ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH: (North Metropolitan—Minister for Mines) [11.22 p.m.]: I move—

That the House at its rising adjourn until 3.30 p.m. tomorrow (Wednesday).

Question put and passed.

House adjourned at 11.23 p.m.

Legislative Assembly

Tuesday, the 24th November, 1970

The SPEAKER (Mr. Guthrie) took the Chair at 3.30 p.m., and read prayers.

REPRESENTATIVE GOVERNMENT

Centenary

THE SPEAKER: With the indulgence of the House I would like to make a statement on an event which occurred last Sunday, and which I feel should be included in the records of the House. Unfortunately, the event to which I refer does not seem to have had any Press publicity.

It was on the 22nd November, 1870, that representative Government was established in this State for the first time. It is to the credit of the Church of England that a service was held last Sunday in St. George's Cathedral—which some members attended—to commemorate the establishment of representative Government.

Records of such events sometimes get lost and I feel that, perhaps, this event should be included in our records. The 22nd November, 1970, was the centenary of the establishment of representative Government in this State. After consultation with the Dean of Perth I indulged in quite a deal of research in order to supply the Dean—earlier this year—with the details of the event which took place in 1870.

I would mention that it was on the 1st June, 1870, the then Legislative Council of Western Australia—which was made up entirely of nominee members—passed an Ordinance for the establishment of a new Legislative Council. That Bill, of course, had to be referred to Her Majesty, Queen Victoria, for her consent.

The Ordinance provided for the election of 12 elected members, and for the appointment of six nominee members. Of the members subsequently appointed, three were official, and three were non-official. The Ordinance further provided that the 12 elected members were to consist of two members from each of the electorates of Perth and Fremantle, and one member from each of the other eight designated electorates.

The *Government Gazette* of the 19th July, 1870, contains a notification of the appointment of the returning officers for each of the 10 electorates. Later notifications in the same *Government Gazette* disclosed that the writs for the elections were issued on the 18th July, 1870.

It is noteworthy that section 45 of the Ordinance recited that there could be delays in holding the various elections, and that no election would be void by reason of any such delay. In fact, a series of elections were held on different dates. The first of the members were, in fact, elected in August, 1870, and the last members were elected some time between the 11th October and the 9th November, 1870.

Two announcements appeared in the *Government Gazette* of the 22nd November, 1870. The first was a notification to the effect that His Excellency the Governor had been pleased to summon the members of the Legislative Council to meet for the transaction of general business at 11 a.m. on Monday, the 5th December, 1870.

The second notification was the appointment of five of the six nominee members. The sixth nominee member was to be the Surveyor-General of the State and because that office was vacant, at that time, no appointment was made. Subsequently, when the Surveyor-General was appointed late in December, 1870, the sixth vacancy was filled.

In the same *Government Gazette* of the 22nd November, 1870, the Governor proclaimed and made known that Her Majesty, Queen Victoria, had "been graciously pleased to confirm and allow" the Ordinance to provide for the establishment of the Legislative Council.

Consequently it was decided that perhaps the logical day to celebrate the centenary of representative Government was Sunday, the 22nd November, 1970. However, it is a fact that the first meeting of the Legislative Council did not take place until the 5th December, 1870. It is noted that Mr. L. S. Leake—later Sir Luke Leake—was the first Speaker.

I felt I should make some reference to this event and express the appreciation of all members to the Diocese of Perth for having arranged the service to commemorate such an important event.

The final observation I would like to make is that in the year 1988 someone—it will not be myself—will face the problem of arranging some sort of function to celebrate the centenary of responsible Government. Having experienced some difficulty in obtaining all the information which we required on this occasion, I suggest—for the record—that some sort

of committee should be appointed in 1988 to investigate and decide on an appropriate day on which to celebrate the centenary of responsible Government.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

QUESTIONS (14): ON NOTICE

1. AGRICULTURAL AND PASTORAL LAND

Productivity Research: Expenditure

Mr. TONKIN, to the Minister for Agriculture:

Since the beginning of 1968 how much has been spent on research and services to lift productivity on agricultural and pastoral land?

Mr. NALDER replied:

Expenditure of the Department of Agriculture for the financial years 1967-68, 1968-69, 1969-70, excluding expenditure not directly related to productivity such as quarantine, inspection services, and eradication of vermin, noxious weeds, and other pests, was as follows:—

	1967-68 $	1968-69 $	1969-70 $
Consolidated Revenue Fund	4,158,967	4,666,879	5,459,530
General Loan Fund—			
Department of Agriculture	639,231	680,003	783,980
Public Works Department	84,071	100,400	216,326
Trust Funds	1,300,596	1,499,047	2,027,817
	$6,182,865	$6,946,329	$8,487,653

2. EDUCATION

Classrooms

Mr. TONKIN, to the Minister for Education:

(1) How many new classrooms have been built in the three years 1968 to 1970?

(2) What was the total amount spent on the construction of the classrooms?

Mr. LEWIS replied:

(1)

Financial Year.	Classrooms Built.
1967-68	438
1968-69	439
1969-70	371
(1st July, 1970-23rd November, 1970.	158)

(2) It is not possible to separate expenditure on classrooms alone from other expenditure on buildings but expenditure from loan funds on educational buildings has been—

	$
1967-68	7,996,280
1968-69	8,978,881
1969-70	11,092,935

3. METROPOLITAN TRANSPORT TRUST

Chairman: Terms of Appointment

Mr. FLETCHER, to the Minister for Transport:

(1) Who was the first person to be appointed to the office of chairman of the Metropolitan Transport Trust?

(2) On what day was his appointment gazetted and for what term was he appointed?

(3) At the expiration of his term or terms of office, who was appointed in his place and—

(a) for what period;

(b) on what day was this gazetted?

(4) Has there been any extension of the present encumbent's first term of office and, if so—

(a) for what period or periods; and

(b) on what day was this gazetted?

Mr. O'CONNOR replied:

(1) Mr. E. W. Adams.

(2) The 15th January, 1958. for 7 years.

(3) Mr. I. Thomas.

(a) From the 17th May, 1964, until the 15th January, 1965.

(b) Gazetted from the 17th May, 1964.

(4) Yes.

(a) Reappointed on the 15th January, 1965, for five years.
Reappointed on the 15th January, 1970, for five years.

(b) Gazetted from the 15th January, 1965.
Gazetted from the 15th January, 1970.

4. EDUCATION

Carnarvon: Deputation to Minister

Mr. NORTON, to the Minister for Education:

(1) Has he received a request from Carnarvon to receive a deputation in Perth in respect of education problems?

(2) If "Yes" has he agreed to accept the request and, if not, why not?

Mr. LEWIS replied:

(1) Yes.

(2) A date will be arranged.

5. EDUCATION

School of the Air Studio, Carnarvon

Mr. NORTON, to the Minister for Education:

(1) Has he received any complaints with respect to the school of the air studio at Carnarvon?

(2) If "Yes" has he called for a report on the complaints and, if so, did the report make any recommendations for the studio to be improved in any way?

(3) Will any improvements be carried out before the commencement of school next year?

Mr. LEWIS replied:

(1) Yes.

(2) and (3) An investigation was undertaken and the studio has been moved into a different room.

Other than for one complaint received during the last week the position has been satisfactory.

This complaint will be investigated.

6. JUVENILE OFFENDERS

Panel System

Mr. WILLIAMS, to the Minister for Police:

(1) What are the functions of the "panel" system for juvenile offenders and what people form the "panel"?

(2) How long has this been in operation and how successful is its function?

(3) To give an indication of its operation, what figures can be produced?

(4) Is the system to be expanded; if so, when, and in what way?

(5) Will expansion be made to country areas; if so, to which country areas, and when?

Mr. CRAIG replied:

(1) The panel consists of a representative of the Police Department and a representative of the Child Welfare Department.

Since inception, the Police Department representative has been a commissioned officer attached to the Criminal Investigation Branch, and the Child Welfare Department has been represented by a senior officer.

All juveniles who are first offenders for minor crimes and under the age of 15 years appear before the panel. It is stressed that it is only for minor offences, and all serious charges are referred to the Children's Court.

The charges are usually deferred for a period of six months, during which time the juvenile is under supervision from the Child Welfare Department.

The panel does not deal with any offences which are in dispute, and the parents or guardians of the child are advised that the charges can be heard in the Children's Court, if they so desire.

(2) The panel was brought into operation, with ministerial approval, on the 1st August, 1964, and it has been most successful.

(3) Since inception, a total of 2,134 children have been before the panel. Each year the number of children appearing before the panel is increasing. It is interesting to note that the number appearing for a second offence is very small indeed.

The panel at present sits in Perth on one afternoon each week, and at Midland and Fremantle on one afternoon each month.

(4) Discussions have taken place regarding expanding the operations of the panel, and at present these matters are under ministerial consideration. It is proposed that the panel operates over a much wider area, and the tentative proposal is that it should operate in that part of the State south of the Carnarvon district.

(5) See (4) above.

7. POLLUTION

Smoke Haze over City

Mr. MAY, to the Minister representing the Minister for Health:

(1) With regard to the heavy smoke haze which blanketed Perth on Wednesday morning the 18th November, 1970, is he aware of the statement purported to have emanated from the weather bureau to the effect that the haze probably contained smoke, dust, and moisture?

(2) Did the scientific advisory committee of the Air Pollution Control Board obtain a reading of the dust content?

(3) If so, what was the reading, and to what extent could the reading be associated with smog?

(4) If not, what was the reason for not measuring the dust content?

(5) Will he give an assurance that future unusual disturbances of this nature will receive urgent investigation?

Mr. ROSS HUTCHINSON replied:

(1) The honourable member's description is not accurate. On Wednesday, the 18th November, 1970, as a heavy fog cleared there was evident a haze to which smoke and dust blown in from inland sources by easterlies made a major contribution. I am aware of, and agree with, the statement from the Weather Bureau.

(2) Yes.

(3) Readings from particulates which include those from smoke, and fine dust, from five sites were:—

17th November: 4-11 micrograms per cubic metre.

18th November: 3-11 micrograms per cubic metre.

19th November: 2-7 micrograms per cubic metre.

If by "smog" the honourable member means "photo-chemical smog," this was not a photochemical smog. If, on the other hand, he means "smoky fog," the reading for a relatively small portion of the 18th November was associated with smog.

(4) Not relevant.

(5) This is not an unusual disturbance, but a recurrent meteorological phenomenon, any effects of which will be recorded.

8. HOUSING

Exmouth and Carnarvon

Mr. NORTON, to the Minister for Housing:

(1) How many housing units are to be built in the towns of Exmouth and Carnarvon in respect of—

(a) State rental homes;

(b) Government Employees' Housing Authority;

(c) Project housing (Exmouth); and

(d) Defence services housing (Exmouth)?

(2) What is the estimated cost in respect of each group in question (1)?

Mr. O'NEIL replied:

	Carnarvon	Exmouth
(1) (a) State rental homes	35	....
(b) Government Employees' Housing Authority	5	2
(c) Project Housing (Exmouth)	....	28
(d) Defence Services Housing (Exmouth)	....	48
	$	$
(2) (a) State rental homes	466,400	....
(b) Government Employees' Housing Authority	78,900	40,200
(c) Project Housing (Exmouth)	....	533,300
(d) Defence Services Housing (Exmouth)	..	1,060,360

9. ANZAC DAY

Public Holiday North of the 26th Parallel

Mr. BICKERTON, to the Premier:

(1) Has the Governor at any time by proclamation declared Anzac Day a public holiday in the area above the 26th parallel?

(2) If so, what date was proclaimed?

(3) If not, is a proclamation likely to be made?

Mr. NALDER (for Sir David Brand) replied:

(1) There has been no specific proclamation for north of the 26th Parallel.

Section 2 of the Anzac Day Act (No. 17 of 1919) reads—

"The 25th day of April (Anzac Day) in every year is declared a Public Holiday throughout the State."

(2) and (3) Answered by (1).

10. COUNTRY AIRSTRIPS

Paraffin Flares

Mr. GAYFER, to the Minister for Lands:

(1) Do local authorities, acting under the Bush Fires Act, sanction the installation of paraffin flares for use on country airstrips to be used in case of emergency either by flying ambulance or night flying exercises?

(2) If not, providing a satisfactory fire break was incorporated, would he consider the implementation of regulations to allow for the use of paraffin flares?

Mr. BOVELL replied:

(1) Local authorities have no power under the Bush Fires Act to authorise the use of paraffin flares to illuminate air strips.

(2) The Bush Fires Act does not contain any provision to enable regulations to be made which would allow the use of paraffin flares in the open air in restricted or prohibited burning times.

11. BERNARD KENNETH GOULDHAM

Sir Marcus Gibson: Inquiries

Mr. TONKIN, to the Minister representing the Minister for Justice:

(1) On what date did Sir Marcus Gibson arrive in Perth and indicate that he was prepared to carry out the inquiry into the Gouldham case which had been assigned to him?

(2) On what date did Sir Marcus Gibson leave Perth after concluding his inquiries?

(3) Did Sir Marcus Gibson express at any time to the Government that it was advisable to hear Mr. Gouldham in connection with the inquiry?

Mr. COURT replied:

(1) and (2) Sir Marcus Gibson did not come to Perth.

(3) No.

12. CRAYFISHERMEN'S LICENSES

Suspensions

Mr. GRAHAM, to the Minister representing the Minister for Fisheries and Fauna:

(1) Are the following holders of crayfisherman's licenses—
  (a) George Maraldi;
  (b) George Starr;
  (c) Nick Ruljancich?

(2) If so, when were the licenses issued?

(3) If not, when were they suspended and for what periods respectively?

(4) What were the reasons for the suspensions in each case?

(5) Were any of the licenses reinstated?

(6) Were any licenses of boats owned or operated by any of the abovenamed suspended at the time of the suspension of the crayfisherman's licenses?

(7) If so, when were such licenses reissued in each case, and to whom?

Mr. ROSS HUTCHINSON replied:

(1) (a) Yes.
  (b) No.
  (c) Yes.

(2) As from the 1st January, 1970.

(3) (a) George Maraldi's fishing license suspended on the 6th January, 1970, and restored from the 13th February, 1970. Application for renewal of processing license for Maraldi's boat refused in January but now being considered.
  (b) George Starr was licensed as from the 1st January, 1969, but license not renewed in 1970.
  (c) Nick Ruljancich's fishing licenses were not suspended or cancelled, but his application to renew his license to operate a processing establishment was refused as from the 1st January, 1970. Application for renewal of processing license now being considered.

(4) (a) George Maraldi—Reported handling of undersize rock lobsters. Application to renew processing license refused because the Director of Fisheries was not satisfied that the establishment had been operated in accordance with the provisions of the Fisheries Act.
  (b) George Starr—using rock lobster pots in excess of licensed quota.
  (c) Nick Ruljancich—As in (a) above.

(5) (a) See (3) (a).
  (b) Starr was invited to renew his license for fishing other than rock lobster fishing, but did not do so.

(6) Yes.

(7) (a) George Maraldi's boat license for "Sea Horse" restored to him on the 13th February, 1970.
  (b) George Starr's share in the boat "Ross Starr" was sold by him to Mr. Andross and the boat has been relicensed as the "Irwin Lass" jointly in his name and Markwell Ross Fisheries Pty. Ltd.
  (c) See (3) (c).

13. TRAFFIC SURVEY

Alexander Drive

Mr. CASH, to the Minister for Traffic:

(1) Having regard to the rapid increase in traffic density on Alexander Drive, Dianella, between Wordsworth Avenue and Gordon Road, can he advise if any recent surveys of traffic hazards in this area have been carried out?

(2) If no recent surveys have been undertaken, would he have his department make immediate surveys of the traffic situation in Alexander Drive particularly at—
  (a) the intersection with Wordsworth Avenue;
  (b) the intersections with both Woodrow Avenue and Grand Promenade, where at each of these locations, some motorists are now using newly completed sections of the dual carriageway without the protection of safety signs, while other motorists still use the old section for north and south travel and observe the "Give Way" signs;
  (c) the northern side of the Alexander Drive roundabout at the intersection of The Strand and Morley Drive, with special regard to the hazardous approach from North Dianella where the left hand access road to the roundabout has been built too close to the

northern run-off from the roundabout into Alexander Drive, North Dianella?

Mr. CRAIG replied:

(1) No special surveys have been carried out on this route. Accident records at all intersections are reviewed periodically and when problem sites are indicated remedial action is initiated.

(2) Yes.

14. PRIVATE SWIMMING POOLS

Uniform By-law: Adoption by Local Authorities

Mr. TOMS, to the Minister representing the Minister for Local Government:

(1) How many local authorities have adopted the uniform by-law on private swimming pools, gazetted on the 6th February, 1970?

(2) Who are the authorities that have adopted the above?

(3) Have there been any appeals against local government authorities in the enforcement of same and, if so, how many?

Mr. NALDER replied:

(1) Uniform by-laws are not subject to adoption by municipal councils.

(2) The by-laws have been applied to councils listed in an Order-in-Council gazetted on the 20th February, 1970—a copy of which is tabled.

(3) There is no provision for appeals against the requirements of the by-laws, but it is expected the local authorities will administer the by-laws in a reasonable manner.

The paper was tabled.

QUESTIONS (10): WITHOUT NOTICE

1. MONEY LENDERS

Number Registered, and Rate of Interest

Mr. BERTRAM, to the Minister representing the Minister for Justice:

(1) How many money lenders were registered under the Money Lenders Act at each of the last five statistical years?

(2) Since the 1st January, 1970, how many persons, firms, or corporations have to his knowledge operated as money lenders within the meaning of that term in the Money Lenders Act without being registered as money lenders?

(3) What was the present maximum rate of interest prescribed by the Governor under section 11A of the Money Lenders Act and when was it prescribed?

Mr. COURT replied:

I have been advised by my colleague, the Minister for Justice, that it is impracticable to obtain this information in time for the commencement of today's sitting, but I suggest to the honourable member that he should place the question on the notice paper, and I will undertake to obtain an answer to it tomorrow. It is regretted that an answer could not be obtained in time.

2. KINDERGARTEN ASSOCIATION OF W.A. (INC.)

Financial Assistance

Mr. HARMAN, to the Minister for Education:

Is the Minister aware there is some concern among kindergartens in Western Australia because of the Government's delay in announcing the amount of financial assistance it will be providing to the Kindergarten Association for the remainder of this financial year? They are anxious to know the amount so that they can assess the amount of levy that is to be made during the remainder of the financial year.

Mr. LEWIS replied:

I am aware that the Kindergarten Association is anxious to hear the result of the negotiations for financial assistance, which have been proceeding for some time, and I am just as anxious as the Kindergarten Association is to reach finality on this matter. The question is still being considered, and the association will be advised as soon as a decision is made. I can assure the honourable member that the Kindergarten Association will not be disappointed with the result.

