be game to threaten Mr McKenzie, but he knows what I mean because we have been through it all before.

I query the third paragraph on page 9 of the Minister's second reading speech, which reads—

Under part II of the Bill the EPA retains its wide ranging functions to oversee and coordinate investigations into the protection and conservation of the environment.

Again, I believe that allows the EPA to play a managerial role and not a standard-setting role. I am sorry to hammer this point, but it really worries me.

As to the fifth paragraph on page 10 of the Minister's second reading speech, I ask the Minister to explain what real input local authorities will have after their consultation. Is there to be any real input, or will it merely be on environmental matters or be virtually a matter of the authority advising the local authorities of the programme of the proposals going ahead? It appears to me that we should not pass this Bill until the Minister explains to us what the committees and advisory committees will do. I believe it is far too loose to be allowed through, and will be following that up. I am sure all members want to know how much consultation there will be.

Page 11 of the Minister's second reading speech deals with wetlands, and I wonder whether or not this is another managerial function the authority is taking on. Why does the authority rather than CALM deal with the wetlands? In fact, I wonder whether we need any more committees or people interfering in these things. Why cannot we say, "This department will look after that, the Waterways Commission will look after the things we want it to look after", and so on? Later this evening I may make a few comments about Mosman Park, Casuarina, and some other places. Should not we be leaving the managers to do their managing?

The fourth paragraph on page 11 of the Minister's second reading speech refers to public participation. I made the comment that all the public are being encouraged to do is comment on the manager's plans, so that if they wanted to be negative the public could stop all plans by commenting successfully on them and having

them re-referred. The manager is in a completely no-win situation, in my humble opinion, and I am worried about that.

I am worried also about trade secrets—whether or not they are covered by the Bill—and whether it covers not only trade but also commercial matters. The most unlikely things can be let go if there is a reporting provision in the Bill, so we must be very careful about that.

I have commented before on the appeals, and I wonder whether the appeal provisions in this Bill have been overdone. I have had to re-write them because I do not believe they fit in either with what the Government would want or what the Government has said it wants. The Government has said what it wants and I would expect it to carry that out because the Government is usually fairly honourable on things like that.

Sitting suspended from 6.00 to 7.30 p.m.

Hon. A. A. LEWIS: The assessment and appeal provisions in this Bill seem to be overdone to blazes, and really we should be looking at smartening them up. I think the time allowed in Queensland is 28 days, and that is handled by the coordinator general. I will refer to that legislation later.

Does the Minister really believe that a person should do his own monitoring and report to the department? I would imagine that sensible businesses would look after their own monitoring, and I do not think a business should have to report to the department. That, too, is overdone to blazes. The idea of requiring private enterprise by legislation to report all the time to Government simply adds to the expenses of private enterprise. If the discharge from a factory is over the permissible level the Government should take action, otherwise I do not believe those people should have to do their own monitoring.

It is all very well to legislate to make the blasting of reefs at Rottneet illegal, but can we enforce the legislation? I have been talking to a few old Rottneet hands, and they say a certain amount of blasting has been going on for a number of years, and nobody has been able to catch the people involved. Why legislate if we cannot catch them? It appears to be absolutely crazy.

I do not think this is landmark legislation; I really do not think it does anything for the State at all. It appears to me the Minister and his staff have got a little carried away with verbiage. One only has to look at the problems in other countries. What is going to happen in

the Rhine area? The pollution is there; the accident has happened. What we should be doing as Governments is looking at ways of cleaning up these things as quickly as possible. One cannot just impose penalties and expect everything to be done. Accidents will occur, and we have to educate people to look for all the pitfalls and to prevent them from occurring. The education role is not emphasised in this Bill. The old Environmental Protection Act gave a wide cross-section of opportunities for coming down heavily on offenders if needed, and to educate if one wished to do so.

We read about the department giving advice on machinery which may be creating problems, but who is going to be responsible if machinery still emits waste or odour after the department has given advice? Will the bloke who owns the machinery be fined if it continues to operate beyond the limits of the Bill? Suppose he takes the department's advice and his machinery is still operating beyond the permissible level; what will happen? Will the department pick up the cost of installing a particular machine or process? This is where it gets so silly; we are tying down people with environmental law. It is no good, and it should be looked at very carefully.

This sort of legislation should be held at arm's length because it will not do the environment or anything else the world of good. As with any law, the tighter we draw it, the harder it is to enforce it. We know there is no way the Minister or his officers can tell me they will enforce the ban on blasting reefs at Rottneet. They have not been able to enforce it in the past, but the Minister now says that a certain clause has been put in the Bill because of the blasting; and he is not able to say how he will control it. It is a waste of our time and the time of the House to sit here and legislate if, when the Bill is passed, the department cannot enforce its provisions.

I cannot see any provision in the legislation which says how problems like acid rain will be handled.

I guess that acid rain is the biggest problem that Europe and North America have at present. Hon. Fred McKenzie and I were at Algonquin Park—

Hon. D. K. Dans: Gee, I'm sorry we sent you away on that trip. You have come back too wise.

Hon. A. A. LEWIS: I am glad that Mr Dans agrees that we are too wise. I hope he tells the Minister how wise we are, because he is a man

of undoubted ability and I am sure that she would listen to him.

Hon. D. K. Dans: Flattery will get you anywhere you want to go.

Hon. A. A. LEWIS: Despite the Minister's complimentary remarks, I go on to talk about acid rain. At Algonquin Park we started talking about acid rain. The problem was created in the United States, 200 to 300 miles away. The acid rain went north with the prevailing winds into the snow; the snow melted and the top foot of the lakes—the breeding grounds of the trout—were ruined completely because of acid rain.

Just today, I received a survey of current affairs from the United Kingdom Government. It talks about acid rain and the new measures being undertaken to tackle the problem. Those measures were announced on 11 September.

Hon. Garry Kelly: The biggest problem with acid rain is that it crosses national boundaries.

Hon. A. A. LEWIS: It can travel a long distance. I do not think national boundaries matter. It may be that even Collie—God forbid, Collie coal would not do that sort of thing—might interfere with certain environmental aspects.

Hon. John Halden interjected.

Hon. A. A. LEWIS: Mr Halden will have to be very careful if he starts attacking Collie in my book. I remember that Hon. Joe Berinson asked a few questions about Collie and the member for Collie would not talk to him for about two years after he had asked questions about precipitators in the Collie electricity generating business.

In England, flue gas desulphurisation equipment will be fitted between 1988 and 1997. We think that we are fairly smart. The Englishmen, over a nine-year period beginning in a couple of years, will fit this equipment. Mrs Thatcher's visit to Norway brought about Britain's contribution to the Scandinavian warden. The Norwegians had complained about the effect of acid rain from Britain. It is extremely interesting that having seen the problem in North America, it is now being raised in a British publication with reference to what it is doing to Europe. It is not that more environmental laws are being written; it is just that the maximum emissions before air pollution occurs are set down for the Central Electricity Generating Board. I believe that that is what the Environmental Protection Authority here should concern itself with.

I said this afternoon that I was extremely interested in the Queensland situation. Considering the situation in all the States last year and in previous years, I find that Queensland leaves other States well behind. Queensland demands that answers be given in 28 days. In Queensland the coordinator general takes the proposal, sends it to the departments involved, and gets their answers back. He then gives the proponent the answer within 28 days. If the answer is not back within 28 days, the proponent may think that he is allowed to go ahead. He is so allowed. If within that 28 days the Government has not considered the proposal and come back to the proponent with an answer, the proponent can go straight ahead.

Hon. John Halden: Isn't that a bit dangerous?

Hon. A. A. LEWIS: Is it dangerous? A number of departments consider the proposal. Is more than 28 days needed to decide on a proposal when there are advisory bodies? I refer to the following departments: Department of Aboriginal and Islander Affairs; Department of Commercial and Industrial Development; Department of Education; Forestry Department; Harbours and Marine Department; Department of Health; Irrigation and Water Supply Commission; Land Administration Commission; Department of Local Government; Department of Main Roads; Department of Mapping and Survey; Office of the Surveyor General; Department of Mines; National Parks and Wildlife Service; Police Department; Primary Industries; Queensland Fishing Service; Queensland Water Resources Commission; Railway Department; State Electricity Commission; Department of Tourism; Department of Transport; and Department of Works.

Hon. John Halden: It would be impossible to coordinate.

Hon. J. N. Caldwell: It just goes to show how efficient that Government is, doesn't it?

Hon. John Halden: They just make no comment 29 times.

Hon. A. A. LEWIS: Mr Halden is not very progressive, because if the departments all made no comment 29 times, the proponent could go straight ahead.

Hon. John Halden interjected.

Hon. A. A. LEWIS: One of the fundamental questions of this Bill revolves around whether environmental protection is meant to be something that stops all development. Listening to some Government members and their interjections, I am led to think that they believe that all

development should be stopped by the Environmental Protection Authority.

Hon. Garry Kelly: That's not true. I don't think that at all.

Hon. A. A. LEWIS: Good. I am glad that Hon. Garry Kelly does not think it.

Hon. Garry Kelly: I do not think any Government members think it.

Hon. A. A. LEWIS: I am glad of that, and I am sure that the Minister will reply along the same lines. However, the interjections of Government members seem to home in on the premise that the developer must be wrong.

Hon. V. J. Ferry: I hope the members who are interjecting will make a speech to tell us what they think.

Hon. A. A. LEWIS: I am sure that they will, because we will have given them the basis of a speech. We will have told them all about the Bill, so they will be under no misapprehension about how bad it is.

Why should not a Government department be efficient? Why should not an environmental protection unit be able to say "No" or "Yes" within 28 days? How many things in most proposals will affect the environment so much that it takes more than 28 days to approve the proposals? There is no answer to that.

Hon. John Halden: With such a complex issue, it is ridiculous to expect an answer within 28 days.

Hon. A. A. LEWIS: I will try to explain it to the honourable member. Acid rain is the result of an emission. If that emission is beyond, for example, four parts per million, the result will be acid rain. If that cannot be tested on site, those responsible for the testing should give up.

The Government is playing around with words all the time, and it will not settle down and realise that development is important to this country.

Hon. Mark Nevill: There are 7 000 tonnes of sulphur dioxide emissions a year.

Hon. A. A. LEWIS: That is right. It happens that successive Governments—

Hon. Mark Nevill: —turn a blind eye to it!

Hon. A. A. LEWIS: They have not turned a blind eye. They have said to the companies, "You will reduce that over a period of time." That is why the precipitators were put in—those Hon. J. Berinson asked about and got Mr Tom Jones' back up. I did not want to go back to the internal wranglings of the Labor Party,

but those precipitators were put in because they were needed.

Can members remember the cement factory over by the casino? Can members remember the emissions which used to come out of that before Hon. Graham MacKinnon started cracking the whip?

Hon. Mark Nevill: It was Ron Davies.

Hon. A. A. LEWIS: It was Hon. Graham MacKinnon.

Several members interjected.

Hon. A. A. LEWIS: That is how silly the member is. Hon. Graham MacKinnon was really the leading light in conservation in this State.

Several members interjected.

Hon. A. A. LEWIS: It is all right the member opening his mouth, but Mr MacKinnon introduced the original Bills.

Hon. Mark Nevill: Mr Davies got the precipitators put in during the Tonkin Government.

Hon. A. A. LEWIS: Mr MacKinnon had reduced the emissions from the factory by over half during his time as Minister for Health. Mr Davies might have done a bit more, and I am not denying that; Ron Davies was a good Minister, but Mr MacKinnon took the first steps.

It is as well some of the newer members learn a little about the history of the State, the history of the environment, the history of national parks and what goes on around the State.

Hon. V. J. Ferry: You mentioned the Bunbury power station and the emissions which came from there.

Several members interjected.

Hon. A. A. LEWIS: That is interesting. The member is flying a kite occasionally, because all he was interested in was mining. He was one of those gung ho developers at that stage of the game. He has not altered much, has he?

May we go back to the system which applies in Queensland with environmental coordination? This State could take a leaf out of Queensland's book.

Hon. Doug Wenn: I thought we had Queensland's system in there.

Hon. A. A. LEWIS: That is not what I was complaining about. I said we should look at it. I said I would deal with it later. If the honourable member likes to pick up *Hansard*, or my speech tomorrow, I will let him correct it if he likes.

Several members interjected.

Hon. A. A. LEWIS: Members might be here for 14 hours if they keep on with those inane interjections.

Hon. J. M. Brown: I do not know about that.

Hon. A. A. LEWIS: While I am on my feet, I do not think the Leader of the House is likely to adjourn.

Another thing I said I would deal with concerns the appeal provisions in this Bill. In my letter from the Law Society is a comment about the Bill. For the record I think I should read it. The letter reads—

There are many provisions in the Environmental Protection Bill 1986 ("the 1986 Bill") of potential interest to lawyers. The Law Society seeks however to comment only on 2 sets of provisions which it considers to be of particular significance in the area of Administrative Law, namely:

- (a) The wide scope and potential significance of the referral provisions in Part IV; and
- (b) The proposed appeal provisions (Part VII)

1.2 Wide Scope of Referral Provisions

The danger seen in the referral provisions is that they permit the Environmental Protection Authority ("EPA") on its own initiative, or on referral by the Minister or any person to undertake a consideration and assessment of any proposal (which can include any project plan or development) being considered by a decision making authority (which term may be wide enough to include even the Minister for Planning or the Town Planning Appeal Tribunal dealing with a planning appeal).

Dealing with the appeal provisions, the society has a check list, and I will read it later, together with what the society says about this Bill. I will bring up a set of amendments which follow the Law Society's check list.

Going back to the referral provisions, the letter goes on—

The principal concern of the Law Society in relation to the referral provisions arises from the possibility that the Town Planning Appeal Tribunal might be included within the definition of "decision making authority" in the 1986 Bill. If it is, then the effect of the referral provisions so far as the Tribunal is concerned is that

after it has launched into the hearing of an appeal, and perhaps after it has spent several months hearing evidence in a difficult appeal, the implementation of the referral provisions may result in the matter being taken out of the hands of the Tribunal, and resting ultimately with an Appeals Committee appointed by the Minister (see cl. 35 subclauses (3) and (4) and cl. 109(3)). The Law Society is concerned at the possibility of a determination by an Appeals Committee under the EPA legislation prevailing over determination by the Town Planning Appeal Tribunal by reason of the fact that the Town Planning Appeal Tribunal is a body whose constitution and procedure accord with the Committee's guidelines for administrative tribunals, while the same cannot be said of an Appeals Committee under the EPA legislation.

The letter goes on to discuss the decision making and how it is defined. It continues—

It may be argued that the definition of "Public Authority" is not sufficiently wide to include the Town Planning Appeal Tribunal. If that is the case, then the Law Society's objection on this point disappears. However it seems to be at least arguable that the Town Planning Appeal Tribunal does fall within the definition of "Public Authority". The problem could easily be removed by specifically providing that the Town Planning Appeal Tribunal is not included.

Another group of people which must be looked at is the Lands and Forests Commission. The effect of its decision making as a public authority is included in this piece of legislation. In New South Wales the environmental court had reached the stage where it told the New South Wales National Parks and Wildlife Service what to do for over two years. If we get into hock with this particular Bill the department could hold up the Lands and Forests Commission on its decision as to what should be done with forest lands in this State. That should not be allowed to happen.

The easiest way to handle the Law Society's suggestions for the administrative tribunal is to read out what the society suggests should be the case and then what it suggests are the Bill's failings. I quote as follows—

(a) Constitution of Tribunal

(i) Appointment

1. It is important to secure the independence of the personnel of a tribunal from the department concerned with the subject matter of its decisions, especially where the department is a frequent party to proceedings before the tribunal.
2. The members of a tribunal should be drawn from a category described by qualifications and not by such a general description in the enabling enactment that it permits appointments of solely a political character.

It has been alleged—although I do not believe it!—that this Government would appoint political people to a tribunal of this nature.

Hon. P. G. Pendal: You are being very generous.

Hon. A. A. LEWIS: Do members believe this Government would appoint political advisers, even to tribunals of this nature? Perhaps I should continue—

3. Ministers should not be empowered in an enabling act to appoint tribunal members on such terms and conditions as they choose.

(ii) Qualifications

4. Appellate tribunals should desirably include a member who is a legal practitioner.

(iii) Tenure

5. Tenure shall be for a term specified in the statute establishing a tribunal and removal during office of a tribunal member should not be on grounds which can be established solely by the formation of a Ministerial opinion (for instance, as to "neglect of duty"), which opinion is itself not reviewable.

(iv) Remuneration

6. Remuneration and allowances of a tribunal member should not be capable of reduction during his or her term of office and should be subject to increase by some method other than determi-

nation by the Minister responsible for appointing the tribunal member.

(v) Independence

7. (a) A body should not be described as a tribunal if its decisions are mere recommendations to the executive or subject to Ministerial approval.

(b) To secure genuine independence of a tribunal its decisions should not be subject to appeal to a Minister himself but should be appealable to a review body (whether a court or general administrative appeal body).

(b) Procedure

8. The normal rule should be that a tribunal sits in public with power to sit in camera where appropriate.
9. Parties should have due notice of the subject matter of a proposed hearing by a Tribunal.
10. Parties should have reasonable notice of the date of the hearing.
11. Parties should be entitled to representation by any person of their choice (notwithstanding s. 77 of the Legal Practitioners Act 1893) including legal representation.
12. A party should be entitled to an oral hearing.
13. It should not be necessary for the rules of evidence to be applicable.
14. Unless otherwise provided in the relevant legislation, the provisions of the Evidence Act 1906 (W.A.) in relation to self-incrimination should apply.
15. A tribunal should have the power on its own motion and at the application of any party to summon witnesses and to administer oaths.

16. Parties should be entitled to cause witnesses to be called; to examine and re-examine them directly (and not merely through the Chairman) and to cross-examine any other witness directly.
17. There should be conferment of absolute privilege on witnesses at least where evidence is taken on oath.
18. Where in its opinion a party to a matter has behaved unreasonably, vexatiously or frivolously in relation to the matter and in favour of any other party who in the opinion of the tribunal has not so behaved a tribunal should have power to award costs against a party to a matter and to order taxation of costs.
19. A tribunal should only be convened of its own motion; it should not be able to be convened by a Minister.
20. A tribunal should be required to publish reasons for its decision.
21. There should be a requirement for a tribunal with respect to any reserved decision to provide a written decision with reasons within a reasonable time after the hearing.
22. No tribunal should be empowered to cure irregularities by ordering that the requirements of any act or law be dispensed with to the extent necessary for that purpose.
23. Where a tribunal comprises a legal practitioner and non-legal practitioners and determine matters of law and fact, the view of the legal practitioner should not be able to be out-voted by the votes of the non-legal practitioners unless a right of appeal on any ground is available against the decision thus resulting.

(c) Appeal and Judicial Review

24. The usual administrative law remedies should be available in respect of any tribunal hearing.
25. There should always be access by way of appeal to the courts on questions of law involved in tribunal hearings.
26. Tribunals should have power to refer questions of law to a court for determination.

Hon. Doug Wenn: And if that fails, bring them to the Bar of the House.

Hon. A. A. LEWIS: I quite agree with Mr Wenn. That is exactly what his Federal colleagues are doing, and they are imposing very heavy fines.

Now I will outline what the Law Society suggests is wrong with the Bill. I quote as follows—

3.4 Constitution of Tribunal

(i) Appointment

1. The Appeals Committee fails to comply with paragraph 1 as to independence of the personnel from the department concerned. It is apparent from cl.108 that the Appeals Committee is appointed on an *ad hoc* basis, the members have no guaranteed tenure, and the only qualifications stipulated is expertise in environmental matters. There is no guarantee of an independent and judicial approach to appeals.
2. Check list paragraph 2 stipulates that the members of the Tribunal should be drawn from a category described by qualifications and not by general description. The category in cl. 108(1) is "expertise in environmental matters" which seems too wide.
3. Terms and Conditions—The terms and conditions of appointment of the Appeals Committee member or members are totally uncontrolled except that remuneration is to be determined by the Minister on the recommendation of the Public Service Board.

(ii) Qualifications

4. There is no indication in the 1986 Bill that an Appeals Committee should include a legal practitioner as check list paragraph 4 recommends.

If the appellant is a third party, the proponent or developer may not even be consulted.

Already it is obvious that the department has just gone ahead and thrown things together without looking at including any normal appeal procedure. To continue—

(iii) Tenure

5. There is no indication in the 1986 Bill of the tenure of a member of the Committee. The intent seems to be that an Appeals Committee would be appointed on an *ad hoc* basis for each appeal as it arises.

The only constraint on the Appeal Committee in relation to a hearing is that it must act according to equity, good conscience and the substantial merits of the case (cl. 108(1)(b)). But the Committee "may conduct its enquiries in whatever manner it considers appropriate" (cl. 109(1)(b)). Considering that there is no provision for a hearing, this seems to be too wide a prescription. The provisions of s. 52 of the Town Planning and Development Act are similar, but are clearly preferable.

(iv) Remuneration

6. The intent of check list item 6 is that the remuneration of Tribunal members ought to be determined by some objective and independent procedure, and certainly not by the determination of the Minister. The only provision for remuneration in the 1986 Bill is in cl. 108(2) where the remuneration is governed solely by determination of the Minister (on the recommendation of the Public Service Board).

NOTE: The Minister is not even subject to those constraints which apply to an Appeals Committee.

(v) Independence

7. The previous comments indicate that the requirements of check list item 7 will not be complied with under the 1986 Bill.

(b) Procedure

8. Public Hearing—The requirement for hearings to be in public is not provided for in the 1986 Bill either for a hearing by the Minister or by the Appeals Committee.
9. There is no provision in the 1986 Bill for notice to be given of the subject matter of a proposed hearing by either the Minister or the Appeals Committee.
10. There is no provision in the 1986 Bill for notice of the hearing date. In fact there is no provision for a hearing by either the Minister or the Appeals Committee. The Committee must simply consult with the Chief Executive Officer of the EPA, the appellant, "and such other persons as it considers necessary".

11. Representation—Representation by a legal practitioner is not excluded, but probably is irrelevant by reason of the fact that there is no provision for a hearing.
12. Oral Hearing—There is not provision for an oral hearing.
13. There is compliance with check list item 13 in that an Appeals Committee is not bound by the Rules of Evidence (cl. 109(1)(b)).
14. Check list items 14, 15, 16 and 17 are clearly only applicable to a Tribunal which is required to conduct a hearing which does not apply here.
15. See 14 above.
16. See 14 above.
17. See 14 above.
18. Costs—A provision for costs is not applicable as there is no hearing. However it has been suggested by Officers of the EPA that the Minister responsible for the 1986 Bill contemplates that the Town Planning Appeal Tribunal may on appropriate occasions be appointed as an Appeal Committee under the EPA legislation. If there was such an appointment, presumably the

Town Planning Appeal Tribunal would apply its own procedures, and in those circumstances there may be some difficulty arising from the fact that there is no provision for costs orders under the EPA legislation as there is in relation to an appeal under the Planning legislation.

19. Convening—An Appeals Committee under the 1986 Bill is only convened by the Minister, subject to an obligation for him to do so in some cases. This does not appear to comply with check list item 19.
20. Reasons—There is not requirement under the 1986 Bill for either the Minister or the Appeals Committee to publish Reasons.
21. There is clearly no compliance with check list item 21.
22. This check list item appears to be complied with.
23. As there is not provision for a legal practitioner on an Appeals Committee, no provision to guard against outvoting is appropriate.

(c) Appeal and Judicial Review

24. Under the 1986 Bill, administrative remedies are not excluded and therefore this check list item is complied with.
25. No provision is made for appeal to the Courts on points of law and therefore this check list is not complied with.
26. There is no provision in the 1986 Bill to refer a point of law to the Courts.

4. CONCLUSIONS

4.1 Referral Power.

It is recommended that the definition of either "decision-making authority" or "public authority" in cl. 3(1) of the 1986 Bill be amended so as to make it clear that the Town Planning Appeal Tribunal is excluded.

4.2 Appeals

- 4.2.1 It seems inappropriate to set up an appeal system under the Environmental Protection Legislation which would operate separately from the

Town Planning Appeal Tribunal, but clearly in many cases will deal with similar matters. It would not have been inappropriate for the 1986 Bill to have incorporated similar appeal provisions to those incorporated in 1976 into the Town Planning legislation. It would have been particularly appropriate to have allowed for the Town Planning Appeal Tribunal, under the same or a different name, to have dealt with appeals under the Environmental Planning legislation.

- 4.2.2 In any event, it is recommended that the appeal provisions in Part VII of the 1986 Bill be completely recast so as to comply with the Law Society's check list of matters to be considered on the establishment of administrative tribunals.

I am sorry that took so long but I believe one should have one's evidence to show what the people who allegedly know about appeals, have to say about the provisions of the Bill. It is very interesting to see the terms used in the Bill and the comments made by the Minister and others who have fairly well defined the ground rules. I refer to a comment made by the Minister as follows—

The EPA is an unelected body and should not be making important decisions on environmental or development matters.

What is it for? Is its job only to recommend to the Minister; because if that is all, why do we not forget the Act and ask a series of people outside to recommend what we ought to do with environmental legislation? We could have a very small staff who set the standards and let the department police it.

The Minister in another place said that there were actions where any person could apply under section 56(1) of the Act. He said people could apply as they will under this Bill, on referral. That is nonsense. The Minister misled the other House on that point because under section 54 of the Act all negotiation would be with the Minister and section 55 allows another Minister to bring it to the Minister for Environment. The Minister, whether it was because he did not know or because he did not want to argue it, gave that answer.

I have asked how these new advisory committees will work. Why do we have to change the definition of environment? What is wrong with the old definition of environment?

It seems to me that the old definition is far better than the new definition. The member for Dale said we have seen movements to political ideologies not professional ideologies in this Bill. He went on to say he thought it was a socialist approach to environmental matters.

Guidelines have to be established so people can understand what we are trying to protect and what should be protected. Do people understand what is going on with the Mosman Park situation? Do they understand what is going on with the site at Casuarina? The Minister told me that it had been to the Conservation Through Reserves Committee. Some pieces of land were also referred to when the Reserves Bill was debated last year. Those people must have known it was to be a reserve because it would have been discussed in the Conservation Through Reserves Committee. What will the Government do with the Casuarina prison site? Hon. Fred McKenzie must be embarrassed by this.

Hon. Fred McKenzie: Not at all.

Hon. A. A. LEWIS: Having heard what his leader said with respect to following the Conservation Through Reserves Committee report, he still lost despite his very good argument. The Government will now come back and take this Casuarina prison site so it can build its prison in a system of conservation through reserves. I discussed Farrington Road, Sorrento and Hillarys earlier.

Hon. S. M. Piantadosi interjected.

Hon. A. A. LEWIS: Hon. S. M. Piantadosi is so seldom right. He is like an old duck. If it quacks and has wet feathers we would assume it is a duck. Hon. S. M. Piantadosi is so wrong so often, we must assume he is wrong this time.

Hon. S. M. Piantadosi interjected.

Hon. A. A. LEWIS: I do not accept that. I am not going to start an argy-bargy with the honourable member because it is obvious he knows nothing about this matter and is only trying to delay the House. I am sure other honourable members would not want that to happen.

I have spoken before about the so-called progress in other States and the purist-versus-practical situation that we are running into. The ALP's conservation committee has that purist approach and it seems it is running into a little trouble. This Government is certainly running into trouble because this legislation is completely impracticable. One member of the ALP said that previously many of the reports to the EPA lacked original research relevant to the

particular problems. That comment is insulting in the extreme to the first-class officers of the department, particularly of the former Forests Department, who have been driven out by the attitude of this Government. This Government ought to be condemned for that. The Government has admitted freely that the ideas of many of the environmental groups have been incorporated across the board in this legislation. I wonder how many foresters' or miners' ideas were incorporated into this legislation. Their ideas are just as good as those of the environmentalists.

Several members interjected.

The PRESIDENT: Order!

Hon. A. A. LEWIS: These people represent the professionals, and they should be helping the Government, yet it appears that the Government does not want to use these people. It has frightened many of them off.

Hon. John Halden interjected.

Hon. A. A. LEWIS: The Western Australian foresters have a reputation world-wide and yet Hon. John Halden has seen fit to cast aspersions upon them by saying that they do not have a world-wide reputation. This is an insult to Western Australian foresters who lead the world in hazard reduction burning and dieback research. The man appointed by this Government, Dr Syd Shea, is an expert on dieback. This is typical of the attitude of the Labor Party members to professional officers and departments. It is no wonder the Government is going down the gurgler because it is attacking professionals such as school teachers, nurses, foresters, and even builders. I wonder that Hon. Tom Butler has not burnt into Hon. John Halden because of his comments about builders. He is saying that they are not the men who do the work because the tradesmen do it.

The PRESIDENT: Order! The honourable member will find an awful lot of difficulty in finding anything to do with building construction in this Bill.

Hon. A. A. LEWIS: No, Sir, I am looking after the environment and this Bill deals with "social surroundings". This is specifically in the Bill and Hon. John Halden made some comments about the social surroundings of a building. However, I will not press the matter any further.

The PRESIDENT: I suggest you do not.

Several members interjected.

The PRESIDENT: Order!

Hon. A. A. LEWIS: I suppose the honourable member does not realise that the Kalgoorlie School of Mines is recognised internationally. Perhaps I should tell the member about the people here who are recognised internationally. One of his colleagues, not two seats away from him, is known internationally for his contribution to mining. I might say that the only contribution I can recall him giving in this House was a very good one on mining, a subject about which he knows a great deal.

Hon. Mark Nevill: You must have missed my other speeches.

Hon. A. A. LEWIS: I may have been away for the four minutes that they took.

Another member of the ALP said that a television advertisement depicts environmentalists as mindless fools. I would like to know what television advertisement the member was referring to. That is the sort of mindless, totally ridiculous attack on the professionals in the forest and timber industries made by Government members.

Several members interjected.

Hon. A. A. LEWIS: The same member said that she hoped that the history of confrontation over environmental matters would be behind us and that this Bill would usher in an era of consultation and progress. This Bill is one of the most confrontationist Bills that has ever been brought to Parliament. I will quote from the conservation group, the Chamber of Mines, the Confederation of Australian Industry, and chamber of commerce documents later because the honourable member wants to know something about it.