3. ALWEST MINERAL LEASES

Reserves

Mr. H. D. EVANS, to the Minister for Industrial Development:

Would he state the names, numbers, and designated purposes of all reserves which are included in the areas of mineral leases to be granted to Alwest Pty. Ltd.?

Mr. COURT replied:

I thank the honourable member for advising my office of this question, but, as I have already advised him privately, it was impracticable to obtain the amount of information he wanted, including the names, numbers, and

designated purposes of these particular reserves. However, if, during the course of the debate on the Alwest agreement Bill, he has any particular reserves to which he wants to make reference, I should imagine I would be able to give him the specific information he desires.

4. ALWEST MINERAL LEASES

Areas of Mallet Plantations

Mr. H. D. EVANS, to the Minister for Forests:

(1) Are any areas of mallet plantations included in the area of mineral leases to be granted to Alwest Pty. Ltd.?

(2) If so, what is the acreage?

Mr. BOVELL replied:

(1) and (2) There are mallet forest areas in the mineral leases granted to Alwest Pty. Ltd., but I am unable to tell the honourable member what the acreage is. At 12.15 p.m. today, when I was leaving my office to meet the Swiss Ambassador, the honourable member did tell me about this question, but I have not returned to my office since. As I have said, there are mallet areas in these leases, but I do not have sufficient information to answer the question.

5. STEAM LOCOMOTIVES AT COLLIE

Replacement with Diesel Locomotives

Mr. FLETCHER, to the Minister for Railways:

(1) How many steam locomotives are lying idle at Collie?

(2) Are they currently being, or are they to be, overhauled to an extent which would place them in working condition?

(3) What would be the estimated capital outlay in acquiring equivalent total traction power in new diesel or diesel electric locomotives?

(4) Rather than indulge in any part of such capital outlay, will the Minister make use of the steam locomotives for a period of their economic life in the haulage of anticipated freight in and around the Collie-Bunbury area?

(5) If rail gauge is likely to be any impediment, will the Minister have a "third rail" laid where broad gauge may be installed?

Mr. O'CONNOR replied:

I thank the honourable member for some notice of this question, the answers to which are as follows:—

(1) 48.

(2) 40 steam locomotives are to be retained for use in a national emergency. This is being achieved by minor overhauls being conducted on the locomotives as work capacity permits.

(3) Approximately $7,200,000. However, this figure is only a direct conversion and does not take into account allied savings such as maintenance of costly fuelling and water installations and operating costs of steam locomotives as against diesel locomotives.

(4) This is being done where economically possible but the operating cost of steam is four to five times that of diesel locomotives and economics dictate full dieselisation at the fastest possible rate.

(5) Assuming the question refers to standard gauge, this is a complex matter. However, in general terms the present track structure is inadequate to propose further loading. Consequently the track will need to be substantially reconstructed.

6. STATE HOUSING COMMISSION

Tabling of Report

Mr. DAVIES, to the Minister for Housing:

Can he tell us when the Annual Report of the State Housing Commission will be tabled so that copies, which I understand are on hand in the House, can be released to members?

Mr. O'NEIL replied:

The Annual Report of the State Housing Commission was delivered to me yesterday, and I instructed that at least 40 copies be sent to Parliament House.

The matter of arranging the tabling of the report is essentially one for the staff, and I do not know whether this has been done. Normally, the staff provide me with a copy to table—

Mr. Davies: Your staff, or Parliament House staff?

Mr. O'NEIL: Parliament House staff. Sometimes the reports are sent to Parliament House for the staff to arrange the tabling of a copy, and at other times they come from the department. Since 40 copies have been sent to the House I had hoped that one would have been available for tabling.

7. CHAIRMAN OF M.T.T.

Period of Service

Mr. FLETCHER, to the Minister for Transport:

Following my question 3(2) which appears on today's notice paper, and the answer given by the Minister, as the present Chairman of the M.T.T. will have served some years beyond the normal retiring age, is it expected he will serve his full five year period as a chairman as gazetted on the 15th January last?

Mr. O'CONNOR replied:

No.

8. SITTINGS OF THE HOUSE

Morning Sitting

Mr. TONKIN, to the Deputy Premier:

I appreciate that this question may be difficult for him to answer in the absence of the Premier, but is it possible for him to advise the House whether we will be sitting tomorrow morning?

Mr. NALDER replied:

No; it has been indicated to me by the Premier that we will be sitting tomorrow afternoon at 2.15 p.m.

9. METROPOLITICAL

Meaning of Term

Dr. HENN, to the Speaker:

My question is in connection with a very interesting resume you gave of the history of responsible Government in Western Australia. On the invitation that was issued to members to attend the church service you probably would have noticed the heading "Metropolitical Church of St. George the Martyr, Perth."

I was wondering whether you could explain to me what the term "metropolitical" means in this context, because I have not heard of it.

It would be of assistance to members if you could explain it to us.

The SPEAKER replied:

I can assure the honourable member that I cannot tell him what it means. I think he ought to address a question to the Archbishop of Perth. In any event it was not responsible Government but representative Government to which I was referring.

10. GOSNELLS SHIRE COUNCIL

Polluted Waters

Mr. ROSS HUTCHINSON (Minister for Works): The member for Canning asked certain questions about the matter of successfully pumping out a clay pit in the Gosnells area, and the resultant dangers and pollution problems that arose. This matter was written up rather prominently in the Press. I said that I would have my own investigations made, and as a result the general observations which I made have been borne out by the following information which I have received:—

(a) The pit from which water is being diverted is expected to be pumped dry within a few days and the effluent problem will no longer continue.

(b) There are no problems in the Canning River, resulting from the flow from the clay pit.

This is an ephemeral occurrence, and the problem was overcome very quickly by the Gosnells Shire Council.

ACTS AMENDMENT (SUPERANNUATION AND PENSIONS) BILL

Second Reading

Debate resumed from the 19th November.

MR. HARMAN (Maylands) [4.03 p.m.]: In the few short days that I have had to examine this Bill I have endeavoured to acquaint myself as best I could with the highly technical and complex amendments it contains. Having done that to the best of my ability, and following on discussions with various persons, I am now able to assure the House on behalf of the Opposition that we support the Bill.

I am also able to assure the House that the Joint Superannuation Committee which comprises representatives of the various unions and associations whose members are encompassed by the State Superannuation Board—as they make contributions to the State Superannuation Fund—is also in agreement with the principles contained in the Bill. I understand that a problem relating to new section 46B (1) has arisen, and it is affected by the addendum to today's notice paper. This matter will be dealt with in Committee.

At the outset I wish to commend the Government and its advisers for producing a scheme which resembles very closely

the entitlements that are available in the Commonwealth Public Service. The availability of units in the State Superannuation Fund has always been a bone of contention with the contributors; and the proposal in the Bill goes a long way towards overcoming this complaint.

The Bill contains provisions to enable officers to bring their superannuation units into gear with rising salaries, and also to protect officers who have retired from the service. In the latter respect the provisions in the Bill are a continuation of the improvements which were effected in 1969, and for this the Government and its advisers warrant commendation.

Although the Premier emphasised, when he introduced the second reading of the Bill, that the provisions will assist all officers regardless of their status, I must admit that when I first looked at the Bill, as well as the table contained therein, I thought it would assist officers who are receiving high salaries, particularly officers in the Public Service. That was a fairly natural reaction for one to experience when one looked at the table; but on closer examination it became evident to me that the scheme does assist officers in the lower strata of the Public Service, in whichever department they might be employed.

First of all, we should realise that under that old scheme a member of the fund had the opportunity to contribute to a certain number of units, based on his salary. He has always had the right to take up eight reserve units. I should point out that a reserve unit is one which an officer with an entitlement to a certain number of contributory units is able to take up. An officer might be entitled to contribute to say 20 units, and in such a case he has the right to take up eight reserve units; and he has the opportunity to pay for those reserve units at an earlier age than when his salary entitles him to take up the 28 contributory units.

Thus, if an officer subsequently moves up the salary range and becomes entitled to, say, 28 units, he is able to convert the reserve units into full contributory units because he has already commenced to pay for them. Therefore, he would have a period of time in which to pay for those units. This was, and still is, very advantageous to officers in the lower salary range.

In addition to this, the previous Bill which was introduced to amend the Act provided that certain non-contributory units would be made available in accordance with the salary ranges; in other words, if an officer was on a salary exceeding $2,860 per annum he had the opportunity to take out one non-contributory unit. A non-contributory unit is one for which the officer does not have to pay—that is the point to bear in mind—and the Government provides from the State's share the amount of $65 per annum for this unit. So, if an officer whose salary was in excess of $2,860 died, and he was holding 21 contributory units and one non-contributory unit, then his widow would receive the State's share and the fund's share for the 21 contributory units, and also $65 per annum for the one non-contributory unit.

Under the Bill before us, a member of the fund will be able to elect to commence paying for such non-contributory units. If an officer is contributing for 30 units and is able to obtain 10 non-contributory units, it means that he will be able to start paying off the non-contributory units. If he elects to pay for the 10 non-contributory units he will have a total entitlement of 40 contributory units. Therefore, he will on his retirement, or his widow will on his death, receive the State's share and the fund's share for the 40 units to which he has contributed.

However, if he does not elect to pay for the non-contributory units he or his widow will receive the State's share and the fund's share for the 30 contributory units, but only the State's share for the 10 non-contributory units. In other words, the officer will receive a pension which will include the State's share and the fund's share for the 30 units, but he will only receive $65 per annum for each of the non-contributory units, or a total of $650 per annum for the non-contributory units alone.

This scheme, therefore, does assist officers of Government departments in the lower salary ranges. To this extent it must benefit the younger officers. I am a little disappointed that it has not been possible to go further down the salary scale and assist employees who are entitled to take out four, six, or eight units of superannuation, and provide them with the same opportunity to take out reserve units or non-contributory units. Unfortunately, it is not possible to do that. While the Liberal-Country Party Commonwealth Government remains in office and while it is opposed to doing anything at all about abolishing the means test, it means that persons who are in the lower income bracket—even though they might wish to take advantage of superannuation—are not able to do so because of this means test.

As members are aware a person on reaching the retirement age is entitled to a pension, but if he is receiving too much by way of superannuation this pension—which the Commonwealth pays—is reduced. Therefore it is not in the interests of a person to contribute to the Superannuation Fund to the extent that it will disadvantage him in regard to obtaining the old age pension, or the full amount which he is allowed to receive as a pensioner.

Of course, the situation would be different if a Labor Commonwealth Government were in office, because the Labour Party has indicated that in the life of the two following Parliaments after its election it will dispense with the means test. There are advantages to be gained from dispensing with the means test; and if people were encouraged to contribute to the State Superannuation Fund then those on the lower salary range would be able to take advantage of this opportunity to save for their later years.

That would result in more money being paid into the Superannuation Fund, and there would be more money available to the State Government to invest. Furthermore, more interest would be derived from the investments, and a larger Superannuation Fund would be created. All this would confer a great benefit not only on the members of the fund, but also on the State of Western Australia. Unfortunately, however, we will have to wait for other days before this can come to pass.

I have been referring to the younger people in the Public Service; and those on the lower salaries and perhaps the middle salaries.

I now wish to deal with those receiving high salaries, and particularly those who are servants of the Crown, whether they be in the Public Service, or the Education Department, the Railways Department, and so on. Because of rising costs, such employees have had to increase their superannuation payments in order to take out more units to protect themselves against their retirement. This is believed to be a burden, and in my opinion it is a real one. These people are given a rise in salary, but because they must take out additional units which entail more money, the pay they take home is no greater than it was when they were on a lower salary.

To overcome this problem the Bill provides for contributory units to be tapered down and the number of non-contributory units a person can take out to be increased. The employees do not have to take out these additional units, but if they wish to take advantage of the non-contributory units they can do so. It is a flexible system, but one which has a great deal of merit.

So, if an officer is on a salary in excess of $12,690—to take a figure at random—under the present legislation his entitlement is 72½ units, 58 of which are contributory and 15 non-contributory. Under the new scheme such an employee will be entitled to a total of 92 units of which 56 will be contributory and 36 non-contributory. Therefore it can be seen that this legislation will be of advantage to those persons in the high salary ranges and the scheme will be more practicable for them.

Another provision in this Bill allows a standing election for the taking up of additional units. The lack of this provision has been a bone of contention in the past. For instance, if an officer is away on leave of any sort—that is, long service leave, annual leave, or on business elsewhere in the State—or, because of pressure of work or for some other reason he has omitted to take advantage of the present provisions in the Act and has not taken out additional units at the appropriate time, then, when he does desire to take them out at some subsequent date, he must undergo another medical examination. This has been a source of irritation to the officers concerned and the provision in the Bill to overcome this situation will be welcome. Such people will have a standing election to take the additional contributory units or total entitlement available to them without their having to undergo a further medical examination.

I now wish to deal with the provision which will update the pensions of those who have already retired. It is intended to extend the annual updating of the State's share to the first 40 units, inclusive of non-contributory units; and this is an acceptable provision. Members will be aware that under the existing legislation the State's share was updated to only the first 20 units.

Although the Premier intends that the pensions will be updated each year, having regard to the movements of the consumer price index and Public Service salaries over the same period, proposed new section 46C (4a) is very open and makes no reference to the date on which the updating is to be assessed. This worries me.

Members might recall that some two years ago I argued that we should have an automatic updating system provided in the legislation so that pensioners would not have to await the introduction and passing of a Bill before they were entitled to an increase in their pensions. To his credit, the Premier studied my suggestion and, again to his credit, he did, some 12 months later, introduce legislation to provide for what I requested so that at present pensions up to the first 20 units are updated on the consumer price index without reference to Parliament.

However, this amendment was found to have certain problems and so it has been decided now to provide for automatic adjustments, but not based solely on the consumer price index, but also having regard to the changing salaries within the Public Service. I have no doubt that the Government's advisers have decided that this is the best system to adopt. I would probably agree, but I would like to have the opportunity to see how this provision works in practice. I would like to know what salary, or range of salaries, in the Public Service will be the criterion alongside the consumer price index. Will it be the salaries of, say, the clerical division of the Public Service, the salaries of the

teachers, or the salaries of occupational groups? We can only hope that those responsible for the administration of this fund will take into account the overall situation; and I am sure they will because in the last few years they have taken a realistic attitude to the problem of superannuation payments.

We have no objection to the provisions which allow pensioners under the 1871 Act to be treated in a manner similar to those under the 1930 Act. Likewise we agree with the decision to pay the 1871 pensioners the increases approved by the Treasurer, pending the passage of this legislation.

We are most happy the Government has seen fit to improve the position of the children who are dependants of widows; that is, those under 16 years of age or student children. Up until now these widows have received an allowance of $3 a week for each child, and as members are aware, this amount has been totally inadequate. Under this legislation it is proposed to increase the amount to $8 per week for each child, and this is a far more realistic approach. Although this decision will affect only 214 children, it will make a very big difference to the widows involved who are endeavouring to play the role of both mother and father.

Likewise the Opposition is most happy with the provisions which deal with orphans. Until now an amount of $4 a week has been allowed for each of these orphans. I do not know how many there are, and possibly there are not very many, but under the Bill the amount will be increased to $10 a week, or the amount which would be provided if the widow's pension were taken into account and divided by four.

It is quite conceivable that as a result of the big increase in road accidents, the mother and father of a family could be killed. If for this reason or any other reason a child or children in a family are orphaned, and the father was a contributor to the State Superannuation Fund, the amount payable will be increased. I have roughly calculated some figures which indicate that under the old scheme a family of four children who were orphaned would receive $832 from the State Superannuation Fund. Under this Bill those same children will receive $2,988.

It can therefore be realised that this is a realistic improvement and is an amount which will, to a far greater extent, cater for the needs of those four orphaned children than would the old figure of $832. So the Opposition is most pleased with this provision also.

I am grateful that the Premier in his closing remarks indicated that the Superannuation Board would take immediate advantage of the opportunity to inform members of the fund of the improvements to which they are entitled. In the past those administering the fund have not made any attempt to advertise the advantages of the superannuation scheme.

I cannot recall any great promotion by the board to put over its story in the days when I was a civil servant. In fact, my experience in the Public Service was to be bombarded by insurance agents hoping to sell life assurance. They had all sorts of ways and means of getting into one's office, or finding one when one was out in the field, in order to try to obtain further assurance. In many cases because of the pressure of these people and the way they sold their story they were quite successful. But never in my 18 years as a public servant was I confronted by anyone anxious to sell me superannuation.

I do not think anyone in this House could argue that there is anything wrong with the superannuation scheme, particularly as it will be improved under this Bill. Therefore I believe the board should make an effort to inform members of Government departments of all the opportunities available to them, and particularly those under this legislation, because it would be to the advantage of the State to have more people contributing to the fund. It would also be to the advantage of the contributors themselves.

I would also like to make the comment that I hope the Minister for Industrial Development, who I believe is handling the Bill on behalf of the Treasurer, will raise with the board what I believe is a necessity; namely, the need for the board to advise persons on lower incomes the maximum amount of units which they may take in certain circumstances so that they will not only avail themselves of the full benefit of the Commonwealth Social Service pension and retain medical and hospital benefits but, at the same time, be able to obtain maximum advantage from superannuation.

Many cases have come to my notice—and doubtless other members have had this experience, too—of, say, a railway employee who intends to resign in two or three years' time and who is concerned over whether he has taken out a sufficient number of units. In some cases employees do not even take the time to consider their own financial situation. They think that because Joe Blow or Tom Smith has said that it was not possible to take out any more that this is the case and they leave it at that.

There should be some kind of promotion aimed at reaching these people and indicating to them that under certain conditions they may take out, say, two or four more units and still qualify for the maximum Commonwealth pension. This would go a long way towards getting more people

interested in the Superannuation Fund and interested in the principle of superannuation.

I conclude on the note that it is a technical Bill and a complex one. What I have said is my understanding of the measure and we on this side of the House give it our support.

MR. FLETCHER (Fremantle) [4.32 p.m.]: I was asked to be a supporting speaker on the measure in case the honourable member who has just resumed his seat overlooked any aspects. I do not think he has.

I point out that a copy of the Bill and the schedule of entitlement were under the door of the Civil Service Association the evening of the introduction of the measure in this House. Comment was sought from that association. As the member for Maylands said, previously he was a member of the Civil Service Association and also a member of the council of that organisation. He discussed the Bill and the schedule with the association and members have just heard his comments on the measure.

Members of other unions, too, will also benefit under the legislation. They, too, have been contacted and there has been liaison between them, the Civil Service Association, the member for Maylands, and myself. In effect the member for Maylands and I were the intermediaries on behalf of the Opposition between those whom I have mentioned and the Parliament of Western Australia.

It is not necessary for me to go into detail as the member for Maylands did. He has analysed the measure very well. It does appear to be an attempt on the part of the Government to catch up on inflation, which, incidentally, the Government's principle of freedom of private enterprise causes. The Government is at least showing some attempt to retrieve the situation in respect of those who contribute towards superannuation and those who are on fixed incomes.

I shall explain my comment further. Recently I assisted a person who was previously a civil servant and who, in consequence of arthritis, had to retire early. He thought his superannuation would be adequate for him to retire on and to support himself and his wife. This gentleman had to retire in his mid-fifties because of his illness. He then found that his superannuation was not nearly adequate because of the escalation that has occurred in the costs of goods and services. The result is that I have advised this unfortunate fellow to apply for the age pension to supplement his inadequate income. It was adequate at one stage, but it is not adequate now. Apparently the Government is aware of this type of case which is repeated in many instances.

I wish to mention a point in connection with this legislation to which the member for Victoria Park drew my attention; namely, those in the lower income bracket will not be advantaged to the extent of those in the higher income bracket. The reason is that those in the higher income bracket can afford to make contributions for extra entitlement and, consequently, they will be advantaged. Those who cannot afford to do this will receive proportionately less benefit.

I am critical of the measure to some extent in respect of the remarks I have just made. However, we on this side of the House, as well as contributors to superannuation, whom I have mentioned, cannot look a gift horse in the mouth. The measure will afford some considerable benefit to them and, consequently, we on this side of the House support the legislation.

MR. DAVIES (Victoria Park) [4.36 p.m.]: My remarks will be quite limited and I merely wish to express the disappointment I feel on behalf of a great number of civil servants who contribute to the Provident Fund under section 5A of the Act. Once again, they have apparently been forgotten.

On two recent occasions I asked the Premier whether any attention was being given to making some increase in both the payments and benefits to Provident Fund members. On the first occasion the Premier said the matter was being investigated at that time. Several weeks later I asked what progress had been made and whether it was likely that amending legislation would come forward during this session of Parliament. The answer was to the effect that the Premier hoped that an amending Bill would be brought down before Parliament concluded.

When I noticed that this Bill was to be introduced, I naturally felt fairly confident, in view of the Premier's replies to my questions, that some amendment would be made to the section in question. I am very disappointed to note that the amendments apply only to what can be termed higher income earners among the Civil Service as a whole. People who are members of the Provident Fund have been left out once again.

These people contribute a fixed amount of 10c for every $2 of salary earned. This is payable in various benefits to them but, despite the period of time over which a member would be contributing, none of the benefits amounts to a great deal when a contributor dies or retires. This is because of changing money values and the fact that contributors to this fund appear to be forgotten when pensions are updated, as they have been on a number of occasions over the past several years.

Members of the Provident Fund are not members of that fund because they want to be. Generally, they are members because they are debarred from being members of the Superannuation Fund because of some condition of employment or some condition of health. I believe that if we give attention to providing a better pension under the Act for civil servants who contribute on a unit basis, then people who are forced to accept the provisions of the Provident Fund are equally entitled to have their pensions updated and some concession made to them.

It is not too late to further amend the Act and, although the Premier is not here today, perhaps his deputy will be able to tell us what stage has been reached in regard to investigations into the section of the Act which deals with the Provident Fund. I would like to know whether or not we can expect some justice to be meted out to people who are forced to accept the provisions of the Provident Fund.

MR. COURT (Nedlands—Minister for Industrial Development) [4.40 p.m.]: I thank members on the other side of the House for their support of this legislation.

The comments made by the member for Victoria Park will be brought to the notice of the Treasurer and those administering the Provident Fund. However, I think the member for Victoria Park would have to agree, in fairness to all concerned, that a great deal has gone into this legislation to try to update it. Whichever way we look at it, it is very complex. I know when I first saw the amendments and the schedules that went with the Bill, I wondered how those responsible ever worked some things out. However, with actuarial and other assistance which is available these days, together with the use of a computer, we are gradually becoming more scientific.

There was a time when these matters were simple. They had anomalies, but they had the great virtue of simplicity. Today, everyone is seeking to iron out anomalies, and this cannot be done without creating complexity. Simplicity and equity do not normally go together. This is the basic point of all matters of taxation and social welfare.

The member for Maylands referred to the means test but, of course, that is not something over which this House has any control. With regard to the people who are causing him some concern—the young people—I would say that if I were in their position I would not be looking too far ahead so far as the means test is concerned. I regard the changes that have taken place in the last few years in connection with the means test as indicative of changes that will take place on an ever-increasing scale in the years that lie ahead. If I were a young man within the service I would take full advantage of this particular fund.

Mr. Harman: I was not referring to young people.

Mr. COURT: That was my impression

Mr. Harman: I was referring to persons on lower salaries.

Mr. COURT: The way I heard it, I understood the member for Maylands to be referring to people who are fairly new in the service and, comparatively, fairly new contributors to this fund. Whichever way I look at it, if I were in the service and had a few years ahead of me I would be inclined to take the maximum benefit from this fund.

The honourable member mentioned advice regarding entitlement and his point is well made. It is one which the Government and those responsible for administering the fund try to bring to the notice of the people concerned. In my own experience considerable effort has been made to get people to understand the benefits available to them. However, there is a certain amount of complacency on the part of most people, who are often prepared to let the future look after itself. I do not quarrel with the honourable member's point, because it is the desire of the Government and those administering the fund to point this out to people. I should imagine it would be the desire of the Civil Service Association to endeavour to get the message across to people to take full advantage of the benefits offering.

The measure before us represents not only an upgrading of the fund but it irons out a considerable number of anomalies. When we are in Committee I will move amendments on behalf of the Premier and Treasurer. The amendments are shown on the addendum to the notice paper and are the result of further study by the Treasurer's advisers, who have come to the conclusion that the objects sought to be achieved by clause 6 will not be achieved as well as they might be. Therefore, the advisers have put forward further amendments to this clause which the Treasurer and the Government have accepted. I will explain the further amendments to clause 6 when we are in committee.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Section 46B repealed and re-enacted—

Mr. COURT: Addendum No. 42 to the notice paper has been circulated to members. It includes an amendment standing in the name of the Treasurer, which I would now like to move. Accordingly, I move an amendment—

> Page 8, line 4—Delete the words "following table" and substitute the passage "table to this subsection if the number of units so contributed for and held by the contributor did not exceed forty, and in any other case to such number of supplementary units of pension as is determined by the Treasurer".

I will move a further amendment if the Committee accepts this one.

By way of explanation, I would say that clause 6 provides for the payment of supplementary benefits to retired contributors who contributed for more than 20 units of pension and sets out their entitlements. In this respect, the objective is to grant a pensioner the same entitlement to supplementary units as a current contributor would receive when the new scale of benefits comes into force from the 1st January next.

In the case of a pensioner who contributed for not more than 40 units there is no difficulty in determining his new entitlement to supplementary units, as the salary interval for primary unit entitlements up to 40 units is the same in the new scale as the old. Supplementary unit entitlements of pensioners who contributed for up to 40 units can, therefore, be set out precisely in the form of a table.

However, where the number of contributory units held by a pensioner exceeds 40, his new entitlement to supplementary units should depend on his actual salary at the date of retirement. This is because the salary interval for primary unit entitlements beyond 40 is different in the new scale from the old.

Although this fact was known when the table contained in clause 6 was drawn up, it was thought that an approximation of supplementary unit entitlements beyond 20 would be sufficient to produce an acceptable table of benefits for pensioners.

However, further examination of the supplementary unit entitlements of pensioners who contributed for more than 40 units discloses that anomalies would be created between pensioners if the table contained in the Bill were applied in these cases.

The only way to ensure uniform treatment of both pensioners and current contributors is to determine pensioners' entitlements of supplementary units according to each pensioner's actual salary and unit holdings on retirement, and therefore it is not possible to set out these exact entitlements in the form of a table.

It is therefore proposed to delete all items in the table beyond 40 in column 1 and 20 in column 2 and to provide for determination by the Treasurer of entitlements to supplementary units in those cases where the number of contributory units held by the pensioner on retirement exceeded 40. I think that is a crucial part of this amendment.

I would add that the exercise of this power by the Treasurer will be limited to determining, as at the 1st January, 1971, the supplementary unit entitlement of persons who were in receipt of pension or had attained the maximum age for retirement at that date. In other words, it will be a "one time" operation.

The proposed amendment has been discussed with members of the Joint Superannuation Committee, which is a body representing unions whose members contribute to the Superannuation Fund, and I am advised that they are in agreement with it. I am also advised that the Joint Superannuation Committee gives its full support to the measure as a whole.

On reflection, members will realise that this is to give a degree of flexibility which might otherwise be lacking and which could not be spelt out in a table. I think this is a sensible way of doing it, and members will notice that it is a "once only" authority given to the Treasurer. I commend the amendment.

Mr. HARMAN: I am grateful for the explanation given by the Minister, and I would like to thank those responsible for giving me the opportunity of discussing this amendment with the Deputy Under-Treasurer today. The Opposition agrees with the amendment proposed by the Government. When one looks at the table on page 8 one will see that the amendment is obviously the only thing to achieve what is desired. If we are to maintain the principle that a pensioner should be in the same position as a person who is contributing, this is the only way I can see to do it.

If the clause was passed without this amendment it would mean that a person retiring, say, before the end of this year and who was on a salary of $8,061, would be entitled to 41 contributory units and 21 non-contributory units. However, the salary scale may be adjusted, thus changing the scale on page 8 so that a person retiring in, say, January of next year would be able to take only 40 contributory units and 20 non-contributory units. That would not be fair and the only alternative is to accept the amendment moved by the Minister for Industrial Development, so that the officers administering the Superannuation Fund will have the opportunity of examining the pensions

of those persons in this category and determining the pension they will receive, in order that they will not have an advantage over the person who is still contributing to the fund. I am assured that will be done with due care and expediency. The Opposition supports the amendment.

Amendment put and passed.

Mr. COURT: I move an amendment—

Pages 8 and 9 (the table)—Delete all items after the item "40 20".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 7 to 14 put and passed.

Clause 15: Section 1B added—

The CHAIRMAN: I would like to draw the attention of members to an error in the wording of line 25 which states, "the thirty-first day of June in each year." This is an obvious error, and I intend to alter it to read, "the thirtieth day of June in each year."

Clause, as corrected, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Court (Minister for Industrial Development), and transmitted to the Council.

ALUMINA REFINERY (BUNBURY) AGREEMENT BILL

Second Reading

Debate resumed from the 18th November.

MR. JONES (Collie) [4.57 p.m.]: This Bill is to ratify an agreement between the State and Alwest Pty. Limited for the establishment of a refinery at or near Bunbury to produce alumina, and for incidental and other purposes. It will be appreciated that the Bill was introduced into this House only last Wednesday evening and we on this side of the House have not had a long period of time in which to discuss the conditions and provisions contained in it with those interested in the south-west.

However, in the time available to us we have made extensive inquiries and we hope to indicate our views clearly during this debate. It will be appreciated that the announcement of the establishment of the refinery has been well received in all parts of the south-west with, perhaps, some minor exceptions. Whilst I intend to raise a number of issues included in the Bill, I would like to indicate to the House that the measure will receive my full support because I consider the south-west of this State has been neglected for too long. I hope to indicate by the figures available to me the position in which the south-west finds itself.

In speaking to the Bill it will be necessary for me to refer to certain conditions which will apply and which I consider require some additional attention. However, in the main, as I mentioned a moment ago, with some minor exceptions it is my intention to support the Bill. I consider the establishment of a refinery in the south-west—I understand it is to be in the Picton area—will lead to additional industrial development in the south-west.

The provision for the upgrading of the railway line from Collie to Bunbury, with the proviso that coal is to be used as a fuel, will create an export avenue for Collie coal. When the port development at Bunbury is concluded, coal will be able to be exported from the Port of Bunbury and Collie will be able to compete with other coalmining towns and ports in Australia, whereas at the moment we are experiencing difficulty due, firstly, to transport costs and, secondly, to the restriction on the size of ships entering the port.

It will be appreciated, therefore, that there was general excitement in the south-west at the announcement that was made, because the responsible organisations throughout the area realised, as I did, the difficult position in which the south-west finds itself at the present moment.

To give members an idea of the position that exists, I intend to quote some figures, because it is possible there are members who have formed the view that the establishment of the refinery in the south-west will interfere with other segments of industry—that it might, for example, interfere with portion of our forestry activity.

I am sure, however, that when members see the position in which the south-west finds itself they will more readily appreciate the reason for the tremendous enthusiasm throughout that portion of the State when this announcement was made.

For some time, however, I have been worried and concerned about the loss of population in the south-west area of our State. Members on the Government side of the House have from time to time talked about Western Australia being a State on the move, but with some minor exceptions we have yet to see that the upsurge in industry in the metropolitan area and the northern areas of our State is having an impact on the population position in the south-west portion of the State. This benefit has yet to be reflected in the areas to which I have referred.

For the benefit of the House I would like to indicate the position on a population basis, after which I feel sure members

will see that in the last nine years there has been a decline in population in the south-west portion of the State.

This has not only been apparent in the electorate I represent, but, with the exception of four shires, all other shires in the south-west from Harvey down as far as Manjimup and from Margaret River to Augusta have experienced a marked decline in population during the period from the 30th June, 1960, to the 30th June, 1969, which is the period for which the latest figures of the Government Statistician are available.

Mr. Bovell: What are the exceptions?

Mr. JONES: The following figures will show the decline in population for the respective shires during the years the 30th June, 1960, to the 30th June, 1969:—

Shire	Population 30th June, 1960	30th June, 1969	Decline
Augusta	4,099	3,050	1,049
Balingup	1,347	1,100	247
Bridgetown	3,521	2,750	771

Bunbury is one of the four towns which has a gain in population. At the 30th June, 1960, the population in Bunbury was 12,234 and at the 30th June, 1969, the figure had risen to 16,900; which represents a population increase of 4,666. Busselton also showed an increase in population. On the 30th June, 1960, the population in Busselton was 6,039 and at the 30th June, 1969, it had risen to 7,400; an increase of 1,361. In Capel the population as at the 30th June, 1960, was 2,010 and at the 30th June, 1969, it had risen to 2,250; an increase of 240.

On the other hand Collie—the area I represent—had a population of 11,034 at the 30th June, 1960, but this declined to 8,500 at the 30th June, 1969—a decline of 2,534. It will be readily appreciated, therefore, that I am keen to see this refinery established in the area specified.

At the 30th June, 1960, the Dardanup Shire had a population of 1,558, and, at the 30th June, 1969, the population had risen to 1,900—a rise of 242 people. The Greenbushes Shire—which is now part of Bridgetown—had a population of 862 at the 30th June, 1960, and this had decreased by 212 to 650 at the 30th June, 1969.

I give now a further table of the decline in population—

Shire	Population 30th June, 1960	30th June, 1969	Decline
Harvey	7,480	6,600	880
Nannup	1,665	1,150	505
Preston - Donnybrook	2,630	2,100	530
Upper Blackwood (Boyup Brook)	2,719	2,150	569
Manjimup	11,177	9,100	2,077

It will be seen, therefore, that with the exception of four shires within the 14 shires of the south-west, all others have suffered a loss in population. This has had its impact on the businesses established in those shires and, as I mentioned, it is hoped that the announcement that this refinery is to be established will in due course be reflected in the population growth of that area. We hope that with the establishment of this refinery other industries will follow.

In spite of the hope that the population in the south-west will increase as a result of the establishment of the refinery, that area of the State is still confronted with many problems. As members are aware, the Forests Department is purchasing large areas of farming land. A report of the meeting of the South West Regional Conference at Bridgetown showed that 10,000 acres of farming land in the Balingup area and 11,000 acres in the Nannup area had been purchased by the Forests Department. This total of 21,000 acres has been purchased by the department for the planting of pines.

While this acreage might appear to be small to some members it has had a marked effect on some of the small shires, particularly as it relates to the finance available to them to carry out their functions and day-to-day operations within the ambit of their authority.

If and when the refinery is established, I have no doubt that there will be a tremendous upsurge of activity and population in the south-west; and this is something for which that area has been waiting. I think it will be generally conceded that once we have one heavy industry established other industries naturally follow; and we are hoping that this will be the case in the south-west of our State. We are looking forward to a resurgence of activity in that area.

I do not know whether the Minister for Industrial Development will agree, but it was apparent to me and to others that the announcement regarding this project leaked out. I do not think this can be denied by the Minister, because the Press made an announcement about the establishment of the refinery before the Government did so.

In this context I would like to refer to the *South Western Times* which gave the member for Bunbury the opportunity to ask a question in this House, following the announcement in that paper, to ascertain whether there was any substance in the announcement. The headlines in the *South Western Times* of the 12th November, 1970, read as follows:—

> $40m Refinery for Bunbury: Standard-Gauge Link to Collie—5000 population rise.

The article then indicates that the population in the Collie region will rise by 2000. I would not want members to imagine that I do not think this is a good project; but I would point out that we have suffered

the experience in the south-west of the establishment of other projects being announced without any one of them having come into being at this point of time.

It is not necessary for me to remind members that no formal announcement has yet been made by the Government; all that we have is the information that leaked out in the Press. This, of course, has made the people in the area most enthusiastic.

The *Daily News*, however, did not pull any punches. It went further, and on Thursday, the 12th November, 1970, it carried the headline, "Bunbury—Another Kwinana". I hope the paper was not referring to the oil-burning stations when it made that announcement. The article in the *Daily News* continued as follows:—

> A $200 million alumina refining industry will be established in and around Bunbury.

I would like to draw the attention of members to the fact that these two announcements are in the affirmative, to say the least; they are positive and different from the context of the Bill we are discussing. I think the Minister will agree that, because the Bill permits the company, almost in conjunction with other companies, to carry out investigations up to a certain point of time with a view to establishing a refinery, there is no certainty about this. On the 12th November, 1970, the member for Bunbury asked the Minister for Industrial Development the following question without notice:—

> (1) Has he seen, or has he had brought to his attention, a headlined article in today's *South Western Times*, and the country edition of the *Daily News*, regarding an alumina refinery for Bunbury?
>
> (2) Would he comment upon these statements and give any information on negotiations being conducted with the company concerned?