It is obvious that I will not be allowed to make these comments without being able to back them up, so I will provide some back-up information. Mr Hodge has said that he does not have to give any reasons. In the Committee stage I will deal with certain areas wherein I believe the Minister must give some reasons—on appeal, for example, I believe that the Minister has been given wide powers in this Bill—and, after all, the EPA is only an advisory committee; it has not power or strength at all.

I remind honourable members that the Minister said that the EPA has no powers at all and that as an unelected body it should not make important decisions on environmental or development matters. Of course the EPA must make decisions; it may not make the final decisions, but surely the EPA has to make some decisions.

The wording of the Bill is in parts fascinating. When one looks at clause 17(2), the legislation talks about "collaboration". I can understand "cooperation", but "collaboration" in my dictionary is something which happened in Norway with Quisling and people like that who went behind one's back. Collaboration means to work behind one's back. I believe that this sort of language is not useful for any Bill, and yet this legislation is referring to collaboration with other States.

Further, there is a great difficulty in the Bill in respect of the position of the Chief Executive Officer, who is both the Chief Executive Officer of the department and the Chairman of the EPA.

I will not argue with the Minister, but we have been through this before. We have had the positions of chairman and chief executive officer held by different people and then we have had the two positions held by one person. I must admit that when we were in Government and when Hon. Gordon Masters introduced a Bill to separate the position I was not fully convinced that his argument was right. I would be interested to hear again the reasons that that separation was made because I believe the Government is sweeping this matter under the carpet.

Hon. S. M. Piantadosi interjected.

Hon. A. A. LEWIS: Hon. Sam Piantadosi was not here at that time and does not understand. If he cannot help those sorts of interjections, I suggest that it would be better if he kept quiet.

The Chamber of Mines of WA (Inc) has made suggestions regarding the legislation, but I will not quote from the document unless members force me to.

The Chamber of Mines is worried about certain aspects of the definition of pollution. It is interesting that the Minister in another place said that the definition of pollution did not mean social surrounds. However, he said that it did mean the environment and the definition of environment mentions social surrounds. It bypassed the Minister completely.

The Chamber of Mines suggested the insertion of the word unreasonable where the Bill refers to enforcing certain actions. It is a good idea and my proposed amendment reflects this.

It is suggested by the Chamber of Mines that we should maintain a balance between development and conservation interests in the membership of the authority. I wonder whether all the experts involved in the environment will do that, because this Government has a penchant

for doing its own thing. There probably would not be enough employees in the authority who would have the required intelligence to follow the suggestion made by the Chamber of Mines. The Chamber of Mines suggested a quorum be at least three members, one of whom is the chairman or the deputy chairman. It is a sensible suggestion and will allow continuity to be maintained.

A comment has been made by the Chamber of Mines about electromagnetic radiation and it has asked that it be defined in a manner which would allow the identification of the sources required to be controlled. I wonder whether we will again run into the problem of recommendations being made by the department and the proponent then putting those recommendations into effect and finding that they are not effective. Who will be liable? I am a little worried about that.

The Chamber of Mines refers to the latter part of the Bill dealing with damage and the result of wilful and malicious actions by another person. Funnily enough the Minister in the other House would not have a bar of this. I cannot understand that the directors and officers of a company can be sued when another person has wilfully created the damage that has created the pollution. I guess that in handling those sort of things the expression that would be used by the draftsmen would be "knowingly".

It appears that there are some problems about noise emissions. The Department of Occupational Health, Safety and Welfare will control noise emissions from the inside of a building, but the control of noise emissions outside a building will be dealt with by the new authority. Several questions were asked in another place and I understand that the Minister said that both departments will be involved with this legislation. I would like that clarified.

Mention has been made of the Confederation of Western Australian Industry and the Minister in another place referred to the interpretation of the beneficial use of the environment, pollution and protection.

Clause 50 deals with the discharge of waste in circumstances in which it is likely to cause pollution. This clause is a travesty of natural justice. A person commits an offence if waste can gain access to any part of the environment and in so gaining access, is likely to result in pollution. That is self-explanatory.

The subject of pollution abatement notices and the abatement of pollution is very interesting. I would have thought that abatement and prevention were management functions and the argument I put forward earlier this evening would apply to these matters.

The general powers of entry by inspectors leaves a lot to be desired. I remember several years ago when we were in Government we made sure that the entry of inspectors was covered a lot more thoroughly than it is in this Bill.

It seems that the Government when in Opposition thought one thing and today thinks differently. That is not unusual; Oppositions tend to do that. I shall not criticise the Government. That happened before Mr Piantadosi became a member so he should not be commenting at all because, again, he knows nothing about what he speaks.

An interesting comment is that the Conservation Council of Western Australia is also not happy and has made some complaints. It is not happy about the ministerial powers of exemption; the referral of matters to the public; referral to the EPA by a proponent—it believes that is discretionary; the decisions on whether an environmental assessment of a proposal is necessary—it complains that there is no right of appeal against that; public inquiries at the Minister's discretion—it recommends initiation by an expression of public concern; and a restraint on the proponent during an assessment period appears to be absent. I think a proponent should get agreement in principle and be able to continue as quickly as he can. Obviously the Conservation Council disagrees.

With regard to the environmental review to be conducted by the proponent, the Conservation Council believes that it is very desirable for a proponent to provide funds for a review to be undertaken by an independent body. I think that is a bit rough and a further cost to the proponent.

The council talked about public review of environmental impact assessments, and EPA discretion to decide that a public review occurs and its manner and form. That is one of the things the EPA can make a decision about; the Minister said that it is not a decision-making body, but at least in this area it can make a decision.

The council talks about the appeal and the conditions of approval. The right of appeal only resides with the proponent and not the

public. I do not think the public should have a right of appeal.

The council refers to environmental problems arising during the implementation of the proposal and no mechanism for additional conditions being imposed. That is an interesting one; it follows the line I was taking about the installation of machinery which had no suitable emission control. There seems to be a need for further controls or discussions as things are being built. I remember being involved in setting up several plants, all of exactly the same nature, and the effluent from each was different. The same quality water went in, and we thought the other products were of the same standard and from the same source, yet the effluent levels were different. We could never work out why there was a difference in the effluent, and nobody has been able to tell me the reason.

The Conservation Council also asks about stop-work orders for non-compliance for an indefinite period rather than for 24 hours. I thank God for the Minister's decision that the period be 24 hours because I do not think we could wear an indefinite period.

The chamber of commerce has some problems about the definition of "environment"; the composition of the authority; reporting by the authority; the control of pollution; and the penalties for the occupier under section 58 are mentioned in particular. The chamber suggests that a section be inserted requiring the authority to report on a proposal referred to it in such period as the Minister or Chief Executive Officer specifies and, where the authority is unable to complete the report by the due date, the Minister or Chief Executive Officer may grant an extension. That particular proposal is covered in my amendments.

I have a number of small items to discuss, and I will then have done my duty and canvassed most of the areas of the Bill.

I return now to the functions of the authority which sets standards and polices those standards. If we read through the functions of the authority, the managerial functions are listed one after another: to conduct environmental impact assessments; to consider and initiate the means of protecting the environment and the means of preventing, controlling, and abating pollution. Despite the fact that we have discussed this business time and time again, the department has a fetish with wanting to continue with the managerial aspects of the environment. If it wants to manage, good; give its

personnel jobs as managers. However, I do not believe the managers can set the standards, and manage and police them.

The functions continue: To encourage and carry out studies, investigations, and research into the problems of environmental protection and the prevention, control, and abatement of pollution—again a managerial role. Paragraph (f) provides—

to prepare, and seek approval for, environmental protection policies.

Perhaps the department is using those policies instead of guidelines and I would be prepared to give way on that.

Subclause 16(i) states that the authority is to provide advice on environmental matters to members of the public. We shall come to a big clash in this area. If that advice is no good, who is responsible? At the end of this Bill it says, "all care and no responsibility". It cannot do that sort of thing.

It continues in subclause (16)(m)—

to co-ordinate all such activities, whether governmental or otherwise, as are necessary to protect, restore or improve the environment in the State;

If that is not a managerial construction, I will go and jump. This is a Bill that we are told is not a managerial Bill—that the authority is not a manager but is just setting guidelines and simply policing them. After the things I have read out, I do not believe that is right.

Then we go on to the powers of the authority. Clause 17(3)(c) of the Bill reads—

request the Minister to seek information on environmental management from any other Minister and, on receipt of that information, to give it to the Authority;

Why does the authority want it? It is not a decision-making authority. The Minister said it does not have a chance of making a decision, that he will make the decisions, and that it is a non-elected body and will not make decisions on the environment or on development.

Hon. Garry Kelly interjected.

Hon. A. A. LEWIS: That is what the Minister said.

Hon. Garry Kelly: That is right; it is correct.

Hon. A. A. LEWIS: Good, I am glad it will not be making any decisions. I bet it will not, because if this Bill goes through it will not get a chance. We will be litigating for so long that it will not have a chance.

Clause 17(3)(e) indicates that the authority will have the power to conduct and promote relevant research, and paragraph (h) indicates that it may—

exercise such powers, additional to those referred to in paragraphs (a) to (g), as are conferred on the Authority by this Act or are necessary or convenient for the performance of the functions imposed on the Authority by this Act.

That goes far beyond anything that you, Mr President, would expect of a policy or guideline-setting authority that was going to police those matters. When we reach the Committee stage of this Bill, I will deal with a number of these other matters. However, I believe the major issues are the referral by persons—which goes very close to class action—to the management-type roles that the department is involving itself in, to the appearance of leaving behind everything that we had in the past. Our EPA has been a most effective body and, under O'Brien, O'Connor, and Porter has done a magnificent job.

Hon. Garry Kelly: Don't you think that legislation is in a different class from this legislation?

Hon. A. A. LEWIS: I am not going to start the speech I started at five o'clock, unfortunately for Hon. Garry Kelly. I said then, and I will say again, that I do not think it is. I think the width and breadth of that legislation is the beauty of it. We do not want to be caught up in the sort of situation we read about in last night's *Daily News* concerning the dog and the fine of \$4 000 a day.

Hon. Garry Kelly: It is ridiculous.

Hon. A. A. LEWIS: It is, but this Bill provides that sort of situation for Western Australia. Admittedly, it is not \$4 000 a day: it is only an on-the-spot fine of \$5 000 and then \$400 a day. That is not bad for a dog owner. It would not be bad if the EPA fined people in dog nuts, or crunchies.

Hon. G. E. Masters: Meatybites?

Several members interjected.

Hon. A. A. LEWIS: Here in this State, Mr Kelly, the fine is only \$400 a day and if one's dog barks the EPA will rip it from one very quickly, or one will have to move to a better location where the dog does not disturb people.

Hon. Garry Kelly interjected.

Hon. A. A. LEWIS: I am waiting for the answers, but what this Bill says is exactly the same as the Victorian Bill says. The courts may

not react in the same way here, but I would think they would.

I believe also that we do not want to be like New South Wales, where the environment court has held up the National Parks Authority for 2½ years. Members ridicule me about Queensland, but I would think—and Hon. Fred McKenzie would agree with me—that Queensland would probably have the best methods in Australia of going about environmental matters—of getting the job done in a reasonable time for the interests of both the proponent and environmental protection. Let us face it, Queensland has a pretty good record. Members can abuse Queensland, and scream and yell as much as they like, but the Queensland Forestry Department has a record nearly as good as ours in Western Australia.

Hon. Garry Kelly: There would not have been a Great Barrier Reef if Joh had had his way.

Hon. A. A. LEWIS: But Joh did not have his way, did he? There might have been mining of Fraser Island, but he did not have his way there. We might have had the member's mate, Mr Bond, going there and running a little project.

Hon. Garry Kelly: He is not my mate.

Hon. A. A. LEWIS: Yes, he is. He is the Labor Party's mate, surely? I wonder if he is tonight. But Mr Bond was prevented.

Hon. Garry Kelly: Why did he go out of his way?

Hon. A. A. LEWIS: Because a commonsense attitude was taken.

Hon. Garry Kelly: By the Federal Government?

Hon. A. A. LEWIS: No, not by the Federal Government. Certainly this last one was a failure internally, with his own National Party.

Hon. Garry Kelly: What about Hayman Island?

Hon. A. A. LEWIS: No, it was not that one. I forget the last one Bondy was going to do up there, but it was scratched at the barrier. This country has gone beyond the sort of Hawke visit to Kakadu where he becomes an instant expert with one visit. It is not like a boat race, or a golf match, or a grand final at Melbourne where one can be "you beaut", and yell and scream. That is all Hawke has done with that exercise. Let us give credit to Harry Butler who has come out and said that we cannot have that sort of attitude. We should give credit to the Northern Territory Government, because it is

going over to fight the listings. Members should not think that we will have any say over here if we let this Bill go through, because we will have collaborated the whole damn lot away. I do not believe we should. I believe this Parliament should have its say, and when we reach the Committee stage I will suggest that we go through this Bill thoroughly. I propose to suggest many amendments—as many as 90.

Many of the clauses I want to insert are matters which the Labor Party has accepted in the past and I am sure will accept now. It is no use burying our heads in the sand on an environmental Bill. There are no "experts". We have to get the best possible law out of the mess with which we have been provided by the Government. If one looks at the Bill and the way it has been thrown together, one sees that the drafting is appalling. It has not followed any lines of direction. It has taken pieces from all sorts of legislation and not linked them together.

I will await the Minister's reply before making a decision about the second reading, because I am extremely worried that there is a bit of levity in the Labor Party about environmental matters, and they think it is all very funny. I do not think it is funny; it is deadly serious. We should go through the legislation with a fine tooth comb. For too long we have allowed some of these Bills to get through without the examination they deserve. Having seen the result of the CALM Bill, and having had a fair bit to do with that piece of legislation, I am sure this Bill has to be vetted extremely thoroughly in Committee, and I urge the House to do just that. I will reserve my decision until I hear the Minister's full reply on all the aspects I have raised.

HON. DOUG WENN (South-West) [9.03 p.m.]: I sat almost right through the honourable member's speech on this Bill, and there are only two points with which I agree: Firstly, the importance of this Bill and the way it will be implemented; and secondly the fact that Hon. Graham MacKinnon put a lot into the environment, and the System 6 plan he produced was a very good one for its time.

Only minor amendments have been made to the environmental legislation over the last 15 years, and that is why the Government has put forward this new Bill. The only part I want to deal with relates to Hon. Sandy Lewis' remarks which astounded me when he said that he was opposed to public involvement and input. He contradicted himself towards the end of his speech, after about the third hour, when he started to forget what he said at the beginning.

Public involvement is important. That has been demonstrated throughout the last 15 years, and Hon. Sandy Lewis mentioned the precipitators at the Collie powerhouse. The general public had had enough of the pollution coming from the powerhouse. It was not the owners or the Government who were in charge of the powerhouse; it was the public. They did the same thing in Bunbury where after almost five years of continual complaint it was found that the precipitators were needed. Eventually they were installed in the powerhouse in Bunbury, and I daresay that if they are not already installed in Collie they should be.