The Minister replied—

> (1) and (2) I have not seen the report in the *South Western Times*, but I have seen the report in the city edition of the *Daily News*, and it is unfortunate that the report has been made in such speculative terms.
>
> It is well known that Alwest and B.H.P. made a public announcement some time ago that they were joining together to make studies of a bauxite alumina project. It was also known that at the time negotiations were proceeding with the State Government, and that they had proceeded a fair way along the line. However, I want to say that the negotiations are not yet complete. An agreement has not been signed and I know the negotiations are at a very delicate stage.
>
> There are several important matters to be resolved, and both the Government and other parties would be ill-advised to make any statements before they are resolved.
>
> One matter to be resolved is the location of the refinery; another one is its size; another is the location of the mining to be done and the nature of the mining. Also, agreement still has to be reached on a number of very important conservation matters and until these matters are resolved it would be quite improper to make any announcement.

I do not propose to mention the matter beyond that point. I raise the issue to show it is rather unfortunate that we have not been given something more positive. I realise it is necessary for the companies involved to obtain finance. I also realise that it is necessary for research to be undertaken. However, everyone in the south-west has had his enthusiasm built up, and I sincerely hope that enthusiasm will not be dampened at all.

Mr. Court: The Government has done its best to keep the matter in its proper perspective.

Mr. JONES: I appreciate that. However, I am sure the Minister would agree with what I said about the situation. That is what transpired and I think the Minister would agree that that is a true assessment of it.

Mr. Court: That is not the Government's fault. I deplored this happening in the way it did. I think the honourable member will agree that the Government did its best because of what was just said: it builds up people's castles in the air. We have done our best to introduce a degree of realism into the matter.

Mr. JONES: I did not blame the Government.

Mr. Court: It appeared that way.

Mr. JONES: I think it is fair to say that the information leaked out. The same thing has happened before but, nevertheless, as I said, I would be lacking in my duty if I did not inform the House, on behalf of some of the people in the south-west, of how the situation appears to me.

The Bill ratifies an agreement to provide that a refinery may be established. The Bill is quite clear in its context and, in fact, all Parliament is being asked to do is to permit the two companies to carry out a feasibility study to ascertain, firstly, whether orders can be obtained; and,

secondly, whether financial backing is available. In the interim the company has been guaranteed the support of the Government—and I agree with this—inasmuch as provided finance can be obtained a refinery will be established.

The Minister for Industrial Development called in a number of shire presidents to obtain their opinions on the matter and, I think, without exception, the south-west accepted this as a very good venture indeed. But, as I mentioned a moment ago, the establishment of the project has yet to be finalised. I realise the Government in its endeavours is trying to assist the south-west, but the hard cold fact of the matter is, as the Minister said when he introduced the Bill—

> The agreement provides that there is no commitment on the company until such time as it gives notice that it intends to proceed. The company has until the 31st December, 1972, to do this; and this breathing space is required to enable the company to establish a market for its production and to arrange the finance which at this stage is estimated to total $200,000,000 to produce 1,000,000 tons of alumina per year.

That statement is fair enough, and the Minister made it when he introduced the Bill at the second reading stage. My concern—and the Minister will realise why I have this concern—is the fact that the type of fuel to be used at this refinery has yet to be determined. My electors, and I, particularly, would like to see a more positive approach to this matter. We want the type of fuel to be referred to in the Bill.

The Premier when making, on behalf of the Government, the announcement which appeared in *The West Australian* of the 19th November, this year, made quite clear how the Government saw the situation. While most people, and particularly those in my electorate, are keen on the project because they see a revival of the coalmining industry, and of the town of Collie, do have misgivings because there is no reference in the Bill or the agreement to the type of fuel to be used. In this regard the Premier did not mislead anybody, because in the article in *The West Australian* of the 19th November the following appeared:—

> The State Government yesterday signed an agreement to establish a $200 million alumina industry.
>
> The all-Australian industry will be centred at Bunbury.

Further on the article stated—

> Alwest has two years to organise finance for the project and to negotiate alumina markets.
>
> When it notifies the Government that it is ready to proceed it will have another three years to establish a refinery with an annual capacity of 200,000 tons of alumina.
>
> The Premier, Sir David Brand, said that he expected the construction of the refinery to begin in the next two years.

What exercises my mind, of course, is the reference to the type of fuel to be used. Under the subheading of "Coal" the Premier had this to say—

> If the company chooses Collie coal as the refinery fuel—in preference to natural gas or fuel oil—it will require about 700,000 tons of coal a year for a one-million-ton refinery.

So it will be appreciated why I am rather concerned. I am sure the coal companies will co-operate to ensure that the economics of the project are in favour of coal. However, there is a question mark in this regard. On too many occasions have agreements been made without any reference in them to the use of local products. I think on this occasion there should be some reference to the use of the local product when the question of fuel is mentioned.

I realise that a natural gas pipeline will be connected to the alumina project at Pinjarra; and it would not be too difficult to take it the few extra miles to Bunbury. However, at the same time, other segments of industry must receive consideration. I would have been much happier with the agreement had it provided that in conjunction with the establishment of the refinery Collie coal would be used in the project. However, that is not a provision of the agreement.

All I can hope, as I said a short time ago, is that co-operation will be forthcoming from all sectors, and I am sure it will be. I know the coal companies will do their best, in conjunction with Alwest, and the other companies connected with the project, to ensure that coal is given a fair opportunity. If Collie coal is used it will be the means of the railway line from Collie to the Port of Bunbury being upgraded. In addition, it will lead to a furtherance of the coalmining industry.

Mr. Williams: Page 16 of the Bill states that preference must be given to local labour and materials.

Mr. JONES: That does not refer to coal. I will come to the other matter later.

Mr. Williams: It refers to materials and supplies.

Mr. JONES: It states, "wherever possible."

Mr. Williams: That is so.

Mr. JONES: I am not arguing on this point, but I think the honourable member would agree that, according to the

Premier's statement, the fuel to be used has yet to be determined. According to the agreement that is the position.

Mr. Williams: To be fair, you would have to leave the matter to the company. The economics of the project come into the matter.

Mr. JONES: I think my comment was fair.

Mr. Williams: Sure.

Mr. JONES: I do not think the honourable member can say I made any unfair comment. I think what I had to say was quite fair and in accordance with the provisions of the Bill and the Premier's statement.

Mr. Williams: I was not saying that you were critical.

Mr. JONES: Coal may be used in the north-west, and I am sure if the present member for Bunbury represented the town of Collie he would be putting forward the same point of view that I am putting forward this afternoon. Now we have the position—and the Minister for Industrial Development would not deny this—that Collie coal may be used in another process in the north-west.

Mr. Williams: I hope it is. It will have to be shipped there.

Mr. JONES: I hope coal from the Eastern States is not used, but there is nothing firm about the proposal. Naturally, the member for Bunbury will appreciate why I am concerned and why I am speaking in the way I am this afternoon.

As I was about to say a few moments ago, the Minister for Industrial Development advised me that he had conferred with various shire presidents and representatives of the towns of Bunbury, Collie, Dardanup, Harvey, Williams, and Boddington, and there was general endorsement of the proposal. However, there is one exception to that general endorsement: there is still a question mark against the project, and that is in relation to the type of fuel to be used. I hope these minor problems will be worked out and the refinery will commence much earlier than the time provided for in the agreement.

In *The Sunday Times* of the 22nd November, Mr. Piavanini, the Shire President of Collie, and Mr. Carrots, the Boddington Shire President, welcomed the establishment of a refinery in the south-west. The only mixed feelings I have about it—and I am quite honest when I say this—are in relation to the type of fuel to be used. Also, I hope this agreement will not have the same fate as two other agreements which have been agreed to by this Parliament in the short time I have been here—I refer to the disappointment the people of Manjimup have because the Government cannot proceed with the establishment of a canning industry.

In addition, Hawker Siddeley and Bunnings have run into difficulty with the establishment of a wood chip industry in the south-west. It is still possible that a wood chip industry will be established —I certainly hope so. I am not being superstitious—

Mr. Williams: The third one might be lucky.

Mr. JONES: —but some say people die in threes. When a person dies others say, "I wonder who will die next?" After the second death people say, "I wonder who the third will be?" because they believe people die in groups of three.

Mr. Williams: You are being pessimistic.

Mr. JONES: I do not say I agree with that point of view, and I am not being pessimistic. However, I only hope that as we have witnessed two deaths there will not be a third.

As regards the agreement, I would like to say that its announcement was well timed. Whether that was by design, and whether it had the desired result, I do not know. Apparently the information leaked out, and whether that was intended, too, I do not know. It may have been a coincidence, but the announcement was made by the Government just prior to the Senate election, and whether that announcement was reflected in the figures obtained by the Government last weekend is yet to be determined.

Mr. Jamieson: Is that how Negus got his big vote?

Mr. JONES: However, that is party politics and we have to be quite fair and practical about the situation. There was a big decline in the Government's figures at the last House of Representatives election and one Liberal member in that area lost his seat. Whether the announcement was made in an effort to enhance the Government's prospects in the south-west I do not know. As I said, it has yet to be determined.

Mr. Bertram: Do you think or are you sure?

Mr. JONES: I congratulate the Government on its foresight. I think every member in the south-west would agree that this is one move towards decentralisation. I am certain every member in the House would agree, too, that pollution at the industrial complexes in the metropolitan area, particularly at Kwinana, is causing concern to everybody.

By diversifying industry and placing some of it in the south-west, and in other parts of the State, it will lessen the problem of pollution. It is a good move, and I hope we will see an announcement, whether it be by the present Government or by the succeeding Government, of a real policy of decentralisation, and that

that policy will be put into practice. We have witnessed this in recent years in regard to certain industries which have been established in country areas.

It is quite apparent that the measure will receive the support of the south-west generally, and we have to be quite frank and practical in our approach to this question. There are different organisations with different points of view and some people in this State say that mining should not be undertaken in certain areas. Parliament has to decide, and the people have to decide, whether we agree with this policy or not. I would like to be quite clear and honest on this point: I do not agree with such a policy.

In my view the question of conservation and of intrusion into certain areas should be one of concern to us all. However, I think with the correct approach and the application of the proper principles we can overcome the problem. It would be wrong in principle for us to permit all of our rich minerals to remain in the ground; because if this policy were adoptetd and taken to its fullest extent, it is possible that something which would help to cure heart ailments or cancer would remain undiscovered. We have to look at this policy from the overall point of view. Too many people are saying that we should not mine this and we should not mine that because it interferes, firstly, with forestry; and, secondly, with the conservation of the environment.

The responsible Minister will have to see that when the industry is established these questions are not ignored. I know that some factions in Western Australia have mixed feelings about the establishment of the refinery. However, I am of the firm opinion that if the correct policies are applied the problems which have been referred to can be easily overcome. I bear in mind our responsibility to the regrowth of forests and our responsibility towards environment and general conservation.

I feel I have made my position quite clear, as I see the situation, and I will now refer to the legislation itself. I would point out that all Parliament is being asked to do—I know that the Minister has argued this matter on previous occasions—is to ratify an agreement which has been brought to us. We have had no say in the preparation of the Bill. I realise that there could possibly be problems associated with the framing of an agreement by Parliament. However, we have not been given much opportunity—apart from the time taken by myself—to have a say in the framing of the legislation. As I have said, we have to ratify an agreement which has been introduced to this Parliament.

As members are aware, the Bill provides that if coal is used the railway line will be extended from Worsley to Mt. Saddleback, a distance of some 50 miles. The overall distance of the route to Bunbury will be in the proximity of 70 miles. The provisions relating to the obligations of the company in respect of its railway operations will be canvassed by another member from this side of the House. However, in view of the problems confronting the south-west—particularly Collie—I was wondering if the Minister would give consideration, if coal is used, to making Collie the loco base.

It will be appreciated by members that Collie has problems because very little coal is being hauled out of the district at the present time. We hope that an export market will be obtained, but we, in Collie, are of the opinion that that export trade will only be possible when the first stage of the development of the new land-backed wharf at Bunbury is completed. The problem in Collie concerning railway men will become greater as the dieselisation programme is carried out.

I ask the Minister if it would be possible to utilise the existing loco running sheds by the construction of a spur line to connect with the line to Worsley. If that could be done then Collie would receive some further benefit from the project.

As I have said, the railways are causing us some concern. Not very much coal is being hauled out of Collie. The railway men who have built their homes in Collie will face hardship if they have to move to the metropolitan area and purchase new homes. Those men will not be able to realise very much on their existing homes in Collie.

If coal is to be used and the line has to be upgraded, and if it is further decided to construct a standard gauge line to Collie, any company which subsequently uses that line will be required to pay a proportion of the cost of upgrading. This is a very good provision, to say the least. The present company will not be required to face the whole of the cost. I hope that coal will be the fuel decided on, and that the standard gauge line will be constructed.

I notice that the cost of dredging the harbour—$1,500,000—is to be paid for by the company. It is also provided that if the access channel and turning basin are to be extended or deepened the company will have to meet the additional cost involved.

Regarding the question of wharfage charges, I notice that different rates are applied in the various Bills which are introduced from time to time. We have had the experience during the present session of Parliament of noticing this difference in rating. The Bill before us provides that the charge for 200,000 tons is to be 15c, and in excess of 800,000 tons the rate is to be reduced by 3c a ton. Might I say that the company is not being treated as generously as BP was treated when the refinery was established in the Kwinana

area. As members will be aware, that company pays no wharfage charges at all, and that concession means that the company benefits by some $2,000,000 a year. The difference between the two agreements is very significant, to say the least. The company we are now discussing will be charged, but for some unknown reason —probably in order to attract industry to Western Australia—the Government of the day saw fit to waive the charges regarding the BP company.

Provision has been made for the disposal of red mud. Whilst we are not yet aware of where the refinery will be established—we have not had much time at our disposal to consider all aspects of the situation—I understand it is likely to be established in the Picton area. The Minister indicated that the red mud disposal had yet to be determined, and he assured members that it would be well away from the coastline.

I am sure that the company and the Government will benefit from the experience of the alumina works at Kwinana. I do not know of any sizeable complaint from residents in that area, and I notice that the member for Cockburn nods his head in agreement to indicate that he does not know of any complaint regarding the red mud disposal. However, because of the low-lying areas in the region of Picton, I hope this matter will be rigidly policed. I do not want to see any interference with the waterways in the south-west. As I have said, the Government and the company are fortunate in having the experience of the existing works, and I am certain that any problems can be overcome.

As the member for Bunbury interjected, local labour and local material will be used where possible. We have the situation where there has been a rapid reduction in the number of timber mills in the south-west. The member for Warren asked a question last week and the reply to that question indicated that some hundreds of mills have closed, and that thousands of timber workers have gone out of the industry during the last few years. I hope there will be special emphasis on the use of local materials in the construction of houses and the supplying of sleepers. The agreement should specify that local products are to be used, because we have had the experience at Paraburdoo where 500 houses were built with imported timber. Unfortunately, sleepers have also been imported. Wherever possible the Government and the company should see that local timber is utilised and that local labour is employed.

Regarding royalties, I notice the period of review is seven years. I am wondering why the period of seven years is usually prescribed in agreements. The review of the royalty associated with the nickel refinery is to be after seven years. That seems to be a long time between reviews. There could be a fluctuation in costs or a change in circumstances. We on this side of the House do not know—and probably members on the other side of the House do not know—whether the royalties which are payable are sufficient to benefit the State. Whether or not they are sufficient can only be determined by more frequent reviews.

I am not against any company making a reasonable profit. We cannot expect companies to establish businesses unless there is to be a reasonable profit. All companies are entitled to a reasonable profit. No doubt Parliament will agree to the provisions contained in this Bill, but I think it is our responsibility, irrespective of which side of the House we are on, to see that the State receives the utmost benefit from the mineral reserves in return for the companies making a reasonable profit. Perhaps the Minister would indicate, when he replies, why a period of seven years is generally used in relation to these matters.

Another matter on which I would like to comment is the reference to the provisions of the Mining Act. The agreement states—

> The Company shall not be required to comply with labour conditions imposed by or under the Mining Act. . .

We all know that the Mining Act has certain strict provisions. I happened to be associated with mining—as will be appreciated—before becoming a member of Parliament. I would like the Minister to indicate clearly the intention of the exemptions from the conditions of the Mining Act so that we will have a clear appreciation of the agreement.

The Bill provides for the establishment of a smelter, and I hope that will eventuate. The company has to inform the Government every 12 months of its progress and those reports, of course, could lead to the establishment of further industries in the south-west.

I recall that the previous Government, under the leadership of Mr. Hawke, was not able to obtain a license to export iron ore for the purpose of obtaining finance to set up an integrated iron and steel industry in the south-west. We will suffer from that decision for a long time.

Mr. Bertram: Who would not grant the license?

Mr. JONES: Mr. Hawke could not obtain an export license because, according to the Federal Minister, it was argued that the reserves of iron ore were not known. However, as a result of that decision the south-west will suffer for a long time. I hope we will not only see the establishment of the refinery in the south-west, but that we will see it followed shortly by the establishment of a smelter.

The agreement refers to mining in catchment areas and, in particular, there is reference to the Helena River and the Collie River catchment areas. It is to be hoped that pollution will not occur. With the extra demand on our water supplies it is necessary that the provisions regarding catchment areas should be enforced rigidly.

I notice that the Government is not being as co-operative, or financially helpful, with the provision of railways as was the case with the Alcoa agreement. However, the member for Clontarf will be dealing with the railway provisions contained in this Bill. I would just mention that the company is required to supply the finance for the construction of the railway, and the purchase of rolling stock and engines. That capital is to be made available by the company and will be repayable by the Government over 10 years.

Alcoa, in the establishment of its refinery, was not in fact responsible for any payment for the provision of railways because the agreement provided that the company would put up the capital which was repayable, with interest, over a period of 10 years. In the Bill that is at present before us, the same type of industry is associated in the same type of development, but there is a difference as far as the implementation of railway and other services to the area is concerned.

I am concerned about the provision of water for the area. It is proposed that 1,500,000 gallons of water a day will be supplied from the Wellington Dam, which will amount to in the vicinity of 548,000,000 gallons a year. The Wellington Dam was established as an irrigation dam, with a holding capacity of 40,790,000,000 gallons. My inquiries reveal that on very few occasions has the dam ever been half empty.

I am mainly concerned at the changed attitude of the Minister for Industrial Development. I cannot reconcile his two points of view. When we were discussing the extension of the Muja power house the Minister said that no more water could be taken from the Wellington Dam because it was required for irrigation and other purposes. The General Manager of the State Electricity Commission made the same statement. We now have the situation that another industry can be established and there is apparently no problem as far as water is conerned. No more water is going into the Wellington Dam and the capacity of the dam has not been increased.