This Bill points out that the environmental management and pollution regulation task will be delegated to appropriate management agencies, including local government, subject to approved environmental protection policies and standards. I wonder how far the honourable member would go in keeping out the public. Does that include local government? The local government level is one area in which the public has a real input. To keep the general public out of this Bill would mean keeping out local government. That would be very difficult because local government will make a major input into what is happening with the environment in its area.

Further on the honourable member made an important comment about the social impact. Again he was challenging the public input. Without the social impact we would not have in any way an opportunity of controlling noise pollution. In Bunbury where I live, like most country areas, controls on motorbikes were let go and all one heard all day was the screaming of motorbikes. The social impact of that noise week after week became so great that the public drew it to the attention of local government, which then took action to have it stopped.

If the general public were to be kept out of such matters as a result of the honourable member's wishes, we would lose greatly because they would come back at us very strongly. They have a full understanding of the rules as they are now, and if we do not give them the opportunity to be involved in this legislation they will get the wrong idea and an incorrect knowledge of the law, and it will be dangerous not only for them, but for those who are trying to develop in this area.

I just wanted to make that comment, and I hope the honourable member has a serious look at those aspects where he thinks there should be no public involvement.

HON. G. E. MASTERS (West—Leader of the Opposition) [9.08 p.m.]: I do not know whether the previous speaker has studied the Bill in any great depth or whether he has a clear understanding of the environmental scene, but he mentioned the System 6 plan and said it was all right but outdated.

Hon. Doug Wenn: It was an excellent programme at the time, but it needs to be updated.

Hon. G. E. MASTERS: I did not agree with all that programme recommended, but System 6 involved very many issues, and a huge number of people were interested in it and were able to make an input. He may correct me if I am wrong, but I understand the system 6 report was embraced by the Burke Government only two or three years ago. I would have thought it was hardly out of date now. Much of it has not been implemented, and it is still there as a guideline for Governments in the future.

I did not understand **Hon. Sandy Lewis** to say that the public ought to be kept out. I thought he said there were certain areas in which some people could use this legislation to damage developments; in other words, it could be used with some malice. That is true. **Hon. Doug Wenn** also said that **Hon. Sandy Lewis** did not understand the rules. We say the rules are being completely changed in this legislation. In my view the Bill ought to be withdrawn or deferred for a time. I know it is a major review in its own right, and it has been before the Parliament and the public for some months now—and that is unusual for legislation. I commend the Minister for taking that time because it is important legislation.

It takes a hell of a long time for people in the business community and the public generally to absorb these things. This is a rewrite of the existing Act and it is highly complex. A person could read it a dozen times and not understand fully the impact of the legislation. When I first read the Bill, I had no great objections to it, but as industry groups such as the Conservation Council and the public looked at it, more and more the trickle of concern grew to almost a flood.

In recent times the Opposition has been presented with a large amount of correspondence opposing the legislation and asking for it to be changed. A typical example is a letter received from the Executive Director of the

Australian Petroleum Exploration Association in which he stated—

The Bill contains a number of significant changes to the existing legislation which are of major concern to A.P.E.A. and which could have an important impact on future industry investment decisions. In particular, the Bill provides opportunities for opponents of resource development to cause virtually open-ended delay in decisions relating to both exploration and development, thereby imposing significant cost penalties on the industry. The Bill also proposes penalties on officers and employees of companies which are extraordinary in scope.

It seems to be an open-ended invitation for some groups to use delaying tactics which could permanently damage possible development and new industries. If that is the case, we should look at the legislation carefully.

The roles of the Environmental Protection Authority and the Department of Conservation and Environment will be amalgamated. The Bill will make the EPA and the Minister all powerful. The Minister will certainly be the most powerful Minister in this State, perhaps with the exception of the Minister for Planning.

The Bill totally dominates other pieces of legislation, and that is demonstrated quite clearly in clause 5. This is not the occasion to debate each clause, but I draw the attention of members to clause 5(1) which states—

Subject to subsection (2), whenever a provision of this Act is inconsistent with a provision contained in, or ratified or approved by, any other written law, the provision of this Act prevails.

This legislation will override other Acts of Parliament, and it will make the Minister of the day and the authority all powerful.

I am concerned about the management and structure of the EPA, which must be obvious to members who have been in this House for any length of time. **Hon. Sandy Lewis** made strong reference to it. This Bill proposes to abolish the Department of Conservation and Environment and to amalgamate its functions with those of the EPA. The membership of the authority will be changed from three members to five members. The Bill will abolish the position of Director of Conservation and Environment and will make the chairman of the authority the head of the department as well as the chairman of the EPA, and they are two quite different roles.

The Minister is able to direct the departmental head. However, if the EPA has an independent chairman he cannot be directed by the Minister. What this legislation has done is to bring those two positions together again. In every case the Minister is able to direct the director of the department, but under this legislation he will not be able to direct the Chairman of the EPA. This will allow the departmental head to wear whatever hat suits him.

I remember when we were in Government I gave a direction to a departmental head, who is no longer in that position, and he said, "You cannot do that because I am taking that direction as Chairman of the EPA and you cannot direct me." When I said that I was directing him in his position as departmental head he said, "Sorry, you cannot give me that direction."

Hon. Garry Kelly: He has two roles, one as chairman and one as head of the department.

Hon. G. E. MASTERS: I have explained the situation that occurred four or five years ago. I had an experience where the departmental head told me that I could not give him a certain direction because he was speaking to me in his capacity as Chairman of the EPA. That is exactly what happened. I am advising the Minister and the Government that the situation will occur again. It may not happen with the man who I understand will be Chairman and Director of the EPA, Barry Carbon, for whom I have a high regard. His will be a good appointment, but there may come a day that that problem will arise again.

What we did when we were in Government was to make the EPA an independent organisation, and it had a membership of three.

Under the existing legislation there is no way in which the Government or the Minister can direct the EPA to make a certain decision. They can ask for advice and require certain things to be done, but it is the EPA's decision. The Minister is unable to say what will be the end result. It is a shame that the EPA will no longer be independent. To a certain extent its integrity will be destroyed.

If we are genuine about our concern for the environment, it is important that the EPA maintains its independence and that it is clear of ministerial and Government interference and is able to make its own decisions because in the end it will be better for the community.

The following matter will be dealt with in the Committee stage, but I wish to draw the Minister's attention to clause 7 of the Bill wherein

reference is made to the composition of the EPA. Five members will be appointed instead of three members, and I am not questioning whether that is right or wrong. Personally I consider a smaller group to be much better, but I am not saying it is bad and it will depend on who the five members are. I expect they will be people who can do the job properly. Subclause (4) states—

The Chairman shall, in addition to performing the functions of chairman of the Authority—

- (a) by virtue of his office be deemed for the purposes of the *Public Service Act 1978* to be the Permanent Head of the Department and shall have the same powers and authority in relation to the Department as if he were an officer and a Permanent Head under that Act; and

It will make the chairman of the authority the permanent head of the department. It continues—

- (b) in his capacity under this subsection as the Permanent Head of the Department be responsible to the Minister for the administration of this Act.

The departmental head will be responsible as one would expect. It will be a dual role for the person carrying out that job.

Subclause (7)(b) states—

after his appointment as an Authority member, becomes a person employed under and subject to the *Public Service Act 1978*;

My understanding of the legislation is that the members of the authority will be subject to the Public Service Act, but the chairman will not.

I could be totally wrong, but it seems to me that the departmental head will also be a public servant. Is the legislation saying that the departmental head will or will not be a public servant? I understand that he may be, and if the departmental head is a public servant, how can he be clear of the direction of the Minister when he puts on his other hat and becomes chairman of the authority? I could be misinterpreting that provision. It may be that the Government intends that the departmental head will not be a public servant. That is possible as his employment may be by appointment or by contract. I understand that the Director of the Department of Conservation and the Environment some years ago was employed under contract and was not a public servant, so that

could be the answer. However, I would like to know whether it is intended that the departmental head be a public servant or whether, because he is wearing two hats, he will not be fulfilling that role.

I make reference to the definition of environment in the legislation. Hon. Sandy Lewis made strong reference to that definition. There have been quite dramatic changes in that definition and I will repeat some of the concerns expressed by my colleague. The definition of environment reads—

“environment”, subject to subsection (2), means living things, their physical, biological and social surroundings, and interactions between all of these;

That definition appears on page 4. At the bottom of page 7, the following appears—

(2) For the purposes of the definition of “environment” in subsection (1), the social surroundings of man are his aesthetic, cultural, economic and social surroundings to the extent that those surroundings directly affect or are affected by his physical or biological surroundings.

That can mean anything and everything. It is open to interpretation by the Minister of the day, by the department, and by the EPA. It can embrace anything and everything. Therefore, I believe there should be a more clearly defined definition that puts some restrictions on the interpretation of environment, unless the Government intends to include everything and everyone.

Hon. Kay Hallahan: All living things.

Hon. G. E. MASTERS: The Minister may tell me if that is the case. There are some other concerns to which I will draw her attention later.

The Bill will allow control in many areas not even considered before. I am not sure that the Government would intend such all-embracing cover. Hon. Sandy Lewis made reference, for example, to farm practices. This legislation could control farm practices. It could tell farmers what practices they may pursue. It could tell a farmer who is producing beef that he cannot grow grain. It could tell a farmer who is running sheep that he cannot run cattle, and so on. It clearly allows farm practices to be controlled. It may be that the Government would want to control some farm practices. For example, Hon. Graham MacKinnon was required to go to the south-west to tell people that they could not clear certain areas of land

because there was salinity in some of the dams. That caused a hell of a ruckus.

Hon. Garry Kelly: It was the right decision, though.

Hon. G. E. MASTERS: Yes, it was. I am not arguing about that. What I am saying is that that was a very difficult thing to achieve. Special legislation was introduced. However, this legislation seems to be all-embracing and could, in effect, enable those people who were controlling the legislation—mainly the Minister of the day and, I believe, the director of the department—to control farm practices anywhere in the State. It may be that such control is necessary in cases of salinity or erosion problems, but the power seems a very wide one and it would certainly cause concern to the rural community. I do not think that the farming community realises how powerful the legislation is. The Minister may give assurances that that is not what is intended in the legislation and that there are certain guidelines. If there are, I would like to know. If the Minister is able to give reasons why it is necessary, the House and the people in the community who are most likely to be affected should be told of them.

There is also the ability under this legislation to control land subdivisions in the city area, and building construction. Earlier tonight, Hon. Sandy Lewis made reference to building construction. My understanding is that this legislation could control building construction because of the noise and dust aspects of it, for example. It could even affect home building in certain circumstances. I may be drawing a long-bow.

Hon. Garry Kelly: You always do, Mr Masters.

Hon. G. E. MASTERS: I am asking the Minister a realistic question. Most definitely the legislation permits this to happen. We are looking for assurances from the Government that the legislation will be used in certain areas and not in others. The honourable member would know that where there is doubt about legislation it is very important that the Minister handling the Bill and the Government place on record the true intention. Then if there is an argument which goes before the courts, the courts can look at the legislation. If there is doubt about the interpretation of the legislation, the Minister's words can be taken as a guide. Therefore, if all the possibilities I raise are true, what does it mean and what is intended?

Hon. Sandy Lewis talked about forestry. There is a clear intent in the legislation to control forestry and mining operations. The legislation absorbs certain provisions under the Clean Air Act, the noise abatement control legislation, and the like. There are words in the legislation like beneficial use. Again, those words are open to wide interpretation. What is a beneficial use? Does "beneficial use" mean that forestry operations can be controlled? Does it mean that an industrial development, even though it damages the environment, can be seen to a certain extent to be of beneficial use? Where does the balance take place? Who makes the decision on what is and what is not a beneficial use? That is also a very important matter.

One of the areas that seem complex to me is the development of environmental protection policies. We know that policies need to be developed. I was very fortunate to have Peter Wells do some research for me. He has made a fairly deep study of the development of the policies. Quite frankly, the process is so complicated that it cannot be understood. It is very difficult to try to follow through the legislation. I put it to the House that a layman or member of Parliament looking at the process of developing environmental protection policies would find it impossible to follow. We were fortunate that Mr Barry Carbon and Mr Colin Sanders briefed us in our offices. They set out a fairly simple chart, but it is not as simple as they put forward. They simplified it so that even I could understand it.

Hon. Garry Kelly: Did they fail?

Hon. G. E. MASTERS: I understood what they were saying, but the chart did not tell the whole story. That is the point I was making. If Hon. Garry Kelly glances at the legislation and can then tell me step by step how the environmental policies were developed, I would be very pleased. I have not found anybody yet who could do it, except Peter Wells. Even so, as I said, it was very complicated.

Hon. J. M. Brown: Say no more.

Hon. G. E. MASTERS: If there is one person who cannot be faulted as far as research goes, it is Peter Wells.

Hon. V. J. Ferry: A very thorough man.

Hon. G. E. MASTERS: My word he is.

The environmental protection policy seems to go through a process of drafting and then revision of a submission to the Minister who will consider certain clauses of the legislation.

The Minister consults with people who are interested parties. He can remit the policy to the EPA or refuse it. He can consult with a colleague who may be interested or involved. If a policy deals with land use, the Minister for Lands may be involved.

I would like some comment from the Minister. My understanding is that the Minister for Conservation and Land Management, in dealing with environmental protection policies, can and must consult with the Minister affected. If there is disagreement it would go to the Cabinet for a decision.

That may be right or wrong, but that is as I understand it. Further, when policies are agreed to they will come before the Parliament. In other words the policies will follow the same direction as regulations. They will be tabled in the Parliament in both Houses and will be subject to scrutiny. They can be rejected.

If that is the way it is going, it is a good move. That is how I read it. The matter can be dealt with through the proper process of Parliament.

An area which seems even more complicated is environmental impact studies. Again we were fortunate to have some guidelines given by Barry Carbon and Colin Sanders. They were put in a remarkable form.

My view is that in certain circumstances an environmental impact assessment can go around and around. It can be resubmitted and sent back for further scrutiny, and proposals and developments can be delayed for ever and a day, if the Minister wants that to be the case. It is a very complicated procedure. If the opportunity occurs, we ought to have a good look at this. It should be the subject of very careful scrutiny when we reach the Committee stage.

Clause 38 deals with impact studies. Subclause (1) states—

A proposal that appears likely, if implemented, to have a significant effect on the environment, or a proposal of a prescribed class—

Here I stop and make reference to "significant effect". Who assesses this? Is it the EPA? Is it conservation and environment? It could well be the department responsible for the development. In other words, if it is a mining development, the Minister for Mines or the Department of Mines could be required to make an assessment and say, "We have had an application for a mining development which we think will have a significant effect on the environment," and there could be a recommendation to the

EPA to see that an investigation and recommendations concerning a study follow.

I make reference to subclause 38(1)(a) which says—

... shall be referred in writing to the Authority by a decision-making authority. . .

I guess that answers it. As soon as the matter comes to the notice of the decision-making authority, say, the Department of Mines, the department is required to pass on the information to the Environmental Protection Authority to decide whether an environmental impact study is required.

It goes on in paragraph (b)—

may be referred in writing to the Authority by—

- (i) the proponent; or
- (ii) any other person.

That concerns the Opposition very deeply. Hon. Doug Wenn misunderstood what Sandy Lewis was saying—that any person other than the person who has any direct interest at all could lodge a submission opposing a development. In other words, some of the extreme environmental groups use this legislation to slow down or even completely stop some developments. So the use of the words “any other person” leaves it wide open.