For the sake of the record, and in the interests of the members of my electorate, let us have a look at what the Minister for Industrial Development said in the *Collie Mail* on Thursday, the 6th July, 1967, in answer to my challenge to him. At that time the Miners' Union, of which I was the secretary, asked whether there was sufficient water in the Collie mineral field, or in the area, to enable additional units to be installed at the Muja power station. The Minister for Industrial Development then expressed the following opinion—

> Water shortage—A Kwinana station will have unlimited access to seawater for inexpensive direct cooling. At Collie, 900,000,000 gallons a year will be required for the more expensive evaporative cooling of the 240-megawatt Muja power station now being built in stages.
>
> For this water, we have a guarantee of supply from the Wellington Dam, but have also searched for additional supplies underground and in the South Collie River. Because of the needs of country towns and farming communities, both now and in the future, we cannot take more for power station purposes from the Wellington Dam.

That is quite a clear statement. During this argument—which hit the headlines in the Press—the then General Manager of the State Electricity Commission (Mr. James B. Jukes), supported the views of the Minister. In *The West Australian* of the 8th June, 1967, Mr. Jukes said—

> Again, coalmines are sometimes lost through floods or other catastrophies, as the Hebe mine was lost recently. Thermal power stations require vast amounts of water for their condensers.
>
> Even using evaporative cooling the 240-mw station at Muja consumes 1,200 million gallons of water annually. It could not be built, therefore, before Wellington Dam was raised. The commission was allowed to use some of the water from this dam provided it sought alternative sources because Wellington Dam water will be required eventually for irrigation and water supplies.

Mr. Nalder: Are you trying to support this?

Mr. Tonkin: I think it calls for an explanation.

Mr. Nalder: I am asking: Are you trying to support it?

Mr. JONES: I do not think the Minister would argue that I am not, because coal and electric power are still very dear to my heart. If that was the opinion of the commission at that time, how does it now answer for the change in its attitude? I would be lacking in my duties as member for the district if I did not raise this point.

Mr. Court: There has been no change of attitude. If you will read my original statement, it is completely consistent. You do not want to understand.

Mr. JONES: Perhaps we could have another look at it.

Mr. Williams: Read the fine print.

Mr. Brady: Read between the lines.

Mr. JONES: I can only read the statements which were made. That was the situation at that time. I want it to go on record that that was how the Government saw the situation, and that was one of the reasons why the Muja power station could not be extended.

I am not trying to prevent the establishment of this refinery, but no member of the Government should criticise me for reminding the Government of the situation that existed at that time.

I understand that when floods occurred in Collie in 1965 it would have taken only two and a half days to fill the weir. An abundance of water flows over the Wellington Dam every year. For as far back as I can ascertain, there has never been a bad season in the south-west. If we did have a drought in the south-west, what would be the position as regards water in the rural areas? We must face up to this possibility. Vast areas of country receive their water supplies from the Wellington Dam. If a drought occurred in the south-west, both projects could find themselves in trouble. I think there is an easy solution.

Millions of gallons of water flow over the Wellington Dam each year. Perhaps the Minister for Works could tell me, firstly, whether it would be possible to do some backing below the wall of the weir. Secondly, whether it would be possible to construct another dam in the Collie region.

Mr. Ross Hutchinson: It would be possible to obtain water from supplementary sources.

Mr. JONES: But not very quickly.

Mr. Ross Hutchinson: These things take time.

Mr. JONES: We would have to plan. If we did have a drought, it would be too late then.

Mr. Ross Hutchinson: The planning is going on continually. There is a plan, design, and investigation branch which watches this sort of thing.

Mr. JONES: Is this matter being considered in the planning?

Mr. Ross Hutchinson: The whole of this matter is considered.

Mr. Bickerton: You would not know a drought was coming.

Mr. Ross Hutchinson: Remember what happened as far as dams are concerned during the drought last year.

Mr. JONES: There was not a drought in the area that is fed by the Collie Weir. I am saying there is an easy way to overcome the problem. I am not saying water should not be supplied from the Wellington Dam, because millions of gallons of water run over that wall annually. What would be wrong with constructing a dam to supply water for this plant?

Mr. Ross Hutchinson: Why investigate the cost of providing additional dams when the necessity is not immediately present?

Mr. JONES: I think the Minister will appreciate that I am concerned about the matter. I may be wrong, but I do not think it would be a difficult problem to overcome. If the water situation in the Collie area is not a problem, it is a wonder that Bunbury has not been supplied with the overflow. In the future, Bunbury will assuredly have to get water from another source.

I have made my point. I do not want members on the other side to say I am trying to prevent the development of this project. I am pointing out that we have a responsibility to supply water to the refinery, when it is established, and we also have a responsibility to ensure that the farming areas which receive water from this dam are not neglected. Those are my reasons for raising this matter during this debate.

I would like to mention another matter. As is customary in projects such as this, the company will generate its own electric power. Is it intended that, as with B.H.P., any surplus power will be fed into the State Electricity Commission system? No mention has been made of this in the Bill.

Another matter that is exercising my mind is the experience in the Jarrahdale area. There has been a conflict of opinion as to whether the reafforestation programme in the Jarrahdale area has been satisfactorily carried out. This is a matter which should receive the immediate attention of the Government, because, in my view, the programme in the Jarrahdale area has not been successful. I do not know whether members on the other side of the House have taken the opportunity to see what is happening in the Jarrahdale area. The member for Warren and I made an inspection of it so that we would be aware of the situation as regards the reafforestation programme.

This Bill provides that a conservationist is to be appointed by the company to ensure that the conservation programme is carried out. That is a very good move. I have not noticed a similar provision in any other legislation of this kind.

As the programme of conservation to be carried out under the provisions of this Bill will be similar to the exercise in the Jarrahdale area, I think we should ascertain whether the Jarrahdale programme has been successful. The Minister for Forests says it has been successful. Mr. E. A. Sprengel, of the Australian Institute of Foresters, does not agree with the statement made by the Minister. The Minister

for Forests, in *The West Australian* of the 20th November, 1970, is reported as saying—

> Bovell denies Mining Threat.
>
> The Minister for Forests, Mr. Bovell, said yesterday he was satisfied that bauxite mining would not make serious inroads into State forests.
>
> He believed that because of this the bauxite mining and timber industries could co-exist.
>
> Mr. Bovell said that bauxite mining proposals affecting State forests had been carefully examined by all Government departments involved.
>
> The Government would not allow the timber industry to be put in jeopardy.
>
> Alwest Pty. Ltd., which plans with B.H.P. to build an alumina refinery at Bunbury, holds about 350,000 acres of State forest in its bauxite areas. This is about one-fifth of the forest areas held by Alcoa of Australia.
>
> The Alwest areas contain some prime Jarrah stands but much of them are in water catchment areas which cannot be mined without Government approval.
>
> Alcoa and Alwest between them hold bauxite areas covering about two million acres of the existing 4,46 million acres of State forest.
>
> When Alcoa has both its alumina refineries—at Kwinana and Pinjarra—operating at full capacity, it will be mining forest areas at a rate of about 720 acres a year.
>
> Alwest has the same reforestation commitments as Alcoa but has to pay the Forests Department $250 an acre—$50 more than Alcoa.

I am quite honest when I say that I am concerned about the state of the mining areas at Jarrahdale. I agree wholeheartedly with some of the views expressed by Mr. Sprengel in the following statement, which appeared in yesterday's *The West Australian:*—

> Minister is Challenged on Forests
>
> The W.A. division of the Australian Institute of Foresters has challenged a declaration by the Minister for Forests, Mr. Bovell, that bauxite will not make serious inroads into State forests.
>
> A spokesman for the institute, Mr E. A. Sprengel, said yesterday that Mr Bovell's statement directly contradicted the findings of his own department, stated in its annual report.
>
> "We find this very hard to take," Mr Sprengel said. "When a department does not even have the support of its own minister, it cannot possibly carry out its function properly.
>
> "We wish to dissociate ourselves completely from Mr Bovell's statement.
>
> "The institute has long considered that bauxite mining is making serious inroads into the State's timber resources. This is a situation that has existed for some time now, and the new Alwest project only magnifies it further, putting a much bigger proportion of State forest in jeopardy."
>
> Mr Sprengel said that the Government's reforestation conditions could not adequately protect the timber industry.
>
> SHORT VIEW
>
> "The Government is talking only in terms of money," he said.
>
> "Companies may have to pay for replanting, but they don't put back the soil they've taken. What is left is enough to provide a tree cover but little more.
>
> "The soil is so shallow that the trees can't grow sufficiently deep roots. They won't grow to the maturity of a tree log as we know it.
>
> "The Forestry Department already has photos of eucalypts blown over because they had insufficient roots. These were planted three or four years ago near Jarrahdale in an area used in open-cut mining by Alcoa.
>
> "They were eight to ten feet high, but once the wind got into them that was it."

The statement continues; and I wholeheartedly agree with those remarks.

The reason for my reading that article to the House is that I have seen trees that have been blown over because the topsoil has not been replaced in the area affected. Those members who visited the Jarrahdale area will agree with what was said by the member for Warren; namely, that that is a true statement. Such a state of affairs could easily be remedied, I think, with a more rapid reafforestation programme so that all bodies concerned could work in unison.

What concerns me is that the soil that is being replaced in the Jarrahdale area is not deep enough to meet the requirements of any reafforestation. If any honourable member of this House has studied the mining techniques that are practised in various countries in the world, as I have to a minor degree, he will know that following open-cut mining in Germany a programme of reafforestation on farming properties was introduced when problems such as those we have had in this State were encountered. If it is possible for such programmes to be carried out in Germany and other countries of the world, I believe that a similar programme should

be put in train in Western Australia, because what Mr. Sprengel has said is quite true.

If members care to go to the Forests Department they will see photographs of trees that have been blown over. We have a responsibility to ensure that this problem is overcome. My suggestion is that after the topsoil has been removed by mining ventures, steps should be taken to ensure that sufficient soil is backfilled, as Mr. Sprengel has said, which will enable trees to regenerate and ensure that a reafforestation programme is successful.

In Collie we have several open cuts in which can be seen many small trees springing up all over the area without the benefit of any reafforestation programme. What we have to do is to allay the fears and the strong opposition that is being shown by conservationists, generally, by ensuring that suitable soil is used for backfilling to enable trees to be planted. If this is done I am sure that this will lead to a proper reafforestation programme.

Many mixed views have been expressed in relation to this problem. This is the place where we should state our views and if we do not, we could be accused of neglecting our duties. On the 15th May, 1970, a seminar was held at Pinjarra, the subject being "Industrial Expansion on the Coastal Plain." Many papers were put forward at that seminar, the speakers including—

> The Hon. C. W. Court, the Minister for Industrial Development.
>
> Mr. H. B. Muller, Administrative Manager, Western Aluminium, N.L.
>
> Mr. E. R. Gorham, Chairman, Townsites Development Committee.
>
> Mr. T. S. Martin, Town Planner.
>
> Mr. A. D. Taylor, M.L.A., Cockburn.
>
> Cr. C. F. H. Jenkins, Deputy President, National Parks Board of W.A.
>
> Dr. A. A. Burbidge, Senior Reserve Management Officer, Department of Fisheries and Fauna.
>
> Dr. B. P. Springett, Research Scientist, Division of Entomology, C.S.I.R.O.

At that seminar all problems of conservation were discussed, including the reafforestation of bauxite areas.

The meeting was attended by a Mr. Malcolm and, following the statement made by Mr. Court (the Minister for Industrial Development), Mr. Malcolm, on page 81 of the report is reported as having asked the following question:—

> I am speaking as a private citizen but aware of being a public servant. I believe that Mr. Court said something this morning which should not go unchallenged. The statement is that the forest that is to be planted on the areas from which the bauxite has been mined would in fact give five times the production of the original forest. Now if I've misunderstood this statement then of course what I say does not apply. However, just from pure common sense, and remembering that forests take many years to grow and that we have not been bauxite mining until now and could not have experimented in the production of forest on land from which bauxite had been mined, does the panel agree that a statement of this nature is very shakily based?

Dr. Burbidge then answered in the following terms:—

> I am by no means a forestry expert but I do know that before you have actually done something when you are talking in terms of living things, it is extremely difficult to predict the result. In many cases a tree that is growing well when it's three years old, for example, may die in a few years. I personally am not convinced reafforestation will be successful. I believe that it could be successful but I think that a statement that so much productivity will come from this sort of soil type upon which we have never planted anything before is certainly open to doubt. I know there are people here from the Forests Department—perhaps they would like to comment?

Then followed a brief answer by Mr. Stewart of the Forests Department of this State, which is as follows:—

> I think I could only endorse the remarks of Dr. Burbidge in that it is probably only a hope rather than a statement founded on available data. We do know that the trees already planted at Jarrahdale in those pits (there are a variety of species there under trial and some of them are performing far better than anyone would have anticipated) but how they will perform in the next three of four decades we cannot know. We can only say that they have made an auspicious start.
>
> The statement may be based on the fact that jarrah is known to be an extremely slow grower, with a relatively low annual increment of wood, while some of the species planted there are known to have a very high annual increment if the conditions suit them. Possibly in another five or ten decades someone may be in a better position to make a very positive statement.

The reason I have read extracts of that report to the House is, firstly, we have heard the views of the Minister for Industrial Development, and, secondly, the views of Mr. Sprengel of the W.A. Division of the Australian Institute of Forests, who admits that if proper care is taken and if

the proper level of the soil that is taken out is backfilled, reafforestation is possible.

The question of reafforestation was ventilated to a great degree at the seminar. This is an experiment and we must do more in an endeavour to implement the reafforestation of the forests in Western Australia. I would remind members that when I first started to speak I said that I was not opposed to bauxite mining, and I still hold that view. Our mineral wealth must be exploited, but in doing so it is the duty of all of us as responsible people, and the duty of the experts, to ensure that a proper programme of reafforestation is introduced and is religiously policed.

After making an inspection of the Jarrahdale area, it is my firm view that the programme has not been correctly policed and I think that more could have been achieved in that area. I hope we will learn from the mistakes we have made at Jarrahdale and that when the other bauxite deposits are opened up there will not be the need for a complete inspection of the activities as there was in those areas I have outlined this evening.

Mr. Court: You are giving the Bill pretty lukewarm support. You can't have two bob each way.

Mr. Tonkin: Here is the Minister at his usual game.

Mr. JONES: I think the Minister will agree that this is our responsibility. When the Minister was out of his seat I mentioned the views of Mr. Sprengel.

Mr. Court: I heard them; I was still in the Chamber.

Mr. JONES: I said that Mr. Sprengel is better informed on this matter than possibly either the Minister or I, because this is his court. He does not deny that it is possible. I am not saying reafforestation is not possible; but, no doubt, the Minister has visited the Jarrahdale area and has seen for himself the thin layer of dirt in which the trees are expected to grow. That is asking too much. Members have only to go to the Forests Department and look at the photographs. I am not trying to dampen the Bill; but we have a responsibility in this matter.

As I said earlier, I agree with the development of our natural mineral resources but, at the same time, I say we must protect our forests while the mining is taking place. I think that is a fair enough proposition.

Mr. Court: That is what the Government is doing. You are trying, more or less, to condemn the measure with faint praise. You are so afraid the Government might get some credit for bringing development into the south-west.

Mr. Graham: You are condemning the forests.

Mr. Court: I am doing nothing of the sort.

The SPEAKER: Order!

Mr. JONES: If the Minister cares to refer to *Hansard* tomorrow he will see that in my opening remarks I said I agree that this is a good thing for the south-west; but I also said I had some views to express, and this is one of my views. I think I must indicate to the House what I know and what I have seen as a result of a practical inspection. I made myself available to go down and look through the Jarrahdale area to see how successful the programme has been. This is the decision I reached.

Mr. Court: We had all members of Parliament go down there.

Mr. JONES: I was not able to go on that occasion.

Mr. Court: Comparatively few trees had been blown down. You are just jumping onto the bandwagon and exaggerating the situation. Here is a company co-operating with the Forests Department in a first-class manner, and the department would acknowledge that.

Mr. JONES: I agree; but there are mixed feelings on this matter.

Mr. Court: Of course there are mixed feelings. You are simply getting on the bandwagon.

Mr. JONES: It is not a question of getting on the bandwagon. All we are saying is that the programme of reafforestation has been successful in relation to farmland in Germany. I do not think the Minister would deny that.

Mr. Court: The circumstances are entirely different.

Mr. JONES: They may be to a certain degree; but the point I made is that the backfill is sufficient to allow the trees to be properly rooted. That is all I said. I notice that the company is to appoint a special officer to police this matter, and I understand the company is a most reliable one.

However, I want to say that I hope the policy will be correctly policed. From inquiries I made I found that the company is held in high esteem and I hope it will make this matter one of its principal concerns and that it will do all things possible to implement the reafforestation proposal. There is nothing wrong in making a submission along those lines.

Mr. Court: I would have you know that the present company—Alcoa—is a very fine company and is a great co-operator. The Conservator of Forests would be the first to tell you that.

Mr. JONES: I think, in all fairness to me, the Minister would agree that the more earth that is put back into the area, the better the opportunity the trees have of growing.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. JONES: Prior to the tea suspension I was dealing with the question of conservation in the forest areas generally. I now turn to another point. In going through the Bill I came across a clause with which I am not happy, and a similar provision has appeared in other legislation of this nature. I refer to the variations clause.

I realise that from time to time decisions have to be made by the Government, without reference to Parliament. Although Parliament has full knowledge of the conditions which apply in the Bill before us and in the variations clause, it means that both parties can reach an agreement contrary to the provisions of the Bill, without reference to Parliament. This is a matter which has always concerned me. I appreciate that circumstances arise from time to time when variations are required to be made urgently, but if they are effected to a great extent without refer-ence to Parliament then such a provision is a very damaging one. Wherever possible I feel that when legislation is to be modified in any way, reference should be made to Parliament. I notice that the power to vary the agreement and the power to extend the period of the agreement are contained in clause 20.

The final matter I wish to touch on is the determination of the freight rates. In examining the Bill I notice that different rates have been applied to different industries. I realise that the company has a responsibility in providing rolling stock, establishing railway lines, and supplying other things that are associated with the transport of commodities. In the Bill it is anticipated that if the narrow gauge line is used the cost per ton mile is to be 1.30c up to 1,000,000 tons.

I trust the Government will extend this freight concession to the transport of coal, generally. As I mentioned when I opened my remarks on this Bill, I hope that coal will be the fuel used. I am wondering what the position will be if it is decided to use coal. Will this freight rate concession also be applied to the general transport of coal? If it is applied to the transport of coal, generally, then this could be an economic factor to be taken into account in extending the capacity of the Bunbury power house; because under this Bill the rate is to be 1.30c per ton mile, whereas the rate for the transport of coal supplied to the State Electricity Commission is 7.3c per ton mile. That is one factor which makes coal uneconomic as compared with other fuels.

I hope the Government will extend the freight concession of 1.30c per ton mile to the transport of coal generally, not only when it is for export, but also when it is supplied to the State Electricity Commission. In the coalmining industry in Collie we have an industry which is worthy of similar support. I am sure that everyone of us knows the history of the coalmining industry in the State; and the position has been outlined in the Parliament during this session.

If we take into account the cost of $3 for the 42 miles involved under the present agreement for the transport of coal, we see that a great reduction is to be made. If this concession can be extended to the coal that is consumed by the power house at Bunbury it will assist the coalmining industry.

It is to be noted that different rates of freight are to be applied, and probably there are reasons for doing this. When we bear in mind that under the wood chip agreement the rate was fixed at 2.5c per ton mile for 500,000 tons per annum, and over that tonnage at 2.35c per ton mile, we see there is a difference from the freight rate that is to be applied under the agreement before us—1.30c per ton mile up to 1,000,000 tons. We find a somewhat similar situation under the alumina refinery agreement, and there the rate is fixed at 2.5c per ton mile for 500,000 tons.

That is all I wish to say in relation to the Bill. It might be construed that I am speaking in opposition to it, but I want to make clear that I am not. We have a responsibility to the State and to our electors to indicate the weaknesses in legislation placed before us, and we have a duty to highlight them. In debating this Bill for the last hour or so I have tried to bring to the notice of the Government in a fair manner the matters which I consider to be worthy of comment.

When I opened my contribution to this debate I indicated that I would by far prefer to see an announcement that the refinery is to be established than the statement that the establishment is to be conditional and is to be left in the hands of the company for two years before it makes a final determination as to whether or not the project is feasible. I pointed out that our mineral wealth should be exploited, and whilst this is being done all methods of conservation should be applied. As I said earlier, an expert in conservation matters is to be appointed by the company. I hope that he, in conjunction with the local authority and the Government instrumentalities, will bring about an improvement in the situation.

I hope that Collie coal will win the day, and that the economics will be in favour of the use of coal. Everybody in Collie is happy that this project is in the air,

although no final determination has as yet been made. I hope the Government will induce the company to use coal, rather than some other fuel, to generate heat.

I conclude on this note. I do not want it to be construed that I am opposed to the establishment of the refinery. The comments which I have made and the criticisms which I have offered are fair. I have dealt with the use of the vast quantity of water from Wellington Dam, but this is also fair criticism. I offer those criticisms, not that I am against the project, or that I am unhappy that the announcement on the project has been made. As a result of the feasibility study to be undertaken by the company I hope that later on an announcement will be made that the refinery will be established in the south-west, and thus give a stimulus to the whole area. With those comments, I have much pleasure in supporting the Bill.

MR. W. A. MANNING (Narrogin) [7.42 p.m.]: I wish, very briefly but unhesitatingly, to support the project; and I would like to congratulate the Minister on having achieved such a measure of success in promoting this industry. I also extend my congratulations to the officers of his department in this respect and on the way in which they approached the final decision to call together the representatives of the local governing bodies concerned at a meeting in Bunbury and placing before them a general outline of the scheme. This was most appreciated by those concerned.

It seems to me it was just as well that the member for Collie did say in a few words when he commenced his speech and when he concluded it that he was in favour of the project; otherwise I am sure all of us would feel that he was opposed to it.

Mr. Graham: Not all of us would feel that way.

Mr. W. A. MANNING: I challenge the honourable member to read his speech.

Mr. Moir: On whose behalf are you speaking?

Mr. W. A. MANNING: I challenge members opposite to read the speech of the member for Collie to see what he did say. If throughout his speech he was in favour of the project then it would be wonderful to listen to him when he was opposed to the establishment of some industry!

Mr. Bertram: Do not misconstrue constructive criticism.

Mr. W. A. MANNING: On this occasion I am very much concerned, because the project affects my area. If I were to follow the line adopted by the member for Collie I would be complaining that the industry is not to be established at Boddington. I could say that the railway line connecting Mt. Saddleback and Bunbury should not take in Collie; that we have plenty of timber which could be used as fuel, and therefore Collie could be bypassed. This would be similar to the approach that has been adopted by the member for Collie on this occasion.

However, I will not approach the proposal in the Bill in that way. Circumstances often make us realise that an industry must be established where it is best for its economic operation. None of us suggests on this occasion that the refinery should be established at Boddington, which is to be the centre of the mining operations. This is a small town, very pleasantly situated in the Hotham Valley, between Albany Highway and the South Western Highway. In its heyday Boddington was the centre for an industrial extracts industry, and in this process the trees were demolished completely. The machines chewed up the trees and took out the extracts. So that industry depended on the forests for its survival.

It is strange that on this occasion the proposed industry will be established partly on forest land, but it will be using the minerals underneath the forest country. I understand there is a likelihood of the industry offering employment to 100 men at the mine, which is about five miles south of Boddington. Boddington, therefore, will become the residential centre. This is very important in a town of the size of Boddington, and it will mean very much to it. This is a perfect example of a decentralised project which will build up a town that needs building up because of the loss of the industrial extracts industry. To the town and to its people the establishment of the mine and the refinery is very important and very acceptable. It seems to me that this will prove to be of great advantage. Both the town and the district welcome the mine in their area.

I should point out that Alwest has treated the owners of the land in a very satisfactory and acceptable manner. Its approach has certainly been commendable, and I have not heard any complaints whatsoever against this company. Boddington and the district are willing to provide the necessary bauxite ore to enable the industry to be established in Bunbury. If Boddington can assist its sister towns in establishing an industry it does not mind carrying out the mining operations. It is very happy to be part of the whole project.

This project also concerns the Williams Shire, but only to the extent that some of the bauxite deposits are found in that area. It is true that some of the mining areas are located in what is known as the Dryandra Forest in the State Forests, and this was established for the propogation of mallet some years ago. Not only that, but this area has turned out to be a very important flora and fauna reserve. I am sure that some of us have seen films on the propagation and preservation of the numbat in the Dryandra Forest area.

There is already a camp site there. It was originally the old forestry settlement, and there is some talk about using this as a transit area for tourist buses. I think this is definitely a project which could be investigated for the future. It is an interesting area and could be easily developed along lines which would be very helpful to the tourist industry while at the same time preserving the natural fauna and flora. Because of this I have no desire to see the Dryandra Forest destroyed.

However, the small areas involved in bauxite mining could easily be re-established later on. The forest contains 45,000 acres, and most of it has been planted by the Forests Department. It was not originally mallet, the whole area was burnt over and in the ashes were sewn the seeds of the mallet, and this is how the forest was established. The same procedure could be adopted once the bauxite is extracted.

Mr. Graham: Are you sure the mallet will grow there after the bauxite has been extracted?

Mr. W. A. MANNING: I see no reason why it should not.

Mr. Graham: I was asking whether you knew or whether you were only hoping.

Mr. W. A. MANNING: I suppose no-one knows, but all those who studied the situation at Jarrahdale where the timber was being re-established were impressed by the re-establishment which was taking place.

Mr. Graham: They were putting on a brave face. That is a flop, and it is recognised as a flop.

Mr. Ross Hutchinson: It is not.

Mr. Graham: Oh, yes it is.

Mr. Ross Hutchinson: Rubbish.

Mr. Graham: Don't be ridiculous. Read what the Conservator of Forests has said.

Mr. W. A. MANNING: How could it be judged at this stage? The impression gained is that it is very successful.

Mr. Graham: What about listening to the foresters? They are the specialists, surely.

Mr. Ross Hutchinson: Who said it was a flop?

Mr. W. A. MANNING: There is plenty of evidence to indicate that this re-establishment will be successful.

Mr. Graham: Rubbish.

Mr. W. A. MANNING: There is no evidence at present to indicate that those trees are failing.

Mr. Bertram interjected.

Mr. W. A. MANNING: I know that many people like those Opposition members who are interjecting believe that we should conserve everything that is there.

Mr. Graham: No, don't be ridiculous.

Mr. W. A. MANNING: But that is not the correct attitude in my opinion.

Mr. Graham: It is not the correct attitude in our opinion, either.

Mr. W. A. MANNING: It is no use establishing a forest if we do not intend to use the timber at some stage or other. The land is held for what purpose? It is held for some reason and I believe we should use what is in these areas. However, I also believe in the old adage that if one tree is cut down, another should be planted in its place. In fact, I am of the belief that if one tree is cut down, two should be planted in its place. That would not be a bad idea.

Evidence of this attitude is to be found all the way down the Albany Highway and in other areas where land which is not very successful in the growing of jarrah, which is the main indigenous timber in the area, has been used for the planting of pines after the timber on it has been destroyed. This pine planting has been very successful.

I know of no reason whatever why land which is used for bauxite mining should not be regenerated by whatever trees are found suitable for the area. Therefore I feel that to dismiss the opportunity of an industry being established because it will enter into the Dryandra Forest area is entirely without basis, because we could easily overcome the difficulties which such an industry would bring in its wake.

I believe we are most fortunate to have the companies which are concerned with this project because they are showing a very definite interest in ensuring that the countryside is not destroyed permanently and that it can be rehabilitated.

The Bill contains provisions for the restoration and reafforestation of the area, for the prevention of soil erosion, and also for the establishment of a five-acre trial area in which the best types of trees to be planted can be ascertained. Surely this is evidence of the fact that everything which can be done is being done and that this area will be a measuring stick to indicate the trees which should be established.

There is no reason why we should not re-establish jarrah trees or wandoo trees, or whatever trees are there at present. We can re-establish any types of trees we desire. They could be pines, for all it matters to us. We are short of softwood; and what does it matter what is planted so long as trees are re-established in the forest area?

I have no intention of proceeding further on this Bill because I wholeheartedly support the scheme, which is one favouring decentralisation about which we have heard much talk. We are seeing evidence of decentralisation throughout the whole State from the north to the south. It is

no use members decrying the absence of decentralisation if, as soon as a scheme like this is submitted, it is condemned. We should put our whole weight behind schemes like this one, which is bringing industry into the southern area. Indeed it is the first mining venture to be established in the Narrogin area, but I would welcome any others which would like to come in the future.

MR. H. D. EVANS (Warren) [7.52 p.m.]: I, too, will be happy to see the development in the south-west which will accrue from this project when it reaches fruition, but I will constrain my remarks and refrain from offering congratulations, as did the member for Narrogin, for some little time until the whole project becomes manifest. My initial reaction was that if there is to be a bauxite industry in the south-west, this is probably a better location for it than others which have come into prominence in recent years. Geographically it is better positioned than its predecessors, although this is a statement to which I will have to make qualifications in the proper place.

The mining proposal itself aims ultimately at producing 200,000 tons of alumina, and the notice of intention for the company to proceed has to be given by the 30th December, 1972. The royalties we notice are 26.25c a ton while the price of alumina is not below $525, which is something in the order of $52,500 a year to the State.

I would just draw attention to the extraction rate, and I do not think I can be blamed for this in view of the fact that in previous experiences the extraction rates have shown a tremendous increase over the original intention, and I feel that the indicated area of 75 to 100 acres per annum to be involved will, if it escalates at the same rate as did that of the Alcoa project in the Jarrahdale area, be much more.

One aspect to which I wish to refer is compensation. In the Pinjarra agreement provision is made for the sum of $200 per annum for State forest involved in bauxite mining, but in my opinion $200 per annum is not a very handsome sum when it is observed that a much greater sum than this is required to restore the country mined to anything like its original state.

It is passing strange—if I may use that remark—that the rate of compensation under this Bill is $250 a year for country that contains a much inferior type of forest. I was just wondering on this point whether the rate of compensation to be paid under this Bill could not, in some way, be applied to the Jarrahdale area. The payment of $50 a year less on land which contains a much superior class of forest is something which does concern me a little.

The conditions in the Bill regarding mining in State forest are in themselves specific and detailed. Provision is made for reafforestation and restoration, for the prevention of deep pools forming, and also for the restoration of the land to its original contour.

I was very pleased to see that the employment of a conservationist is contemplated, and it is a provision which is long overdue, but, nevertheless, one to be strongly applauded. However, for the benefit of the member for Narrogin, I would say that a conservationist is not equipped to work miracles, as might be required to re-establish commercial timber on the land, as it will be left after bauxite mining has taken place. As a matter of fact, the opinion of the experienced foresters in this State indicates that they are not at all confident about this matter. They feel that the land can never be restored, because of the very nature of the mining which takes away the top feeding zones of trees and leaves the bare subclay underneath.

I have checked with the Water Supply Department officers, and I believe that the water aspect will be the cardinal point for consideration in this particular project. The officers are quite confident that the natural vegetation or exotic types can be restored to a level which will give the same cover and transpiration rate as exists at the moment. This, I trust, will be done and in this way the water catchment will be protected for all time.

I think the chances of commercial forests being re-established can be ruled out, but if conservation can be carried out in the way I have mentioned, and the preservation of the water catchment can be maintained—and if the officers, for whom I have very great respect, are correct—we are at least assured of this particular point.

At this juncture, just to indicate that the member for Collie and I are not in any way decrying the situation, I would like to make the point that the balance in terms of cost and return of mining, in both the short term and long term, is clearly indicated in this Bill. When making his submission to the committee investigating mining in this State, the representative of the mining industry indicated that the in-product from one acre of jarrah forest is worth something in the order of $480,000 f.o.b., which is a considerable sum.

I think he was displaying the usual miner's optimism and was using the best acre of forest country when he quoted that figure. However, if we charitably allow him two-thirds of this figure, he could be right if he said that something between $300,000 and $400,000 worth of minerals could be obtained from one acre

of jarrah forest. We do not decry that, and as a national resource, there is great merit in seeing this developed.

The major argument, and probably the only one, that could be levelled at this line of reasoning is that there would be one particular commodity—or mineral, if one likes to term it that—that would be more precious than the commodity under discussion. I refer to water and the 500,000 gallons per acre per annum which falls on that type of country. The figure is thereabouts, and a rough indication will serve my purpose.

This quantity of water could be even more precious than the bauxite mined when we have regard to the fact that it will be falling for all eternity and has to be retained in its pure state for use in Western Australia, which will be deplorably short of water in years to come. It would be criminal to see that water impurified in any way, and the reassurance of the officers of the department comes as a large measure of relief.

I still retain my conviction that where prime state forests become involved, the Conservator of Forests should have a greater say and a greater control over the shaping of that part of the State's destiny with which he has been entrusted. I was disappointed, however, to see that the Minister made no reference to reserves in the mineral lease area. Although I could not obtain the full list of those that are involved, I would like to take Dryandra State Forest as the example which will serve for the others.

Dryandra is an area of State forest that has been the subject of mallet planting since about 1926. It is a very desirable plantation of indigenous timber. Not only that, but because of its particular requirements of cultivation and forestry management it has had to be burnt extremely carefully. Consequently, the destruction of the natural flora and fauna has not been occasioned because of the extremely cautious methods of forestry management that have been employed. Dryandra, therefore, not only contains approximately 19,000 acres of mallet plantation but it also contains some rather remarkable examples of Western Australian animals and birds.

In all, there is something like 19,111 acres of mallet planted at Dryandra. The Minister for Forests made certain information quite clear in reply to a question asked by the member for Wellington. I will quote the final part of the Minister's answer. He said—

> Dryandra State Forest carries mixed hardwoods and an area of 19,111 acres of mallet plantation which will eventually have a high value to the State because of the unique strength of this timber. One small factory is already using mallet for tool handles. For the past 40 years the area has been highly prized for the conservation of fauna and is in current demand as a youth training area. A report is in the course of preparation relating to the multiple use of the area for forestry, fauna and flora conservation, controlled recreation and youth training.

Mr. W. A. Manning: To whom was that answer given?

Mr. H. D. EVANS: I am sorry; it was an answer to a question asked by the member for Narrogin himself, not the member for Wellington.

Mr. W. A. Manning: I thought it should be.

Mr. H. D. EVANS: I thank the member for Narrogin for drawing my attention to that error. The reply indicates that the Minister for Forests is aware of the value of the area which is contained in the mineral leases of this company.

Mr. Tonkin: The Minister really spread himself on that answer, did he not?

Mr. Bovell: I spread myself in the right direction.

Mr. H. D. EVANS: It also indicates that the Minister appreciates its value to the State. To elaborate this point just a little further the book *Dryandra* by Vincent Serventy is well worth the attention of every member in this House. I do not propose to quote from it or to indicate its contents at any depth. Suffice to say that something in the order of 10 rare animals and 75 varieties of birds are found within the Dryandra State Forest region. Some 57,000 acres are involved and because it is a large, unique, and well controlled area, it is one of the few places where we can expect such creatures to continue to breed and be passed on to posterity.

I further draw attention to what is probably one of the best known reports to come forward to this House in the last 12 months. *National Parks and Nature Reserves in Western Australia.* This report was compiled by the Western Australian subcommittee of the Australian Academy of Science Committee on National Parks. On page 133, five opinions are expressed. It is suggested that three areas at least be classed as reserves or national parks. Certainly one cannot afford to overlook an opinion such as this. It has become something in the nature of a classic as far as investigation into national parks is concerned.

Consequently, I come back to my initial point. On the one hand we have the immediate value of mining, and I quoted the figure indicated by the representative of the mining industry to the Senate committee of inquiry—in excess of $30,000 an acre in this instance. This is something on which we can put a price, a price in cold hard cash. On the other hand there is the

virtually immeasurable value in a different scale of standards altogether which involve future water and future natural environmental considerations.

It seems that on the one hand mining should proceed but, at the same time, there should be legislation to provide that the sanctity of the areas of the type I have mentioned—and I include State forests in some cases—should be protected and legislation should be brought to this House to make sure that such things are preserved for posterity.

To my mind this would be a classic example of where the Minister for environmental protection could be brought in and have effect. He is not even mentioned anywhere in the Minister's notes, nor is there any provision in the Bill to the effect that the Minister for environmental protection will become involved in any way. Surely the balance of immediate development opposed to what is required for future generations is his prerogative and province. In an instance such as this where there will be obvious effects on the environment as a consequence of developmental work—and this, after all, was stated as the intention of the environmental preservation Bill—surely this matter should be referred to him as his very first undertaking. It would be for him an excellent project on which to set up his Ministry and commence operation.

This particular project raises the whole issue of bauxite mining and the confusion that has arisen in recent times. Members will recall that the member for Collie quoted several recent newspaper cuttings. He drew attention to the fact that the Minister had indicated that he was satisfied that bauxite mining would not make serious inroads into the State forest. However, the Institute of Foresters, one of the most authoritative bodies on this subject in Australia stated, again in a report—

> We wish to dissociate ourselves completely from Mr. Bovell's statement.