This could cause class actions. One class action took place in this State some five years ago when we were in Government. Mr Bartholomaeus took a class action against Alcoa in the United States. That was a political move taken by people with political motivation rather than conservation motivation. Bartholomaeus was one of those people who put genuine conservationists in a bad light—some of the genuine conservationists who have a concern for the environment.

We do not want to see that happen again. The person I am talking about has disappeared from the environmental scene and he has expressed no views at all because he has done what he intended to do—that is, the political manipulation of the environmental movement.

The policy control area is another huge part of this legislation. No-one will argue that controls are not needed. We recently saw a pollution problem in the Rhine in Germany which has done irreparable harm to the environment. This legislation contains enormous ramifications, and the definition of pollution, coupled with the definition of environment, is all-embracing, and to my mind goes much too far.

Perhaps I should read the definition of pollution so that members have no doubt what I am talking about. Pollution means this—

“pollution” means direct or indirect alteration of the environment—

- (a) to its detriment or degradation;
- (b) to the detriment of any beneficial use; or
- (c) of a prescribed kind;

Anything could be prescribed in the area of pollution. If we couple that with the definition of environment, we have a massive coverage. If we add the definition of pollution to what I have mentioned, we find anyone can object to industry development. If we add to these problems the need for licensing and the issue of pollution abatement notices, and all these ministerial powers, we see they are massive.

This is how the legislation reads on page 12, clause 8—

... subject to the direction of the Minister.

All the way through this legislation provision is made for direction by the Minister and decision making by the Minister. So, that is totally misleading.

Hon. Kay Hallahan: What you quoted was really the converse.

Hon. G. E. MASTERS: It says, “Subject to this Act neither the authority nor the chairman shall be subject to the direction of the Minister.” If the Minister looks at clause 6(1), clause 20(1)(b) and clause 29, for instance, she will see that the Bill provides that the Minister shall give approval, or have control, or give direction to various matters. I will not go through them all, but I am trying to have the Minister give attention to these matters.

The Bill does not provide for any independence for the EPA; certainly it gives no independence to the department—of course, that is intentional. It is a Minister's Bill, and I suppose if I were the Minister in control of it I would be quite happy. Perhaps the Minister handling the Bill here will say, “Fair enough. The Government and the Minister of the day ought to be in charge.” If that is the case, that is fine and I accept it.

Hon. Garry Kelly: Are you saying the EPA does not give independent advice to the Minister?

Hon. G. E. MASTERS: No. This legislation gives the Minister powers, such as under the clauses I have just quoted, to direct and decide, etc. Previously the EPA was largely indepen-

dent, but it certainly will not be under this legislation. I hope the Minister handling the Bill here has made a note of the clauses I have mentioned. We are not allowed to debate clause after clause at this time but most certainly we will do so during the Committee stage, when I will ask the Minister to explain many of these clauses.

Hon. Tom Stephens: Your speeches are sounding more and more like those of Peter Wells'.

Hon. G. E. MASTERS: If I did half the research he did, I would be pleased. If Hon. Tom Stephens did a quarter of the research Hon. Peter Wells did, it would be 10 times more than the member did previously. In most cases I am sure the Minister will be able to answer our queries. I think it is better that I put the questions now so that she can get answers ready for us. I am not raising my voice, which is quite a miracle, and I am getting by without too many interjections.

Hon. Kay Hallahan: Do you think the environment is worth protecting?

Hon. G. E. MASTERS: Of course.

Hon. P. G. Pendal: What a silly question.

The PRESIDENT: Order! Honourable members should wait their turn before speaking.

Hon. G. E. MASTERS: We have queries about the licensing provision. There will be prescribed industries and businesses. I guess prescribed premises will be those recommended on the advice of the EPA or the department. I assume that prescribed means that all these things will be put forward by way of regulation in the House and subject possibly to rejection. Perhaps the Minister could explain later.

I have some doubt about the part to be played by local authorities, bearing in mind they have had a great deal of control in their areas over planning, industry development and subdivisions. Certainly they have had a great deal of control over noise problems and the like. This legislation takes away a lot of those powers. I imagine the Government will set out the standards and the controls required and then hand back to local authorities through their inspectors who are already trained in the job the responsibility of carrying out the control and demanding that the community meet the standards set out in the legislation.

Clauses 65 and 68 refer to abatement notices which seem to provide extraordinary control over the activities of industry. Clause 65(1)

provides that if the Chief Executive Officer is satisfied that any waste is being or is likely to be discharged, or any noise, odour or electromagnetic radiation is being or is likely to be emitted from any premises into the environment, and that waste or noise, odour or electromagnetic radiation does not comply with certain standards or has caused or is causing or is likely to cause pollution, a pollution abatement notice may be served on the owner or occupier of the premises. I wonder how far the inspectors and the department can go in this matter. I imagine policy standards have been decided on; they would be the policy documents we talked about earlier and they would be prescribed standards.

Is it intended to set up a new army of inspectors? That is what this legislation would seem to require if the department and the EPA are to carry out inspections of their own. It may be, as I said earlier, that the Government is intending to use inspectors already employed by local authorities. If new inspectors are to be appointed we have cause for concern, because the costs involved would be great.

I have a concern over the powers of entry to be given to inspectors because it seems to me the inspectors, will be able to enter premises and property without a warrant if they consider there is a need for them to act. I have always been and always will be opposed to this sort of power. In most cases, even when environmental pollution is thought to have occurred, a warrant should be required.

I well recall that only a few months after I was elected to Parliament Hon. Graham MacKinnon introduced a fisheries Bill allowing inspectors to enter private property without a warrant. That was the first time I crossed the floor along with Hon. Bill Withers. The Labor Party did not understand that. Nevertheless I have been opposed to such powers all along.

Hon. Tom Stephens: Have you crossed the floor many times?

Hon. G. E. MASTERS: Perhaps seven or eight times. On one occasion we had to close the House because of the ruckus that broke out. Perhaps one day I will see Hon. Tom Stephens cross the floor just once.

The Bill provides for extraordinarily high penalties, some for \$25 000 and some for \$50 000. Just before Hon. Sandy Lewis sat down he referred to how widely this legislation could be applied. I guess we have been concentrating on the bigger industries, on the mining developments and factories and land clearing

projects. We must also consider the effect of this legislation on the small people, the ordinary man and woman in the street, perhaps a person who owns a family pet. It must be understood that this legislation can be used against ordinary people in the community in the ordinary suburban areas of Perth.

Earlier I made reference to the fact that this legislation gives wide powers to inspectors to control noise. Many people have pets such as dogs which bark, or cockerels which kick up a racket early in the morning. However, let us take the example of a little old lady who has a dog that barks all the time. It happens; one reads about it all the time. The legislation states that if three or four persons complain, or if under certain circumstances only one person complains, the legislation can be used. The complainant can insist that an inspector come to inspect the premises and if it is considered the dog is making a lot of noise, he can enter those premises without a warrant and the full penalty of a fine of up to \$5 000 could apply. If the dog is not got rid of, the penalty to be applied is a fine of \$400 a day.

Hon. Garry Kelly: Does the legislation say that or is that your interpretation?

Hon. G. E. MASTERS: No, it is not a stretch of my imagination. I do not know whether any member opposite has been in local government, but councillors receive complaints every day. When I was in local government, people kicked up a fuss because the cockerel next door was waking them up each morning. Two or three complaints are made about dogs every day.

Hon. Garry Kelly: Do you realise that is the maximum penalty?

Hon. G. E. MASTERS: Of course I do. There is a penalty of \$5 000, and a further penalty of \$400 a day. The legislation refers to unreasonable noise emissions on premises and refers to complaints by three people. Clause 79 states that if a person complains about a noise and the noise is found to be unreasonable and cannot be controlled, the full penalty can be applied. If that is run through to the inspectorial powers appearing in clause 89 which states that an inspector can enter premises without a warrant, and then we go back to clause 81(2) which states that a person who does not without reasonable excuse comply with a direction given by an authorised officer or police officer under subclause (1) commits an offence, and we refer to the various penalties, the full force

of the penalties of \$5 000 and \$400 a day can be applied.

Hon. Kay Hallahan: The example is yours.

Hon. G. E. MASTERS: It is in the legislation.

Hon. Kay Hallahan: It is in the legislation—you are quite right—but the example is yours.

Hon. G. E. MASTERS: The Minister will probably tell me that the department will not appoint X number of inspectors. The Government, in its attempt to control noise, will pass the powers back to the local authority. In other words, it is intended that inspectors will carry on doing the job they have been doing in the past, but they will do the job under a new set of rules set down in this legislation. In the future a large part of their jobs will be to control the noise from domestic animals. That has not been part of their powers before. The Government is broadening the scope of the environmental legislation.

It is all very well our talking about big industry and big developments, but the Government cannot say that it will not happen in the way I have mentioned because it will.

Hon. T. G. Butler: You used to say that when you were the Minister, too.

Hon. G. E. MASTERS: I suppose I did.

Hon. T. G. Butler: All the time.

Hon. G. E. MASTERS: The member was not here.

Hon. T. G. Butler: I spent a fair bit of time up in the gallery when you were a Minister.

Hon. G. E. MASTERS: The member had a need to, because I mentioned his name and what he stood for fairly often.

I come back to the point I raised earlier about a very important part of the legislation. I have spoken about how this legislation will affect the ordinary man in the street; and that is very important. In our time and in this Government's time, we tended to introduce legislation which intended to control the broader problems in the community but which gobbled up the little people. I suggest that is happening with this legislation. In attempting to catch the big fish we tend to catch the little ones and the big fish get away. We have seen that occurring with taxation legislation.

Hon. Kay Hallahan: You would agree that we don't want the big fish to get away with this.

Hon. G. E. MASTERS: I agree to environmental control within reason. I certainly do not agree that projects and developments should be sabotaged.

I have made it clear that we are not talking about the small home builders and developers in the city and country areas of the State. I have also made it clear that the EPA will have its independence dramatically eroded by this legislation. I think it would be better if it were entirely separate from the Government and the chairman were beyond the control of the Minister and not directly under his control. I have had experience in the past. I hope there will not be massive new regulations which will once again weigh down the community. I hope we will not have a new army of inspectors who will misuse this legislation. However, I understand the Minister's interjections, and I fear that will be the case.

We have strong reservations about how far this legislation should proceed. I believe the legislation is all-embracing; it attempts to deal with some of the serious problems relating to pollution, but in doing so it has drawn the brush far too wide. I think that in future Governments will have to water down this legislation. Under it, the Minister will probably be the most powerful Minister in the land. He or she will be able to override other Ministers and all local government authorities, and control planning authorities, farm practices, and rural community operations throughout this State.

HON. J. N. CALDWELL (South) [9.58 p.m.]: Firstly, I congratulate Hon. A. A. Lewis for his staying powers and his undoubted stamina. At one stage I thought I would have to rush out and shave so that I could make myself presentable to make a speech!

Hon. A. A. Lewis: Wait until the Committee stage.

Hon. J. N. CALDWELL: Undoubtedly one must not take environmental issues lightly.

I am afraid I have not had the opportunity to study this Bill at length because the National Party leader in this House, Hon. H. W. Gayfer, was going to talk on this legislation but is overseas helping to encourage overseas buyers to buy a little more of our wheat.

No-one knows better than rural people the importance of the environment. Over the years, they have come to learn that their over-clearing of land has led to erosion and salt encroachment. I would like to touch a little on reafforestation in the farming community.

Most farmers nowadays are trying to establish shelters and the like. I wondered whether in this Environmental Protection Bill there was any provision to stop those little green ring-necked parrots walking up and down the rows of trees, nipping off the seedlings. Of course, we cannot do much about those ring-necked parrots because they are protected. It is just another one of those frustrating things for the farmers.

The farmer also has to put up with the problem of chemicals that he sprays on the ground and the resultant effects of those on the land. Also rearing its head at the moment is the problem of mining in agricultural areas, especially in the great southern areas where gold miners are going to attempt open-cut mining, leaving the soil where it is as there is no legislation to make them put it back. Perhaps this Environmental Protection Bill will relieve that problem in some way.

I compliment Hon. Sandy Lewis on his speech. The National Party is fully behind many of his comments. However, I would like to make a comment about public scrutiny. It is extremely important that the public have access to the Environmental Protection Authority reports.

Hon. Garry Kelly: You are disagreeing with Mr Lewis now, are you?

Hon. J. N. CALDWELL: I am disagreeing with Mr Lewis. If we do not have these public hearings, we will leave ourselves open to an outcry. After all, only interested people will make a comment.

However, I wholeheartedly support Mr Lewis in his comments with respect to the authority of the Minister. In the second reading speech, the Minister stated—

The Environmental Protection Authority must be allowed to advise Government on how the inter-relationship between the natural environment and the community should be managed.

I would like to make a comment about the word "managed". I looked up the dictionary definition and it said that the verb "manage" meant "to organise or take control". The second reading speech also states—

Although the Minister is provided with some powers within the Bill. . .

I looked up the dictionary definition of "some" and it said "an unspecified amount". Thus it seems that the Minister has an unspecified amount of control over the EPA. The National

Party does not consider that this is a very good thing. It has been shown in many of the Bills to come before the House that the Minister is taking control of those things over which he has power.

Local authorities must be consulted. I would just like to comment on the local area in which I have been interested—that is, the Wilson's Inlet at Denmark. I was told last night that funding from the EPA to look into the pollution of the inlet has been stopped. There is not enough money to carry on the study. If this legislation is enacted, enormous amounts of money will have to be provided for the new Environmental Protection Authority. I just wonder how many more funds will be cut off before the Bill is enacted.

Although the legislation gives wide discretionary powers, all would be well if the senior EPA positions were filled by reasonable people. Either pro-conservationists or anti-conservationists could render the legislation most unsatisfactory. I put to the Minister two questions. First, how does the increase in the discretionary power of the EPA and the Minister fit in with the notion of greater community participation in decisions? Secondly, does clause 7 effectively exempt the Crown in cases where it enters commercial ventures or grants permits for mining and the like? The National Party will undoubtedly take a great deal of interest in the amendments that Mr Lewis proposes and we look forward to them.

Debate adjourned, on motion by Hon. Garry Kelly.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Consideration of Tabled Paper

Debate resumed from 12 November.

HON. W. N. STRETCH (Lower Central) [10.08 p.m.]: I welcome the opportunity to speak in the Estimates debate. I will mention a few points that affect agriculture in general and my electorate of Lower Central Province in particular. First, a few points came up in earlier speeches that need mentioning. I was upset with remarks by Hon. Doug Wenn to the effect that the State Budget was an honest one.

Hon. Garry Kelly: Does that upset you?

Hon. W. N. STRETCH: It upsets me because I believe that the Budget was very far from an honest one. It was the most deceptive type of Budget because the nasties were all put up in a package in July. When the formal Budget was introduced, it contained all the easy options.

I was very sad to see that members on the other side did not recognise that. We are seeing the start of Frankenstein being devoured by his own monster. The Labor Party is starting to believe its own propaganda. It has happened already in the Federal sphere. It is a recipe for disaster, and although we cannot cry over that I still cry over the fact that members on the other side tried to paint the Budget as an honest one when it is far from it.

Hon. Kay Hallahan: It is a brilliant Budget.

Hon. W. N. STRETCH: We have seen a number of these rubbery figures and we cannot take them very seriously. We know the people in the country do their sums very carefully because they realise these problems will not be followed up. They are starting to realise that here is a Government they cannot trust to help them out of their problems.

Hon. Tom Stephens: They must have been reading the 1982 Budget figures.

Hon. W. N. STRETCH: I think Hon. Tom Stephens should spend some time in the wheatbelt and see what the figures his Government is putting forward mean to the people out there. We are facing a major crisis in rural areas and the honourable member knows it. We have a serious problem to address. If it is not addressed, every person in every sector of the community will feel the effects very hard and very soon.

Hon. Tom Stephens: That difficult situation is not enhanced and improved upon by these comments.

Hon. W. N. STRETCH: We look forward to further comments when the member makes his own speech.

The Budget was a mixture. There was some good and some bad in it, but much of it was very misleading. We did not have too many worries about it when the Treasurer first said his Government was determined to maintain its commitment to agriculture in real terms. Subsequently there have been cuts and we have the deceitfulness of this Budget before our eyes because these commitments have ceased to be fulfilled. Farmers are very concerned because in real terms the agricultural budget is cut. Funding levels have not been maintained as the Treasurer said they would.

The estimates put forward for the Department of Agriculture are interesting in that the highest increases in expenditure were in the Minister's own office. That did not go down terribly well. When many other areas received small increases, the major increase from

\$98 000 to \$293 000 was in the Minister's own office. I think that is something the Minister should explain to us in the light of cuts in other departments. It represents an increase of 300 per cent.

In response to Hon. Doug Wenn's constant interjections, I can tell him that I was in Bunbury the other day and I saw an empty bus. I asked a local businessman if there was much patronage and he said, "No. What is the new definition of loneliness? A driver on a Bunbury bus." Just work out what that is costing the area.

I now refer also to rural youth funding, another service which has been severely cut. That in itself is not necessarily the end of the world. Rural youth funding has been cut from \$325 000 to \$30 000, which would allow the organisation only one secretary. That would be acceptable if every other type of organisation had had to face cuts. I have no objection to organisations raising funds from their own resources, but when one looks at some of the organisations the Labor Party is funding and compares them with others encountering cutbacks, particularly in the country, one wonders where the Government's priorities lie. The Government is so deceitful and will not give aid to rural areas in real terms. The decrease from \$300 000 to \$30 000 is a very real cut.

When I asked the Minister for Community Services what would happen to these young people, she said the service would be taken over by Government-type organisations. That simply will not happen. Anyone who has lived in country towns realises there is no substitute for that voluntary spirit. There is no way a Government social worker can create that same spirit in a district.

Hon. Tom Stephens: It sounds like you are an advocate of bigger Government.

Hon. W. N. STRETCH: I am not. I am an advocate of fair Government. I do not think it is fair that organisations for rural youth which work extensively in the country areas do not receive funds when lots of other questionable organisations in the cities, towns and—

Hon. John Halden: What are they? You don't know them.

Hon. W. N. STRETCH: I know plenty of them.

I refer next to the question of the road trust funding. We were very concerned at the future of that fund; when it was turned into the transport trust fund the Leader of this House gave us an assurance that road funding would

be maintained in real terms at \$44 million-plus. On searching through the Budget papers I can find no record of the trust. I would like the Minister to inform me where those trust funds appear in the papers, because it seems that our worst fears were realised when \$44 million of that road trust fund was moved with indecent haste to the MTT or Transperth, as it is now called, to help bolster its flagging finances. I think that is something that needs to be explained. We would like to see the figures.

On a brighter note, as I move around my electorate I am most heartened to see the general awareness of soil conservation and land management improving in the practices of our farmers, and our country town people. I have spent some time with the WISALTS group and the Department of Agriculture people. I am most heartened that they are working in much closer harmony and wherever one goes in the countryside one can see people trying to do things by planting trees and encouraging experimental work to help our environment. I think it shows a commendable awareness on the part of the farmers. It is not an easy or cheap task to undertake that sort of work, and they are to be commended for undertaking it at this time of financial stringency.

The general picture within the grain growing industry is one of brilliant crops and severe problems in marketing. The problem of marketing is a fact of life that Western Australian farmers have to put up with and are doing their best to improve. However, the major burden is still operating costs in Western Australia which is an area the Government must pay close attention to because we are very efficient farmers and managers of the soil, and we are making the most of the climate we have, which is not the easiest in the world by any means. We need the assistance of Government, not by helping financially, but by Government being aware of the impact that many Government decisions have on the exporting sector of the community; the farming community is still a major part of that. Decisions made will affect agriculture and will impinge heavily on the total economy of the State and on every citizen in Western Australia.

We have the ever-spreading hand of Government and bureaucracy intruding into all sorts of areas. The legislation we were earlier discussing is a very good example, and I will be speaking on that matter later.

There are now other sorts of encroachment from one Minister or another. At the moment we have a discussion paper circulating from the

Land Resource Policy Council called "Conservation of Native Vegetation in Farming Areas". This is a harmless enough looking document. It is yet another document on the environment not related particularly to the Bill which was debated earlier this evening. However, there seems to be a power play between the Department of Planning and the Department of Conservation and Land Management. It looks as though the environment and the people who use, farm and enjoy it will be the meat in the sandwich in this power play.

There are moves for the State Planning Commission in this discussion paper to be a major arbiter in the system of land use. I find it rather confusing at this stage to have this conflict of opinion working between at least two, possibly three, different Government departments. I believe the timing of this document's release in June 1986 when the Conservation and Environment Bill was being drafted really has confused the issue. I wonder just who will win out in the end. This document, which is only a discussion paper, recommended rather draconian powers for the SPC in the creation of reserves throughout the State and in the end it tends to override the powers of local government, as does the Bill we were discussing earlier. I do not believe it was either timely or sensible to have this similar sort of document adding to the general confusion and debate going on in the community.

People are looking for meaningful results and meaningful protection for the environment, but at the same time we are looking for the creation of a productive environment which will give people jobs and create wealth to circulate in the community. There is no better circulator of wealth in the community than the rural sector. As I have always said in this place, we must ensure that all steps that Governments take are made to assist that production and not hinder it.

The role of the Rural Adjustment and Finance Corporation has caused a fair bit of confusion and a lot of grief in the electorate at large. I have been accused of saying some fairly unkind things about RAFCOR. They have of course been exaggerated at the whim of the Government, but the fact that RAFCOR was being upgraded with a \$500 000 computer in the Budget caused me a lot of concern. I believe that there is unused capacity in other computer units in Perth, most notably in the Rural & Industries Bank, which is already an arm of Government, although it is not now as close as it was. It seemed to me to be a sensible

utilisation of resources for the R & I Bank, which originally spawned RAFCOR, to take back the reconstruction function and save the State this expenditure. I do not believe that would have affected the performance of RAFCOR as such as the existing staff would remain.

As it is, the Government has had to set RAFCOR up with a very expensive computer module. It has to have top security standards because it is virtually being built into another bank. I believe it is essential that there is some sort of Government authority handling Government financial assistance. I believe this is an expensive duplication which could have been avoided had the Government looked harder at the resources available and used the same personnel but someone else's computer. As we go further down the track, I can see that in a few years' time we will have built another State bank, duplicating the role of the old R & I Bank, and I do not believe that that is what the Government set out to do. However, the Government has taken the first couple of steps down that track, and that is what we will end up with.

I am not denigrating in any way RAFCOR or the R & I Bank because I think they have played a significant role in the development of Western Australia. Certainly both institutions helped the rural industry through some pretty rugged times earlier in the State's history. I am sure they will continue to help out in this particular downturn. I am sorry the Government did not pick up that suggestion and that as it did not pick it up, chose to denigrate it in the meantime.

The other interesting move was the transfer of the Rural and Allied Industries Council from the Department of Premier and Cabinet to the Department of Agriculture. Under the previous Government, and under the Burke Government when it first came to power, it was felt that agriculture needed a direct input through to the Department of Premier and Cabinet. Sir Charles Court believed it was sufficiently important and so did the present Premier when he first came to power. I do not know what has changed the Premier's mind but I think it was a retrograde step and I urge him to reconsider it and possibly, if not give the council the same status, at least guarantee its communication with the Premier because it is absolutely certain that the fate of Western Australia will ride with the agriculture industries, as ever. The role may change but it will never diminish. I have the greatest confidence in agriculture to

survive; it always has. It has weathered many a storm and has always been a major contributor to the State's economy, and members will see that it will continue to do so. There is no lack of will in the people out there but there is concern about how genuine the Government's support of them is.

I do not need to mention many more things as far as agriculture in general is concerned, but there are several issues in the electorate of Lower Central Province which need to be brought to the attention of the House. One deals with the considerable concern people have about the introduction of diseases, both in plants and animals, from the Eastern States. A lot of this concern comes back to the checkpoint at Norseman, which is a continuing bone of contention among agricultural industries. We have had of late the threat of the potato cyst nematode in the areas just south of Perth. If that should spread into the Donnybrook-Manjimup area in my electorate, it would be a devastating loss to the potato industry and to Western Australia. We have had the most unfortunate outbreaks of Johnes disease in cattle which have been imported from the Eastern States. It is probable that the checkpoint at Norseman would not have been able to do anything about that but there are instances where stock and plants are getting through that checkpoint simply because of the sheer numbers of vehicles coming through.

There is a lot of pressure to move that checkpoint out to Eucla, which is virtually a natural funnel through which all traffic has to go. There are a few tracks which one can use to bypass Eucla, but one does so at peril to one's vehicle and to one's self. From Norseman there are several fairly well-established tracks which one can use to bypass the checkpoint. As I said, the agricultural industries are so important to the State that we cannot really ignore this risk, and it is a matter we should look at very hard.

The horticultural industries in the Shire of Manjimup and its surrounds are going from strength to strength, and the Government's move to introduce a horticultural research centre there has been well accepted by the people and the farmers in that area. We look forward to a continuing growth in the whole horticultural industry. However, there is a serious bottleneck in that industry, which is the industrial relations scene on the Western Australian waterfront and in some other sectors of the transport scene. We must make sure that having produced a product which is required by the international market and which is

readily saleable and will add greatly to the wealth and benefit of this State, that product is quickly exported without interference and without holdups on the wharves.

Most of the produce is highly perishable and any hold-up represents a loss, not only to the growers but also to the economy of the State.

The plight of the rural areas has been spelt out so many times that I will not go through it in any detail tonight. However, every week or so someone comes up with worse figures. The general consensus we started with was that about seven per cent of farmers could go out of the industry in this current year. That rose to an estimate of 10 per cent, and now some people are putting it as high as 25 per cent. I do not believe it will be that high, because I do not believe that the Government can afford to let it get that high. The State cannot suffer that sort of loss in these industries.

The industry will go on producing in most areas. Some farms will be taken over by other farmers, but there is always a risk—and I believe it is a very real risk; one could say almost a certainty—that a lot of land will be left to go out of production. It may go back to sheep, but it has a limitation of water supplies and also the risk of damage to the environment in some of the lighter rainfall areas, and that must be taken into consideration. It may provide only short-term relief, and that is a problem which will be addressed by the Environmental Protection Bill and by several other Bills that will come before this House.

The news in the country is still not good. We have been blessed with an excellent harvest in most areas, but just what the net return to the farmers will be at the end of it all is very much in the melting pot, and what their financial position will be by the time it is all balanced out after harvest is a cause for great concern, not only for farmers but for all Western Australians.

With those few remarks I will support the passing of the Estimates because it is a money Bill and one over which we have no control. However, I repeat that it is a great disappointment. It was a bit of a con trick on the people of Western Australia in that they did not really get the figures as a true balance sheet and as a Budget should be presented. They got them in two packages—one with the baddies early on, and one with the goodies, so that when the official Budget was produced the Treasurer could say, "Look what a good boy am I", and try to persuade the people of Western Australia

that they received a good, balanced Budget when in fact they had suffered tax increases in the vicinity of 19 per cent.

To put the figures through in that way was deceitful, and it disappointed me to hear my colleagues on the other side of the House describe this as an honest Budget when it most certainly was not.

Debate adjourned, on motion by Hon. C. J. Bell.

AGRICULTURE AND RELATED RESOURCES PROTECTION AMENDMENT BILL

Second Reading

Debate resumed from 11 November.

HON. W. N. STRETCH (Lower Central) [10.33 p.m.]: This Bill is a fairly simple one, in its context at least. In its effect it is fairly savage in that it increases penalties for offences against the Agriculture and Related Resources Protection Act. It does increase penalties that have not been increased since 1976, so I suppose we could expect some sort of change to that, and it would not be for the better.

However, as I said only a few minutes ago, the impact of disease on our agricultural industries is increasing and becoming of great concern as a result of faster transport and a greater volume of stock and plant moving from the east to the west, and a little bit vice versa.

I have a few queries about the Bill. In the Minister's second reading speech he indicated that in the current legislation there are differences between the penalties which can be imposed on local authorities and on individual landholders. Most of the penalties I have looked at in the parent Act seem to be the same for local authorities and individual landholders. I would be interested to know where those differences are.

Hon. D. K. Dans: Did you say there is a difference between penalties for local authorities and for individual landholders?

Hon. W. N. STRETCH: I found that not to be the case with some of them, certainly. I could not find a difference. Section 42 of the parent Act indicates that for a council the penalty for a first offence is \$50, and for a subsequent offence \$250. In section 49 it indicates that an occupier of private land would be penalised \$50, and \$250. There may be others I have not found.

Hon. D. K. Dans: I think you will find that to be correct.

Hon. W. N. STRETCH: I did not find any that were different, but no doubt they are there. I do not see that there is any reason for them to be either the same or different. There is a considerable difference between local authorities and individuals, and I was merely interested in the rationale behind that provision.

Another amendment I will question is that which provides for all proceedings involving penalties to be heard before a stipendiary magistrate. This will obviously load up the courts a little more, I gather, with infringements from people such as first offenders. I wonder what the rationale behind that is.

Hon. D. K. Dans: People seem happier to appear before a stipendiary magistrate than before a justice of the peace.

Hon. W. N. STRETCH: That may be so, but on their circuits stipendiary magistrates are usually very busy and it seems a bit pointless to load up the courts just because people seem happier. People are not terribly happy that others infringe these sorts of regulations and put our industries at risk, so we do not care whether they are heard by a justice of the peace or a stipendiary magistrate. I merely wondered whether this provision would result in a holding-up of the process by loading up the courts, when the Attorney General would no doubt agree that there is already a considerable load on the stipendiary magistrates as they move around the State.

There is also some confusion in the Agriculture and Related Resources Protection Act as to who is responsible for which provisions. Perhaps the Minister could clear this up. I had a lady ring me in great distress the other day because her daughter had purchased a white cockatoo in Melbourne and had been told there would be no difficulty in having it transported to Western Australia. However, when she arrived she found this was far from so. Rather than someone from the Agriculture Protection Board calling on her, an officer from the Department of Conservation and Land Management called on her, so she took the matter up with the Minister for Conservation and Land Management. The matter was chased around a little, and the fact emerged that really the APB should deal with the issue, so she was referred to the Minister for Agriculture. However, on checking with the wildlife people, it seemed that they did have such powers. I wonder who brings some of these charges before what court and magistrate in these circumstances? It seems that the APB has some powers, the Department of Agriculture also has

some powers, and the Department of Conservation and Land Management has powers, which I think it took over from the wildlife people. I wonder whether the National Parks and Nature Conservation Authority would also have powers in this situation.