The matter does not rest there, because it is referred to on page 11 of the forests report for 1970. In connection with mining in State forests the section begins—

> The current level of mining activity in forest areas is of major concern.

We have a situation where the Minister is in conflict with his department; he is in conflict with the Institute of Foresters; and he is in conflict with the conservation organisations of this State. Surely this is a case where the Minister for environmental protection should be called upon to examine the position very closely indeed.

Mr. Bertram: Hear, hear!

Mr. Rushton: You know the Minister has an outstanding record in the work he has done.

Mr. Graham: Do you know of any previous occassion when a Forests Minister was disowned by his foresters?

Mr. H. D. EVANS: The member for Dale will have every opportunity to tell us.

Mr. Graham: "Outstanding" is the word.

Mr. H. D. EVANS: It may sound a little trivial when talking in terms of a $200,000,000 project to raise the subject of compensation for the section of line that will run through State forest. It may not sound a very great amount, but it is considerable when we consider the distance and the fact that the width of line will require a clearing three chains wide. This is something in the order of 24 acres to the mile.

If something in the order of 40 miles of railway track is to be laid, this will involve between 700 and 800 acres of State forest. This is approaching four years' royalty in terms of compensation and about seven years' compensation in the normal course of mining operations.

We have heard mention of a figure in the order of $200 per acre which would apply to other than pure mining activities. I do not know whether the Minister himself actually mentioned it. I do not think he did, but perhaps he would like to do so when he winds up the debate on the second reading.
ing.

The situation of the refinery has not yet been fully determined but has been specified only in rather general terms at this moment. Its location in the Picton area seems rather assured, however. Members will probably recall that on a previous debate we spoke of the resiting of the marshalling yards in Bunbury at this area and we know there has been an overall plan undertaken to include all these facets, but it has not been made clear at the moment. I am sure that the member for Bunbury and the people of Bunbury will be interested to know what is transpiring in this regard. Again, I seek the Minister's comment on this aspect.

I point out that in the Pinjarra agreement the reference to the disposal of red mud and pollution occupied some eight lines. In the Bill currently before the House the provision in question occupies over two pages. I feel this is an indication of the great growing awareness in the area of pollution and the greater consideration being accorded to this problem.

The red mud which is occasioned—and which is almost synonomous with an alumina industry—is probably one of the odious prices we have to pay for the establishment of such an industry. As near as I can ascertain, however, the disposal ponds will be in a triangle pointed by the

towns of Boyanup, Dardanup, and Picton. A total of 6,000 acres will be utilised for this purpose. However, this area will serve as a disposal area for the life of the industry.

The immediate concern of disposal of red mud would be with underground water. Bunbury, to a very large degree, is dependent upon underground water and the problem becomes a more crucial one in that region than it does in most other places. Again, on checking with the Country Water Supply Department, I was extremely pleased to learn that a serious survey has been undertaken at Kwinana. It has been found that the sealing of the ponds there has resulted in the stemming of any effluent, not only in a vertical manner but also within the horizontal as well. The layer of clay with which the ponds are lined would not be sufficient to make the ponds impervious were it not for the fact that the mud itself has certain sealing qualities that look as though they will give adequate protection for the purpose of sealing this red mud into the ponds where it will be placed.

Tests around the Kwinana area reveal that there have been no deleterious effects and it would appear that the water supply of Bunbury and also the river and the waters of the harbour should be secure from pollution of this kind.

The ultimate result—after the ponds have settled, which will probably take considerable time—of the use of several ponds conjointly for the purpose of the drying process is that the land may be termed land that is available for light industrial purposes later on. After the ponds have served their purpose the cover over them will not be very deep and the best we can hope for is some grasses and scrub. Once trees push their roots down to the caustic content of the red mud, they would certainly not survive. However, the preventive measures to protect against erosion should, to all intents and purposes, be eminently successful if the requirements in the Bill are insisted upon.

The other pollution aspects of dust, noise, and smell which must accompany such a refinery will, of course, be inflicted on the community. However, in this case the effect will be minimised because the prevailing winds have a large southerly component. The winds blow from either the south-east or the south-west, and as a result of the siting of the proposed refinery, they will take the noise, dust, and smell away from the residential and town areas. As far as the actual siting of the industry is concerned, I feel it is as satisfactory as is possible in the area.

I draw attention to the clause contained in this agreement, which is similar to those contained in the iron ore agreements, which imposes an obligation on the company to use local materials. I do not wish to dwell on this point. I think the more local material that is used the more benefit it will be to the State, and I refer in particular to the timber industry.

The importation of the scantling timber used in the houses at Paraburdoo alone would have kept one of the larger mills in the south-west operating for six to nine months. Such was the order. This is something of fairly considerable import and it is in addition to the loss of revenue to the State that is brought about through the loss of royalties and so on, and also the loss of road maintenance tax. So it is to be hoped there will be some encouragement, some inducement and, indeed, I would hope, even some pressure to ensure the fulfilment of this particular clause. If we consider that a representative of the mining industry was correct when he said the return per acre would be between $300,000 and $400,000, then I think the rate of compensation and the rate of contribution by the company to the State and the timber industry should be commensurate, and I would hope that this is undertaken.

Like the member for Collie I was somewhat disappointed that the Bill is based largely on supposition. It is dependent to a large degree on whether the company is in a position to raise finance, and then whether the viability of the project enables it to proceed. As a consequence of this we find that the siting of the refinery, the areas for the disposal of mud and, indeed, the provision of water are still very speculative at this stage. I would have preferred to see an agreement of the kind coming before this House which says, "These are the provisions." Parliament either agrees to them, or it does not. But in this case we are left with the situation where, in 12 months' time, a totally different agreement could emerge and Parliament will not be able to have any say in it at all. This is without a doubt a form of erosion of the powers, the prerogatives, and the functions of Parliament.

Referring back to the need for security in relation to the forest and reserve aspects under the leases, we find it has been stated that water catchment areas shall be subject to special provisions, and clauses are contained in the Bill for this purpose. It is to be hoped that permission will never be granted to mine what has been a mallet plantation. I feel that in this regard statutory powers and rights should be conferred upon such reserves and such areas of timber. As it stands now, it is rather a case of the lion and the lamb. The situation is dependent on the goodwill of one particular industry which is showing itself to be fairly voracious in some regards.

I am not particularly happy about this lion and lamb situation because State forests, water catchment areas, and environmental conservation are things that

should be inviolate and written into the Statute book in such a way that there is no reason why mining and preservation of the environment cannot proceed side by side. However, the limitation of both should be clearly specified. This issue of the lion and the lamb is not good enough when posterity is involved to the degree it is involved in this matter.

MR. WILLIAMS (Bunbury) [8.22 p.m.]: I rise to support the Bill, and I do so very gladly because the industry will be centred on the town of Bunbury. I think enough has been said from time to time over the years of the north getting all the development; but what about the south? Although we have participated in much development in the north, as I said in this Chamber the other night attention is now being turned to the south. I think everyone in the south-west, irrespective of his political views, will welcome this move.

I wish firstly to deal with a few remarks made by the member for Collie. I think he used some rather strange figures when he told us early in his speech that the population of the South-West Statistical Division has declined. I think he used the figures for 1961 and 1968-69. If one looks through the figures for the statistical years 1961-66 one will find an increase of about 1,186 persons in the South-West Statistical Division. Of course, I venture to say that figure would have increased considerably since 1966. We will not receive the actual figure until the next census year, which is 1971.

Mr. Jones: The figures show a decline up to 1966.

Mr. WILLIAMS: But one must also remember that the 1969 figures are provisional figures taken out by local authorities and are often subject to variation.

Mr. Jones: What are the 1969 figures in your book?

Mr. WILLIAMS: It does not give a figure for 1969. It relates only to the period 1961-66. If it did give a figure for 1969, it would be only a provisional figure because the actual figures are taken from the census years, and not from in between years, the figures for which are purely and simply provisional statistics.

The members for Collie and Warren were a little pessimistic about the measure because whether or not the project will go ahead depends on a few ifs and buts—in other words, providing certain things happen. Those things are related to arranging the necessary finance, and also arranging suitable markets. I would be much more inclined to take an optimistic point of view and say that, knowing the drive of the Minister concerned the project will go ahead.

Mr. Graham: It will not be the drive of the Minister, but the drive of the company.

Mr. WILLIAMS: Yes, the drive of the company, but also the drive of the Minister concerned. I think everyone will agree that the Minister is most forthright in his efforts to get industries established in this State and, consequently, he has never received much consideration or praise from the other side of the House.

Mr. Graham: Now you are back-scratching.

Mr. WILLIAMS: Whether or not it is back-scratching, it is a fact, and I think the Deputy Leader of the Opposition should be man enough to admit it. He never gives Ministers much credit. That is a pity because in this particular case the Minister for Industrial Development deserves it and I think the Deputy Leader of the Opposition should be man enough to give him credit for what he has done.

Mr. Graham: Where credit is due, of course I will give it.

Mr. WILLIAMS: If I may butt in on the Deputy Leader of the Opposition for a few moments, I would like to refer to the Press release given by the Premier on the 18th November, 1970. It reads as follows:—

> Sir David Brand said the bauxite mining and alumina refining would go ahead when the company had negotiated financial arrangements and markets, but he expected work on the construction of the refinery would begin within the next two years.

I think our Premier is true to his word and I have no doubt that the company will also be true to its word and will faithfully carry out the provisions incorporated in this legislation.

The member for Collie also mentioned that we had two deaths of industries in the south-west recently. I would far prefer to say that those were not deaths, but rather that the projects are in deep freeze. I would say that the freeze is not too deep because again, with the efforts of the Minister for Industrial Development, the officers of his department, and the companies concerned—although the same company may not necessarily be involved in regard to the canning project—the projects will go ahead. I think the enthusiasm of the Minister and his officers may bring that about. Of course, at the present time one of the gentlemen involved in the wood chip project is in Japan—I am not sure of that, he may have already returned—further discussing the project. The advent of the Eastern States and Tasmania into this industry —and I think Victoria is having discussions with the Japanese—augers well for our prospects.

I am glad the member for Collie supported this Bill, even though I felt his support was more or less two bob each way. He may feel differently as far as

coal is concerned and, of course, I will support him in that because I realise his town of Collie is a coal producing town. I do not for one minute blame him for endeavouring to do the best for his electorate. I do hope that, should industrial trouble occur in this industry, the member for Collie will also give his support to the company. I just hope that no problems of that nature arise.

As I said earlier, the town of Bunbury is looking forward to this industry as, indeed, is the whole of the south-west region. We have been looking forward to something like this happening for some time. Some 18 months ago the Government showed great foresight in going ahead with the plan to develop a sheltered harbour in the Port of Bunbury and, with that foresight, came the energy to look for industries which would use the port. Under this agreement the company is to make a payment of from $1,500,000 to anything up to $1,900,000 towards the dredging of the harbour and the channel. I believe the people of Bunbury will accept this in the spirit in which it is given and in which the work is carried out.

I believe problems arise from time to time in these sorts of industries. I will deal with that matter in a few moments.

The Minister for Railways is not in the Chamber at the moment; however, perhaps the Minister for Industrial Development will take note of what I am about to say. Perhaps at this point in time, with the development of the refinery in Bunbury—which, I believe, will not be very far from the take-off point of the spur line from the main Perth-Bunbury railway line—the Railways Department might think quickly and hard about the removal of the Bunbury marshalling yards to Picton. Perhaps that establishment could be relocated north of where the present spur line leaves the main Perth-Bunbury line. As I have said before, as time goes by the land in the area will become scarcer and more expensive. I think the Railways Department should show some foresight—and also save itself and the State a considerable amount of finance—and make a move towards purchasing enough land to relocate the marshalling yards.

In his second reading speech the Minister said that the proposed refinery site would be situated—and this is current thinking—approximately two and a half miles east of the new inner harbour. Because some people who, when they hear of these things, can see all sorts of problems associated with them, I would point out that I had the opportunity of going for a joyride in an aircraft on Sunday when I flew over the whole area.

Having had a look at it I am able to say that the proposed site will be due east of the town and, of course, during the summer the prevailing easterly winds will carry any emission of smoke or gas from the plant straight across the residential area of the town. There is a distance of about two and a half miles of which one and a half miles is made up of occasional five-acre subdivisions and vacant land.

Both the company and the Government will be careful with the siting of this plant. They will go into the question and inform the local community exactly what types of ash or gas might be thrown out of the plant.

I think we all know that when people drive past the Alcoa plant at Kwinana they see steam vents giving off steam, and on seeing this tremendous amount of steam being emitted they think the air is being polluted. They do not realise that being steam it naturally dissipates. The gaseous materials which are being emitted from the factories would be sent through the chimneys because of the fuel that is burnt. For the sake of the member for Collie and the people in the area I hope it is Collie coal that is used, because we would like to see use being made of the natural resources. No doubt the company will install electrostatic precipitators which would trap the fly ash and prevent it from moving around the area.

Accordingly the people of Bunbury have not much to worry about. Because of the Clean Air Act and because of the authority vested in the Minister for physical environment there will be ample provision made to prevent pollution. The siting of the factory would be just far enough away from the town to make this possible. No doubt the area of land in question between the refinery and the town would become industrial land and any fall-out that might occur would occur in the industrial area in respect of which everyone is making some contribution to prevent pollution.

There are a couple of points to which I would like to refer, the first of which relates to the section of the Bill dealing with the red mud. Provision is made for the company to sink observation wells to test for pollution of underground water supplies. This is most necessary because Bunbury draws all of its household and industrial water from underground supplies which, of course, are limited.

I was wondering why provision was made in the Bill for samples to be taken from these wells every three months. Why not every month? I should imagine it would not be a large job to undertake. I am not familiar with the hydrological set-up, but if tests were taken every three months something unforeseen could happen immediately after a test and before the next test was taken. It is possible, however, that the company will be using some of this underground water and no doubt it would pick up pollutants in the course of its own usage of the water, particularly any pollution that might creep in from the red mud area or from any other area.

I believe that with the system of tests used for red mud very careful consideration will be given—as is being done at present at Pinjarra by lining the inside with a special type of clay—to stop any seepage of the mud, caustic soda, or even of the water. I believe, however, that caustic will not seep anything near as much as will the water. We might get water but not a caustic soda solution.

I think the Government and the State will do well out of this company, particularly from the point of view of the provision of amenities like housing, railways, schools, hospitals, and the necessary public services which go with a town. There is also the fact that in Bunbury itself the company must establish a share of additional services and works including sewerage treatment works, water supply works, main drains, hospitals, and conservation and other services that may be necessary because of its participation in the area.

Mr. Bertram: Are we doing as well as the Commonwealth?

Mr. WILLIAMS: I would not know, however I do think the State will do very well indeed out of the company.

The other matter to which I wish to refer is that within the agreement there is provision for the company to go into the smelting process—the actual aluminium process itself—if it so desires in the future. I wish the company well in this venture, because aluminium is a very high user of power. I believe that about two-thirds of the cost of transforming alumina into aluminium is taken up in power, and if this is produced from Collie coal, or from some other local fuel, it will no doubt bring joy to the hearts of many people in Western Australia, particularly those in Collie.

I think that is all I want to say. I wish the company all success. I hope it has a trouble-free time in Bunbury. I am, of course, knowing the enthusiasm of the Minister, the company, and the officers concerned, taking the view that it will be established there. I congratulate all those concerned with the project in bringing this Bill to the House.

MR. GRAYDEN (South Perth) [8.39 p.m.]: I did not intend to say anything on this Bill mainly because it is a matter that affects the members of Parliament who represent the areas in question. I have to be guided largely by the members of the Government who have been associated with this agreement.

My intention has been drawn, however, to the fact that the forestry reserve of Dryandra has been included in the area to be made available to the alumina company. There are two aspects of the Bill, therefore, which concern me. The first of these appertains to the effect that the mining of alumina or bauxite might have on our forests in this particular locality in the south-west. I think, however, that this aspect is fully and adequately covered in the Bill, because clause 12(2) of the agreement provides—

> (2) The Company will subject as is hereinafter provided, from time to time, give to the Conservator of Forests on behalf of the State at least six (6) months prior notice of its intention to enter upon any area of State forest or Crown land to be specified in the notice and to cut and remove from the area forest produce and overburden for the purposes of the Company's operations under this Agreement and the Conservator unless he has good and sufficient reason to the contrary shall grant to the Company any permit or licence necessary for those purposes subject to usual or proper conditions. In the case of bauxite to be mined for test purposes, the period of notice required under this subclause shall be reduced to thirty (30) days:

Under this particular clause, if the company ventures into State forests where there has been, for instance, a reafforestation programme under way, the Conservator of Forests can simply say to the company, "This is what we have been doing and you cannot go to that particular spot." I daresay he would adopt the same attitude if he felt there was a particularly good stand of jarrah, for instance, on a site which was chosen by the company.

Accordingly I think the question of the conservation and protection of our forest areas is adequately covered by the clause to which I have referred. I understand the Conservator of Forests was actually brought into the discussions which led up to the agreement we are discussing tonight, and I also understand he drafted the amendments which enable him to protect the forests. In these circumstances I do not think any valid criticism can be advanced on that score.

The other aspect with which I am concerned is the question of the conservation of flora and fauna. I have read the Bill and there is certainly no reference at all to this particular matter. This is a very serious inadequacy in the measure. Unfortunately it was necessary for me to obtain a pair tonight, because I had to attend a function and I did not get back till 8.30 p.m. When I did return, however, I found the member for Warren was referring to a report issued by the subcommittee of the Australian Academy of Science. I do not know how far the honourable member went with the report, but I was interested in this matter. The subcommittee in question is a very responsible body which comprises prominent individuals in this State associated with conservation. I would like to indicate, therefore, who the members of the subcommittee are. The members

of the subcommittee which compiled this report for the Australian Academy of Science consist of—

Dr. W. D. L. Ride—Chairman and Convenor, Director of the Western Australian Museum and member of the Academy of Science Committee on National Parks and Nature Reserves.

Mr. B. E. Balme—Senior Lecturer in Geology, University of Western Australia.

Mr. G. E. Brockway—Superintendent (Research Aboriculture and Interior) Forests Department.

Mr. A. T. Cleave—Deputy Surveyor General, Department of Lands and Surveys.

Mr. A. J. Fraser—Chief Warden of Fauna.

Mr. C. A. Gardner—formerly Western Australian Government Botanist.

Mr. A. C. Harris—Conservator of Forests.

Miss M. Lukis—State Archivist, Library Board of Western Australia.

Dr. A. R. Main—Reader in Zoology, University of Western Australia.

Dr. P. E. Playford—Supervising Geologist, Geological Survey of Western Australia.

Mr. R. D. Royce—Botanist and Curator of the State Herbarium.