Hon. D. K. Dans: I do not know.

Hon. W. N. STRETCH: Perhaps the Minister could clarify that. It would be a matter of great concern to my constituent, and is something that needs to be sorted out. Who is responsible, and what powers do they have? My constituent's daughter tried to play the game by declaring everything she had to declare about where the bird had been purchased, and so on. The bird in question was subsequently removed from the premises without her knowledge, without a search warrant, and without any notification at all.

Those people no doubt will be very concerned to see which officer ends up handling that query. They will not care whether it is a stipendiary magistrate or a justice of the peace who hears the case, but it will be a heated hearing. While it has nothing to do with this Bill, the fact that a person can walk into a house without a warrant and remove a pesky bird is an infringement of people's rights and cause for considerable concern.

Hon. D. K. Dans: You should have been here when that Bill was debated under another Government. You would have supported me then.

Hon. G. E. Masters: You had my support.

Hon. D. K. Dans: I know that.

Hon. W. N. STRETCH: We will go down that road at another time.

With those remarks and the anticipation that the Minister can help me with those two queries, I indicate we support the Bill.

HON. J. N. CALDWELL (South) [10.41 p.m.]: It is pleasing that the Government has taken notice of people like the regional advisory committee which comprises farming groups and shires. No-one knows better than the National Party how important it is to keep out unwanted pests and plants from our productive rural and metropolitan areas.

I would like to draw the Government's attention to the increasing number of vehicles coming into the State from the north—I think some 20 000 vehicles enter Western Australia from the north, and 60 000 come through the Norseman checkpoint. At present there are 11 Agriculture Protection Board officers in the

Norseman area and only one in the northern area. We need more than one person to control 20 000 vehicles coming in through that area. I believe a mobile truck or four-wheel-drive vehicle operates in the north. I sincerely recommend that the Government take further steps to protect that area.

Why not index the penalties? It has been demonstrated that penalties have fallen considerably in real terms since 1976. I think that indexation would be a way of getting around great increases in penalties. People get rather a sudden jolt when that occurs. Apart from those two matters, the Bill has the approval of the National Party.

HON. D. K. DANS (South Metropolitan—Leader of the House) [10.44 p.m.]: I thank members who have spoken in support of the Bill. I remind them that they have commented about matters which are not contained in the Bill. I am prepared to take those aspects on board, as I always have done previously, and get some advice. If during the Committee stage I can assist members from the notes I have here, I am only too pleased to do so.

I will get some answers to the comments about the inspectors in the north of the State and the matters raised by Mr Stretch and let those members have them directly.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Hon. D. J. Wordsworth) in the Chair; Hon. D. K. Dans (Leader of the House) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Section 102 repealed and a section substituted—

Hon. W. N. STRETCH: This clause deals with proceedings for an offence against the Act being heard by a court of summary jurisdiction composed of a stipendiary magistrate. Can the Minister enlighten us as to why this is regarded as better than a certain other type of court?

Hon. D. K. DANS: The current section 102 provides for proceedings involving a penalty exceeding \$200 to be heard before a stipendiary magistrate. This section is repealed, and the new clause in the Bill provides for all proceedings to be heard by a stipendiary magistrate. I believe that is self-explanatory. I do not think one can determine that where the penalty is \$199 the matter should go before a justice of the peace, and where it is \$200 one waits for a

stipendiary magistrate. It is simply equalising the situation.

Hon. W. N. STRETCH: I accept that explanation, but I am still concerned at the overloading of the courts. I wonder what the difference is in having the case heard by a stipendiary magistrate. It would probably be out of order for the Minister to ask the Attorney General, but I wonder what extra powers a stipendiary magistrate has compared with an ordinary Local Court comprising local justices of the peace who deal with these matters which are usually of a local nature.

Hon. D. K. DANS: I have already said the current section provides certain things, and no-one has jibbed at that and there has been no overloading of the courts. If one looks at the penalties one sees that most of them are over \$200. I think that again is self-explanatory.

Hon. W. N. Stretch: It is a question of whether it is necessary to have a stipendiary magistrate on these courts.

Hon. D. K. DANS: I suppose we should have posed that question when the parent Act was before Parliament. I do not know the background to it. It has never caused any problems before. People have accepted that stipendiary magistrates should handle penalties over \$200, and there is no reason they would not do that in the future.

Clause put and passed.

Clauses 7 and 8 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon. D. K. Dans (Leader of the House), and passed.

ADJOURNMENT OF THE HOUSE

HON. D. K. DANS (South Metropolitan—Leader of the House) [10.50 p.m.]: I move—

That the House do now adjourn.

Foreign Investment Review Board: Abolition

HON. TOM STEPHENS (North) [10.51 p.m.]: The occurrence of the PacRim Conference in Perth and the attendance at that conference of the Federal Treasurer, Paul Keating, provides me with an opportunity of focusing on an issue which has been of considerable concern to me for some time.

Hon. G. E. Masters: He did not attend.

Hon. TOM STEPHENS: It was announced that the Federal Treasurer would attend.

Hon. G. E. Masters: He didn't.

Hon. TOM STEPHENS: I had not caught up with that fact because I have been involved with a Select Committee today.

The Federal Government's policy on foreign investment has been one of concern to me for some time. In July this year the guidelines affecting foreign investment in this country were altered, and those alterations are to be applauded.

I believe that the policy needs to be relaxed even further. Indeed, I would commend to the Federal Treasurer that he take the final step and bring about the abolition of the Foreign Investment Review Board. For many years the Australian foreign investment policy has been based on the notion that Australia has unlimited opportunities which are so commercially attractive that we should kick out foreigners so that these opportunities can be realised by Australian residents. It is my view that that notion is naive and simplistic.

Investment opportunities in Australia are often no better than those found in any other part of the world. The simple fact is that there are more opportunities in Australia than there are investors willing or able to take them up. In addition, many of the investment opportunities in Australia are long-term or high risk, and these factors may not deter the foreign investor who has longer experience in a particular industry or a broader and thus more secure investment base.

It is my view that the Foreign Investment Review Board will continue to be an impediment to the free flow of foreign investment in Australia. It is quite ludicrous to think that a foreign investor, even one who may have been here for a long time, should spend time and money preparing submissions to the Foreign Investment Review Board in order to do something as simple as buying a block of land.

Under the revised guidelines announced by the Federal Treasurer in July a foreigner can buy real estate without any Australian equity, but nonetheless must still seek further approval which would be granted, unless contrary to the national interest. The expression "contrary to the national interest" is one that has given rise to doubt and uncertainty because no-one is quite sure what it means.

The Federal Treasurer's July announcement indicated that the Federal Government envisaged further changes to be introduced when appropriate. There is no doubt that the relaxation of the rules announced in July will not result in any great rush of foreign investment into Australian real estate. Once people have been turned away from the market, it takes a considerable amount of effort to attract that interest again.

Nothing less than the abolition of the Foreign Investment Review Board would be sufficient to attract a new and continuing flow of foreign investment into Australia.

The PacRim Conference has attracted to Australia and to Western Australia a number of potential overseas investors. It would be wel-

come if the Federal Government took this opportunity to announce a more drastic review of its foreign investment policy with a view to abolishing the Foreign Investment Review Board. There is a need for a foreign investment policy, and it could be monitored by a section within Treasury; it does not need the existence of the Foreign Investment Review Board. The abolition of the Foreign Investment Review Board would go a long way to ensuring the attraction of overseas finance in investment opportunities within this country. That investment opportunity, if afforded, could lead to a rapid growth in employment opportunities not only in our State, but in Australia as a whole.

Question put and passed.

House adjourned at 10.55 p.m.

QUESTIONS ON NOTICE

TRANSPORT: AIR

Charter: Cost

514. Hon. G. E. MASTERS, to the Leader of the House representing the Premier:

What was the cost to the Government for the periods 1984-85 and 1985-86 for the use of charter aircraft?

Hon. D. K. DANS replied:

Confirmation of estimates would take a great deal of work and expense. However, if he has any specific problems or any evidence of irregularities in relation to the use of charter aircraft, I would be pleased to be advised and I will consider making further inquiries or obtaining the information he is seeking.

TECHNICAL AND FURTHER EDUCATION

Dormer Report: Review Committee

564. Hon. N. F. MOORE, to the Minister for Community Services representing the Minister for Education:

- (1) Did the Minister set up a committee to review the Dormer report into TAFE funding?
- (2) If so, who were the members of this committee?
- (3) Has this committee reported to the Minister?
- (4) Will he make this report available to the Opposition?
- (5) If not, why not?

Hon. KAY HALLAHAN replied:

- (1) No.
- (2) to (5) Not applicable

COMMUNITY SERVICES

Welfare Officers: Rural Areas.

565. Hon. W. N. STRETCH, to the Minister for Community Services:

- (1) Does the Minister's department employ the special welfare officers working in the depressed rural areas of Western Australia?
- (2) Were they recruited from her department and, if so, how many are based in rural towns?

Hon. KAY HALLAHAN replied:

- (1) Yes.
- (2) The department has contracted with mobile counselling services employing two persons full time to provide counselling to rural families in the south-west of the State. The department has also seconded a senior social worker to the Rural Adjustment and Finance Corporation to work specifically with families affected by the recession in the farming sector. In addition, the department has 23 district offices with approximately 60 staff located in the eastern and southern country towns. Staff have received specialised training programmes on the effects of financial hardship and personal stress being experienced by rural families.

GOVERNMENT PUBLICATIONS

Contract Printing: Expenditure

568. Hon. P. G. PENDAL, to the Minister for Works and Services:

- (1) Is it correct that in 1985-86 about \$5.9 million was spent by the State Government on "contract printing"?
- (2) What is contract printing?
- (3) Why is there no such provision for contract printing in the 1986-87 Budget?
- (4) Does this mean that no printing is now put out to the private sector?
- (5) If so, why was this decision taken?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) Work contracted to the private sector by the State Printing Division on behalf of Government departments and public sector agencies.
- (3) No provision was made in the 1986-87 Consolidated Revenue Fund Estimates for contract printing under Division 22 because it is now funded through the Treasurer's Advance Account. The previous appropriation method was not considered flexible enough to cope with service-orientated activities where client requirements determine the demand for service. The new arrangement should reduce accounting costs by avoiding

double counting and introducing more efficient and effective procedures.

- (4) No.
- (5) Answered by (4).

TAXATION DEPARTMENT

Records: Release

569. Hon. D. J. WORDSWORTH, to the Leader of the House representing the Premier:

- (1) Is it usual for Government departments to request of an elector, seeking minor assistance, authorisation for the Taxation Department to release their records of that elector?
- (2) If yes, what special security is established to ensure privacy of that information or does it go on that person's departmental file?

If yes, would it not be more appropriate to seek authority to receive such information orally rather than by record?

Hon. D. K. DANS replied:

The member's question is not understood. If he is able to clarify it, I should be only too pleased to respond.

EDUCATION: HIGH SCHOOL

Kununurra District: Classrooms

570. Hon. N. F. MOORE, to the Minister for Community Services representing the Minister for Education:

- (1) Is it correct that the Minister gave an undertaking that the demountable classrooms at the Kununurra District High School would be moved closer to the new section of the school?
- (2) If so, when will this undertaking be carried out?
- (3) If not, will the Minister take the necessary steps to ensure this occurs as soon as possible?

Hon. KAY HALLAHAN replied:

- (1) No, a commitment was given that the possibility of relocating the temporary rooms would be considered. This has been done.
- (2) and (3) Because of a subsequent decision to provide a pre-primary unit, three temporary rooms will be moved before school opens in 1987.

EDUCATION

English as a Second Language: Teacher Retrenchments

571. Hon. N. F. MOORE, to the Minister for Community Services representing the Minister for Education:

- (1) How many teachers will be retrenched as a result of the Federal Government's decision to cut funding for the English as a second language programme?
- (2) Which schools will be affected by the decision?

Hon. KAY HALLAHAN replied:

- (1) The Commonwealth Government's initial cuts would have required 70 teachers to be either retrenched or redeployed. Some negotiation with the Commonwealth Government is proceeding in an attempt to reduce this number and ensure the maintenance of a viable service.
- (2) Priority will be given to stage 1 intensive pupils. Schools which will be affected have not been finally determined as further negotiations are necessary.

EDUCATION

Computers: Tenders

572. Hon. N. F. MOORE, to the Minister for Community Services representing the Minister for Education:

- (1) Is it correct that the Government has accepted a tender for the supply of computers for Western Australian schools?
- (2) If so, can the Minister advise—
 - (a) which company has won the tender;
 - (b) where the company is located; and
 - (c) what brand of computers will it supply?

Hon. KAY HALLAHAN replied:

- (1) and (2) No. The Education Department has recommended that schools purchase for administrative computing purposes a system supplied by Olivetti Australia Pty Ltd and Advanced Micro Systems (AMS).

EDUCATION: PRIMARY SCHOOL

Manjimup: Old School

573. Hon. A. A. LEWIS, to the Minister for Community Services representing the Minister for Education:

What was the cost of transferring and getting ready for use, the old Nyamup school at Manjimup Primary School?

Hon. KAY HALLAHAN replied:

Relocation costs, \$15 800; conversion, repair, renovation, and upgrading \$57 824.

MINISTERS OF THE CROWN

Electorate Visits: Notice

574. Hon. A. A. LEWIS, to the Leader of the House representing the Premier:

Is it his and his Ministers' intention to give a local member of Parliament adequate notice when they travel to that local member's electorate or province?

Hon. D. K. DANS replied:

There is no new policy or departure from the previous convention that Ministers give members of Parliament due notice of official ministerial visits to country electorates.

EDUCATION: HIGH SCHOOL

Bridgetown: Administration Centre

575. Hon. A. A. LEWIS, to the Minister for Community Services representing the Minister for Education:

Has any money been made available in this year's Budget to build a resource and administration centre at Bridgetown High School?

Hon. KAY HALLAHAN replied:

No.

EDUCATION: PRINCIPAL

Kukerin: Accommodation

576. Hon. A. A. LEWIS, to the Minister for Community Services representing the Minister for Education:

When is it expected work will start on the new house for the principal at Kukerin Primary School?

Hon. KAY HALLAHAN replied:

The housing replacement programme has not yet been finalised, but it is anticipated the new quarters for Kukerin should be completed in April 1987.

TECHNICAL AND FURTHER
EDUCATION

Lecturers: Holiday Leave Loading

577. Hon. P. G. PENDAL, to the Minister for Community Services representing the Minister for Education:

Is it correct that TAFE teachers have suggested that the 17.5 per cent holiday leave loading be scrapped?

Hon. KAY HALLAHAN replied:

I am unaware of such a proposal.

INDUSTRIAL DISPUTES

Perth Technical College Site

578. Hon. P. G. PENDAL, to the Minister for Works and Services:

With reference to the work being carried out on the Perth Technical College site, as there have been a number of industrial disputes related to the work, which I understand is running late in its completion, what are the cost over-runs involved?

Hon. D. K. DANS replied:

The member is referred to the information contained within the answer to Legislative Assembly question 1728.

INDUSTRIAL DISPUTES

Perth Technical College Site

579. Hon. P. G. PENDAL, to the Minister representing the Minister for Industrial Relations:

Is there a demarcation dispute at the Perth Technical College site relating to the Builders Labourers Federation refusing to allow the Transport Workers Union to move in furniture?

Hon. D. K. DANS replied:

Yes. The matter is currently the subject of a compulsory conference before the Western Australian Industrial Relations Commission.

HEALTH: AIDS

Letter: Mrs B. G. Campbell

580. Hon. P. G. PENDAL, to the Minister for Community Services representing the Minister for Women's Interests:

- (1) Has the Minister received a submission from Mrs B. G. Campbell, on AIDS and its relation to the family unit?
- (2) If so, has he referred it to any body representing women's interests?
- (3) What action has he asked for on the contents of the submission?

Hon. KAY HALLAHAN replied:

- (1) Yes.
- (2) The Minister, through the Women's Interests Division, has referred the correspondence to the Women's Advisory Council, as requested by Mrs Campbell.
- (3) The Minister has—
 - (a) suggested that the council give consideration to the issues raised in Mrs Campbell's submission; and
 - (b) requested the advice of the council.

EDUCATION

Aboriginal Languages:

Introduction

583. Hon. N. F. MOORE, to the Minister for Community Services representing the Minister for Education:

- (1) Is there any intention of introducing Aboriginal language studies into Western Australian Schools?
- (2) If so—
 - (a) when is it expected that such courses will commence; and
 - (b) will these courses be electives or compulsory?

Hon. KAY HALLAHAN replied:

- (1) The introduction of Aboriginal language studies into Western Australian schools is left to the discretion of the local school community.
- (2) (a) Courses have commenced in a number of schools;

- (b) where the community has endorsed the introduction of the courses, student participation in the courses is usually compulsory.

EDUCATION

Hedland College: Council

585. Hon. N. F. MOORE, to the Minister for Community Services representing the Minister for Education:

- (1) Who are the members of the Hedland College Council?
- (2) Who made the ultimate decision to appoint Dr Anthony Wilde to the staff of Hedland College?
- (3) What is Dr Wilde's position at Hedland College?
- (4) Is Dr Wilde employed on a contractual basis, and if so, what is the term of the contract?

Hon. KAY HALLAHAN replied:

- (1) Mr D. Wallwork (Chairman)
Mr B. Sergeant
Mrs E. Jayes
Mrs M. Kelly
Mr D. Miller
Mrs M. Attwood
Mr R. Windsor
Dr W. Neal
Dr V. Gidley
Mrs J. Hedley
Mr M. Bezaud
Mr A. Ellis
Mrs F. Piper
Mr N. Cross
- (2) An appointment committee of the council on behalf of the council.
- (3) Head of School of General Studies.
- (4) The term of the contract is permanent under tenured provisions and is subject to a period of review.

EDUCATION

Pre-primary: Waiting Lists

586. Hon. N. F. MOORE, to the Minister for Community Services representing the Minister for Education:

Further to the Minister's letter to me of 15 September 1986 regarding early childhood education, will the Minister now advise as to how many five-year-olds are still on waiting lists for places in pre-primary or pre-school centres?

Hon. KAY HALLAHAN replied:

The October return, referred to in the letter dated 15 September 1986, provides information on the number of registrations of children who will be turning five the following year. The return does not provide information on the number of children who turned five during 1986 and who may not have been placed at this stage of the year.

EDUCATION DEPARTMENT

Head Office Staff: Redeployment

587. Hon. N. F. MOORE, to the Minister for Community Services representing the Minister for Education:

- (1) Which of the functional areas listed in the Directory of Resources 1986 will lose staff as a result of the Minister's decision to deploy head office staff to schools?
- (2) How many staff are currently involved in each functional area and how many will be deployed?

Hon. KAY HALLAHAN replied:

This information is being collated and will be sent to the member as soon as it is available. It is expected that it will be available before the end of the week.

EDUCATION

Students: Government Assistance

589. Hon. N. F. MOORE, to the Minister for Community Services representing the Minister for Education:

- (1) What weekly amount will be provided by the State Government to each 15-year-old year 11 student in Western Australian schools, as announced by Senator Ryan in the Senate on 20 October 1986?
- (2) When will these benefits commence?

Hon. KAY HALLAHAN replied:

- (1) State Government assistance to 15-year-olds in year 11 is not provided on a weekly basis. However, \$125 per annum school book assistance is being provided for children who qualify under a means test.
- (2) Commencement of the 1987 school year.

ABORIGINAL LAND

Reserves: Transfers

590. Hon. N. F. MOORE, to the Attorney General representing the Minister for Aboriginal Affairs:

I refer the Minister to appendix 41 on page 141 of the Seaman report.

- (1) Which of the community welfare reserves have been transferred to—
 - (a) Aboriginal ownership; and
 - (b) the Aboriginal Lands Trust?
- (2) When was each transfer effected and to whom has the land been transferred?
- (3) What is the area of each piece of land listed in appendix 41?

Hon. J. M. BERINSON replied:

- (1) (a) The reserves referred to by the member are reserves which since their acquisition by the Department for Community Services have all been used for Aboriginal purposes. None of these reserves have been transferred to Aboriginal ownership. However, three reserves have been directly vested with incorporated Aboriginal organisations.

Reserve No. 23706 comprising 3,278.8 ha was vested in Noualla Group Inc on 9 August 1985;

portion of reserve No. 31567 has been cancelled and two new reserves created as follows—

reserve No. 39294 Fitzroy Crossing—area 21.002 hectares—vested with Kurnangki Aboriginal Corporation; gazetted date of vesting 11 July 1986;

reserve No. 38602 Fitzroy Crossing—area 151.3005 hectares—vested with Marra Worra Worra Aboriginal Corporation; gazetted date of vesting 22 November 1985.

- (b) The schedule following details those reserves where a vesting order has been made in favour of the Aboriginal Lands Trust.
- (2) The gazetted date of vesting of each reserve in the Aboriginal Lands Trust is contained in the schedule.

- (3) The area of each reserve is detailed in the schedule.

Reserve Number	Place	Gazetted Date of Transfer	Area of Reserve
23666	Moora	2/5/86	7.967 2 ha
22862	Merredin	2/5/86	4.946 9 ha
25503	Pinjarra	2/5/86	6.514 1 ha
26233	Norseman	2/5/86	21.817 6 ha
24830	Laverton	28/9/84	57.43 ha
21742	Borden	2/5/86	8.498 4 ha
15123	Dumbleyung	2/5/86	3.237 5 ha
28444	Cranbrook	2/5/86	0.615 6 ha
25301	Narrogin	1/8/86	10.235 3 ha
35189	Ongeroo	2/5/86	16.184 ha
23718	Mt Barker Reserve 25491 created in place of Mt Barker	on 2/3/84	of 11.059 6 ha
21236	Woodanilling	1/8/86	1.172 0 ha
18975	Tambellup	2/5/86	1.618 7 ha
31078	Gnowangerup	2/5/86	10.568 9 ha
23916	Stewart Street, Cue	2/5/86	17.401 5 ha
25641	Paynes Find	2/5/86	1.578 3 ha
21187	Peak Hill	10/10/86	10.117 2 ha
22309	Mt Magnet	12/5/86	4.069 ha
24431	Gascoyne Junction	2/5/86	4.856 2 ha
27778	Badjalling	2/5/86	9.105 4 ha
20999	Marble Bar	2/5/86	5.460 7 ha
31655	Wyndham Three Mile	1/8/86	.341 3 ha
27020		29/8/86	5.0 ha approx.
31050	Wyndham Fork Creek Reserve	15/8/86	18.74 ha
26600	Mirima Village at Kununurra	15/8/86	4.046 ha
30788	Halls Creek	18/7/86	3.968 5 ha
25790	Kennedy Hill Reserve in Broome	8/2/86	1.011 5 ha
35167	Fitzroy Crossing	1/8/86	96.461 0 ha
5952	Derby	22/3/86	4.856 2 ha
13980	Derby	22/3/86	4.249 2 ha
29084	Stiles Road, Pt Hedland	15/8/86	1.982 9 ha
3838	Marble Bar	29/8/86	1.821 0 ha
23232	Meekatharra	15/8/86	10.944 2 ha
24334	Mullewa	28/9/86	3.227 4 ha
24481	Leonora	3/2/84	6.697 4 ha
24574	Kalgoorlie	18/7/86	16.184 7 ha
26203	Albany	2/5/86	4.04 ha
13515	Meekatharra	15/8/86	.202 3 ha

ABORIGINAL LAND

Reserves: Transfers

591. Hon. N. F. MOORE, to the Attorney General representing the Minister for Aboriginal Affairs:

I refer the Minister to appendix 40 at page 141 of the Seaman report.

- (1) Which land listed under paragraphs 1-3 has been transferred to—
 - (a) Aboriginal ownership; and
 - (b) The Aboriginal Land Trust?
- (2) When was each transfer effected and to whom has the land been transferred?
- (3) What is the estimated value of each piece of land including buildings?

Hon. J. M. BERINSON replied:

- (1) (a) Nil;
- (b) nil.
- (2) and (3) Not applicable.

ABORIGINAL MEDICAL SERVICE

Geraldton: Deceased Persons Estate Fund

592. Hon. N. F. MOORE, to the Attorney General representing the Minister for Aboriginal Affairs:

- (1) Did the Minister request the Geraldton Regional Aboriginal Medical Services to provide audited accounts relating to the disbursement of funds from the deceased persons estate fund?
- (2) Have these audited accounts been provided?
- (3) If so, will the Minister table the accounts?
- (4) If not, what action will the Minister take to ensure that these statements are provided?

Hon. J. M. BERINSON replied:

- (1) Yes.
- (2) Not to date.
- (3) Not applicable.
- (4) Through the Aboriginal Affairs Planning Authority, I will continue to take action to obtain a prompt response from the Geraldton Regional Aboriginal Medical Service.

TECHNICAL AND FURTHER EDUCATION

Comments: Member for Scarborough

593. Hon. N. F. MOORE, to the Minister for Community Services representing the Minister for Education:

I draw the Minister's attention to the article entitled "Burkett to confront Pearce on TAFE", *Stirling Times*, 28 October 1986.

- (1) Does the Minister support the reported comments of Mr Burkett that "TAFE for a number of years has been the poor relation in the education system"?
- (2) If so, what action does the Minister propose to take to increase the support to TAFE?
- (3) If not, what is the real situation with regard to TAFE?

Hon. KAY HALLAHAN replied:

- (1) to (3) Yes, in so far as this expresses an historical view. The present Government has made up for much of the neglect of TAFE by previous Lib-

eral Governments through a substantial building programme. Nevertheless, certain TAFE work practices have inhibited the Government's efforts to bring about a greater cost efficiency in TAFE. These actions have to a lesser extent been overcome by the Government's recent actions.

EDUCATION

"Evening Star": Price

594. Hon. N. F. MOORE, to the Minister for Community Services representing the Minister for Education:

- (1) What price was paid by the Education Department for the *Evening Star*?
- (2) Who was the vendor and who negotiated the purchase?
- (3) What funds have been spent on the *Evening Star* since it was purchased?
- (4) Why was it necessary to spend these funds?

Hon. KAY HALLAHAN replied:

- (1) The *Evening Star* was not purchased by the Education Department but by the Youth Sailing Foundation Inc, a non-profit incorporated body which was set up to acquire or construct, maintain, and operate an ocean-going vessel to provide sail training and maritime education programmes for school students in Western Australia. The purchase price of the vessel was \$336 000.
- (2) The vendor was a Mr Christopher Hurndall. The purchase was negotiated by the Youth Sailing Foundation.
- (3) \$178 000 has been expended on upgrading the vessel.
- (4) Funds have been spent on refurbishing and making appropriate modifications to meet the educational requirements and also those of the Government associated with the registration of an ocean-going vessel carrying students.

HEALTH

Dental Therapy Centres: Upper West Province

595. Hon. MARGARET McALEER, to the Minister for Community Services representing the Minister for Health:

Would the Minister advise me—

- (1) Whether the recent inclusion of Moora Senior High School, Keaney College, and Gingin High School in the dental therapy services will result in less frequent visits to the primary schools in the region and particularly to Eneabba Primary School?
- (2) Specifically—
 - (a) will the visits to Eneabba take place regularly twice a year as before; and
 - (b) will the dental therapists be able to spend as much time at the Eneabba school as they did before?

Hon. KAY HALLAHAN replied:

- (1) No. However the decrease in dental disease has allowed a standard eight-month visit cycle to be introduced for all school dental service mobiles.
- (2) (a) No. Because of the introduction of visits every eight months. This is not influenced by the inclusion of high school children.
- (b) Yes. Each child will still receive the same time allocation to deal with their specific dental needs at each visit.

HEALTH: HOSPITAL

Princess Margaret: Biofeedback Programme

596. Hon. P. G. PENDAL, to the Minister for Community Services representing the Minister for Health:

- (1) Is the Minister aware that the biofeedback programme at Princess Margaret Hospital for bowel incontinence has only five weeks of funding remaining?
- (2) What steps has he taken to guarantee the programme will continue beyond this deadline?
- (3) Have any discussions been initiated with either Telethon or Appealathon to seek funds from that source?

Hon. KAY HALLAHAN replied:

- (1) Five weeks funding remains for a research project at Princess Margaret Hospital for Children relating to biofeedback. The project was jointly funded by the Crippled Children of WA Inc. and a trust fund associated with Princess Margaret Hospital, with an additional minor grant from the National Health and Medical Research Council.
- (2) A faecal incontinence service which includes biofeedback techniques is operating and will continue to operate at Princess Margaret Hospital.
- (3) An application has been made to Telethon for funds to continue the research project. The outcome is not known at this stage.

LIQUOR AMENDMENT BILL (No. 2)

Consultations

597. Hon. G. E. MASTERS, to the Leader of the House representing the Minister for Racing and Gaming:

- (1) When and with whom in the liquor industry did the Government consult concerning the new proposals in the Liquor Amendment Bill (No. 2)?
- (2) Who of those consulted above have seen the Bill prior to its introduction to Parliament?
- (3) Who among the group that has seen the Bill have actually said they support it?

- (4) Which other States have similar legislation?

Hon. D. K. DANS replied:

- (1) Several meetings have been held with the Liquor Industry Council to discuss the main thrust of the Bill.
- (2) The draft Bill was discussed with the Liquor Industry Council on 6 November 1986, comprising—
Mr Tony Forrest, Chairman, Liquor Industry Council
Mr Don Box, Licensed Stores Association
Mr Doug Shave, President, WA Hotels Association
Mr Bruce Boys, Secretary, Licensed Clubs Association.
- (3) There was general support from the council that the Bill was acceptable.
- (4) South Australia.

QUESTION WITHOUT NOTICE

CRIME

Juveniles: Broken Homes

187. Hon. E. J. CHARLTON, to the Minister for Community Services:

Has the Minister any figures to substantiate the fact that all unlawful acts by juveniles come from situations where children are from broken homes or de facto marriages?

Hon. KAY HALLAHAN replied:

I do not have that information.