Dr. A. R. Wilson—Reader in Geology, University of Western Australia.

In addition Mr. H. B. Shugg—Secretary of the Fauna Board attended all meetings and provided data.

Miss H. Williams—Research Assistant to Dr. Ride was Secretary to the Sub-committee and carried out most of the archival research.

This is a very important subcommittee, and it was set up by the Australian Academy of Science Committee on National Parks. It is actually a Western Australian subcommittee which was organised for the purposes of examining the measures taken in Western Australia to preserve flora and fauna and scenic spots, and to make recommendations as to the areas that should be set aside. In respect of the areas we are talking about the committee makes some extremely pertinent comments. I shall not bore the House by reading them all, but I would like to quote the first two paragraphs under the heading "Pingelly and Dryandra Reserves." The first paragraph reads—

> Some of the most varied and biologically productive areas in Western Australia lie in the Wandoo Forest along the edge of the wheatbelt. In spite of the fact that much of this country has been taken for agricultural development, a number of outstanding reserves still remain today and these should quite clearly be reserved in perpetuity for the preservation of fauna and flora.

The next paragraph reads—

> Three reserves, in particular, are selected for permanent preservation as being of national importance and these are the East Pingelly reserves, the West Pingelly reserves at Boyagin Rock and reserves in vicinity of State Forest 51 at Dryandra.

I shall not read the rest of the report. I read those two paragraphs to emphasise that a most responsible subcommitte, set up by the Australian Academy of Science to examine the question and make recommendations, made recommendations in respect of two areas which are now to be incorporated in the section to be opened for exploration by this company which proposes to mine bauxite.

Mr. Davies: What was the date of that report?

Mr. GRAYDEN: It is dated 1962. It is a well known report, and for that reason I am astonished that in the Bill there is no reference to the question of the conservation of flora and fauna. This is a tremendously important subject but apparently it has been glossed over, although that may not be so.

The member for Warren raised another question and I simply want to emphasise his remarks in the hope that the Minister will give us some assurance that this question was raised during the discussions which led to the production of the agreement; and that the company has given him adequate assurances that interference with flora and fauna in the areas to which I have referred will be minimal.

We could go a lot further in respect of this question. In the last few days—and I understand the member for Warren made reference to this matter, too, but unfortunately I was not in the Chamber to hear his remarks—a book has been published by Vincent Serventy. He, of course, would be Western Australia's outstanding naturalist. As a matter of fact, I think I could go further and say that he is probably Australia's outstanding naturalist. I do not know of any who would be more outstanding. He is extremely well known and tremendously respected. He has written a number of books on this subject and they include—

Australian Nature Trail.
Australia's Great Barrier Reef.
Nature Walkabout.
Australian Wildlife Conservation.
Landforms of Australia.
Wildlife of Australia.
Australia's National Parks.
Southern Walkabout.
Turtle Bay Adventure.
Around the Bush.
A Continent in Danger

Now he has gone further and produced a book entitled *Dryandra*, which is a 210-page story of an Australian forest.

Rather than try to describe what is in the book I think I should read two paragraphs from the flyleaf. They are as follows:—

> 'In its fifty thousand acres', says the author, 'life has progressed for hundreds of millions of years, but not entirely undisturbed, since plants and animals have come and gone again.'
>
> 'In a piece of untouched bushland, cut off from the burden of a sophisticated civilisation, we can find that refreshment of spirit that only the wilds of Nature can offer . . . We must, before it is too late the world over, see that places like Dryandra are kept for this vital purpose.'

I do not know how long Vincent Serventy spent in writing that book, but I know he has been travelling through that forest throughout his lifetime and I would imagine he would probably take 12 months to write such a book. However, he has written about only one section of the forest—an area of about 55,000 acres, which comprises the Dryandra Forest. He feels that the area is sufficiently important to write a book about it. In these circumstances it is hard to believe that we could be passing a Bill of this type unless adequate regard had been paid to the conservation of flora and fauna.

It could well be that this is so, and adequate protection is provided for. That is why I would like the Minister to indicate what discussions have taken place and what obligations the company has entered into in respect of the matter.

Some time ago I had occasion to be extremely concerned about the policy the Bush Fires Board was pursuing in respect of the burning of reserves in the vicinity of country towns. My informant, who is in a position to know, indicated to me that the representatives of the Bush Fires Board were suggesting to local authorties that they burn the reserves. At the time I took the opportunity to go to the department dealing with flora and fauna to find out that department's attitude in respect of this matter; because some of the reserves surrounding country towns are of the order of 4,000 acres.

One can imagine that if the local authorities burnt in spring it could completely ruin the environment so far as birds were concerned. I was under the impression that autumn burning would probably be the best to undertake because in the springtime the birds are nesting and if an area is burnt it will certainly destroy the eggs or the fledglings. However, the department controlling flora and fauna takes a different attitude. The officers of that department say that if the burning is carried out in autumn, when frequently we get hot days, a hot burn can result in disastrous effects on the flora. Some areas can only be burnt every 15 years, but there are other parts of the Australian bush which require burning once a year.

The officers of the department felt that it was quite reasonable to burn even in springtime, but they emphasised that one should burn only a limited portion of a reserve. For instance, if the reserve covers 4,000 acres, only 100 acres should be burnt. Even if this were done in the springtime it would give the birds and animals an opportunity to move into the remainder of the bush on the reserve.

Possibly the same could apply in respect of the mining of alumina in forest reserves. The mining of bauxite is extremely selective and only small areas can be mined. It could well be that if the company operates in an area of, say, a quarter of a mile in diameter, that would be comparable with a controlled burn, and the birds and animals in that area could move out into the remainder of the bush and come back later on. In those circumstances such a situation would certainly pacify me, and for those reasons I do not intend to be critical of the Government. However, I express surprise that there is no reference anywhere to steps which have been taken by the Government to ensure conservation of flora and fauna in respect of the reserves we are speaking of.

I express the hope that discussions have actually taken place. If the company is a responsible organisation I have no doubt at all that it could mine in State forests in a way which would not really adversely affect the forest or the flora or fauna; that is, it could mine in much the same way as I have indicated takes place with controlled burning. If that is the situation my fears would certainly be groundless.

However, I would like to mention that mining in the south-west is a different proposition altogether from mining in the rest of the State. Mining in the rest of the State seldom affects flora and fauna. In some cases, of course, it affects scenic spots, but not the flora and fauna. On the reserves we are talking about there are great forests and flora and fauna which are orientated to those areas in particular.

I repeat that I have not introduced this matter to criticise the agreement or the Minister for Industrial Development. I have done so with the object of asking the Minister whether the question of the conservation of flora and fauna came into the discussions, what obligations the company has entered into, and what steps will be taken to enusre that due regard is paid to this all-important question.

MR. BICKERTON (Pilbara) [8.57 p.m.]: I wish to raise only one matter with the Minister for Industrial Development, and maybe he will be able to answer me. The agreement has been well dealt with and we have had agreements similar to this that have been discussed in this Chamber over the past few years. There are many parts of them that I do not like particularly, but I have already registered my protest about them, and I do not wish to reiterate those remarks.

Clause 3 of the agreement waives almost any other Act or law in connection with the agreement itself and it says, in effect, that notwithstanding any other Act or law the agreement shall, subject to its provisions, be carried out and take effect as though those provisions had been expressly enacted in this Act. So it is not necessary to carry out certain procedures in certain Acts, as is normally the case, and in this matter I refer to the one of establishing a railway line.

As members are aware, certain conditions have to be carried out under the Public Works Act, 1902, in relation to the establishment or closure of railway lines. That does not apply in this instance, as it did not apply in relation to certain iron ore agreements for the north-west. However, there is also a further requirement which it is necessary to carry out in the case of the opening or closing of railway lines. Certain conditions are laid down in section 26 of the Transport Co-ordination Act, 1966. I realise that clause 3 of the agreement before us does cover this matter in its wording; however, I seek your indulgence, Sir, to read an extract from the State Transport Co-ordination Act. Section 26 of that Act reads as follows:—

> Before the second reading of a bill for the construction, or for the closure, of a railway, the Minister shall cause the report or the recommendation, as the case may be, made by the Director General in that regard, pursuant to section twenty-one, to be laid before each house of the Parliament of the State, in turn.

Since 1966 that has been a condition for the establishment of any railway. Digressing very slightly, we do have a Bill before us dealing with the railway line in the goldfields area. There is a report on the table of the House—paper 206—giving the opinion of the Director-General of Transport in connection with that matter.

When the railways were constructed in the north-west, what the precise route of those railways was to be was not of any great consequence—not to the same extent, at any rate—because they were running through an entirely different type of country. Those railways were not running parallel with, or at right angles to, any other railways, because there were no other railways in the area.

The area with which we are dealing is a different type of country and would be, perhaps, of much more interest than would be the pastoral areas of the north-west. More people would be interested in the actual route. From my reading of the agreement, and from my perusal of the maps, the line which we are discussing could be varied considerably. It does appear to me that this is one case—even though the clause does not demand it—where the Government should have obtained the views of the Director-General of Transport. Those views could have been tabled in Parliament.

Even though it is not obligatory for the Government to do this, I think it would have been of great advantage because the Director-General of Transport is dealing with other railway lines in the area, and he is co-ordinating the transport system in a much more populated area of the State than was the case in the north-west. It would be of great interest to members to know the views of the Director-General of Transport on this particular matter.

However, clause 3 of the Bill denies us the opportunity of perusing such a report. The provision will not be applicable once clause 3 is passed. I will therefore rely on the Minister to tell us whether or not the Director-General of Transport was consulted on this matter. If he was consulted, perhaps the Minister will tell us what recommendations were made, if any, to the Government, or whether any points were raised which he considered were detrimental to the State in connection with the integrated transport system of the south-west.

We cannot get the information we require from the normal report which would come before us. The agreements which are introduced into this House have the effect of overriding many of our Acts of Parliament. However, reports of this nature should be placed before the House by those people who are employed in high positions and who receive large salaries—with which I do not disagree. Those people should advise this Parliament, as they advise the Government, to enable members to have some idea of the effect a railway line of this nature will have upon the general transport system of the State, and whether it can be integrated into that system as a whole.

I would be grateful if the Minister could tell us the opinion of the Director-General of Transport on this matter, and whether or not he made any suggestions which could be beneficial to the State itself.

MR. MAY (Clontarf) [9.04 p.m.]: I would like to address my remarks on this Bill, very briefly, to the freighting aspects.

In doing so, I would like to say I am pleased to see that the Bill which is before us contains an escalation clause which will provide for a review of the rating system from time to time.

The first schedule of the Bill sets out the escalation formula, and it is intended that the wages of a driver, a guard, and a track repairer, will be taken into consideration. Also, the cost of distillate and the price of steel per ton will be taken into consideration. The escalation provision has been included in most of the railway measures which have come before us in regard to the large companies, and it is pleasing to see that the freight rates can be adjusted from time to time.

It is interesting to note that the freight charge for 1,000,000 tons per annum is 1.3c per ton mile on the narrow gauge—if it is to be a narrow gauge—and that compares with the 2c per ton mile which was included in the Pinjarra alumina refinery agreement.

It is rather difficult to find some relativity in regard to the freight rates, and it is difficult to work out how they are evolved. We had the situation recently in the agreement concerning the Western Mining Corporation where the freight rate was 1.8c per ton mile. Another agreement was before us last session concerning the Pinjarra alumina project, and the rate per ton mile for 1,000,000 tons per annum was 2c. Tonight we have before us another rate of 1.3c per 1,000,000 tons on the narrow gauge. Incidentally, if the line ultimately becomes a standard gauge line then the cost will be 1.2c.

I realise that each agreement contains different facets which have to be taken into consideration, but we do not receive any information regarding the reasons. Obviously, the rates were discussed prior to the introduction of the Bills to this House. I am concerned, as is the member for Pilbara, that we have never had a report from the Director-General of Transport.

It will be some time before the Railways Department receives any benefits from the industries which are being established in Western Australia. In the meantime, the net financial result will be quite adverse in so far as the Western Australian Government Railways are concerned. I have studied a report which was submitted by the Director-General of Transport in regard to another matter, and I am pleased to note that the director-general goes along with my thinking in connection with the recoup to the Railways Department. The report was on a proposal to construct a standard gauge railway from West Kalgoorlie to Lake Lefroy. That proposal is now before the House, and the Director-General of Transport had the following to say—

> It seems to me that where the State chooses this route and it results in a temporary deterioration in the Western Australian Government Railways financial results, such deterioration should be made good to the Western Australian Government Railways by a direct and properly calculated subsidy from the Treasury in order that Western Australian Government Railways accounts accurately reflect its commercial situation.

This is the very matter I was endeavouring to project in the House the other evening: where certain concessions are made to attract industries to Western Australia there should not be any adverse effect on railway finances. Admittedly, this is only a book entry but by the same token it reflects the situation in a bad light for the Railways Department.

The situation at the moment is that the Alwest agreement contains freight rates which will be considerably lower than those which apply to the Pinjarra alumina refinery agreement. No doubt the Minister will be able to point out the reason for the reduction in the rate. The Pinjarra agreement, which was introduced to the House in 1969, contains a freight rate which is higher than the freight rate contained in the agreement now before us. So the rate per ton was higher then than it is now in spite of additional costs and other incidentals which go into the running of the railway system.

No doubt the Minister will refer me to a part of clause 5 on page 9 of the agreement, which reads as follows:—

> in the event of any other person making use of the railway referred to in paragraph (b) (i) of this subclause within 15 years of the date of this Agreement and moving over that railway in any one year within that period 500,000 tons or more of bulk products the State shall require such other user to make a fair contribution to the cost of the establishment of the railway and from the proceeds of any such contribution or contributions shall return to the Company such part of the moneys advanced by the Company for the establishment of the railway as shall be equitable;

The situation could be that the reason for the reduction in the freight rate per ton mile is because at some subsequent time the company will be reimbursed by another company which is allowed to use the railway. The situation which obtained in regard to the Western Mining Corporation agreement was that the cost of the railway line from West Kalgoorlie to Esperance, including the standard gauge line between West Kalgoorlie and Lake Lefroy and the upgrading of the Esperance line, was to cost in the vicinity of $18,750,000. The company was to contribute $9,000,000, the Lake Lefroy company was to contribute $3,400,000 and $6,000,000 had to be found by the Western Australian Government.

In the agreement which is now before us the Alwest Company has requested the Western Australian Government Railways to construct the railway line from Mt. Saddleback to Worsley, and then upgrade the line to Bunbury at the expense of the company.

Regarding the Pinjarra alumina refinery line, the Government was to accept money from the company and that money was to be repaid on terms which were to be agreed upon by both parties. It seems to me that we have a situation where a large company makes a contribution of $9,000,000 which can be reimbursed very quickly by way of railway concessions. We also have the situation in the south-west where the Railways Department, with a very short haul, is charging a very low rate per ton mile. There is no reasonable recoup to the Railways Department unless considerable tonnages of material can be transported.

This is a matter which I feel should be given careful consideration when evolving freight rates. I hope the Minister will give the House some indication of the reason for the difference in the rates charged to the Pinjarra alumina company, and those to be charged to the company which will transport bauxite from Mt. Saddleback to Bunbury. The distance is similar: one distance is about 70 miles and the other is about 68 miles. However, there is quite a difference in the rate charged per ton mile. The line is already established from Pinjarra to Bunbury, but a new line has to be constructed from Mt. Saddleback to Worsley, and the line from Worsley to Bunbury has then to be upgraded.

The report from the Director-General of Transport, which I have already mentioned, refers to the Esperance line and states that that line will result in the standardisation of an isolated 3ft. 6in. gauge railway, which, in itself, is an advantage. An isolated railway on the Esperance line is to be standardised. Another line is to be constructed from Mt. Saddleback to Worsley, but we are not sure whether it will be a standard gauge or a 3ft. 6in. gauge.

No indication has yet been given that there will be a railway at all. I think the Bill is very airy-fairy as regards details of the construction of a railway line. I mention this only because we arranged for a freight rate to be evolved, yet at this point in time we still do not know whether there will be a railway line in actual fact.

I support the Bill. It is one which the people in the south-west have been looking foward to for some considerable time. I sincerely trust that the matters contained in the Bill will come to fruition and that all the advantages that have been mentioned during the discussion of this Bill will come about, because I know that the people in the Collie area, particularly, have been looking forward to an industry of this nature which will augment the industry that is already established in the area.

The problem of catchment areas has always existed in the Collie area. This has mitigated against the establishment of other industries in the area, but if we can establish a bauxite industry in and around Collie I am sure that Collie will eventually become another Kalgoorlie as a result of the recent impact of nickel.

There is nothing else I would like to say, other than to ask the Minister to explain the reason for the difference in the freight rates contained in the Pinjarra agreement and in the agreement which is before us.

MR. I. W. MANNING (Wellington) [9.17 p.m.]: The Bill before the House proposes to ratify an agreement between the State and Alwest Pty. Limited for the establishment of a bauxite mining project in the south-west and an alumina refinery in the vicinity of Bunbury. Because this industry will, perhaps, have more effect on the electorate I represent than on any other, I would like to make a few brief comments about the salient points of the agreement.

The Minister made it clear in introducing this measure that work on the construction of the industry will not necessarily commence forthwith and that the agreement does not guarantee the project itself, but, as we all know, there has to be an agreement before there can be an industry. There are many good features about this agreement. The agreement is with a wholly-owned Australian company. It is a large industry and will be located away from the Perth metropolitan area.

Mr. Bertram: How many shareholders are there?

Mr. I. W. MANNING: It can be regarded as a decentralised industry. It will be based in the Bunbury region and will make a substantial contribution to the development of the Port of Bunbury and, I would also think, to the success of the Port of Bunbury.

Mr. Bertram: How many shareholders are there in the company?

Mr. I. W. MANNING: I cannot answer the interjection.

Mr. Bertram: There would have to be fewer than 50.

Mr. Court: B.H.P.—tens of thousands.

Mr. I. W. MANNING: Alwest might bring some problems, but, first and foremost, it will bring many far-reaching benefits. It ensures opportunities for employment not only within the industry itself but also within the other industries and services which will feel the impact of

increased business, and it should certainly mean that more money will be circulating in the town of Bunbury.

One aspect in which I am particularly interested is the impact that an industry such as this will have upon the meat, milk, fruit, and vegetable producers within the region. It offers to them what they seek most; that is, a nearby and expanding consumer market for their produce. In today's world, this is of major interest to primary producers.

The proposed route of the railway and the upgrading of the Collie-Brunswick line are also of considerable importance to me because the additional bauxite traffic and the additional coal traffic passing through Brunswick Junction could be of material benefit to the town of Brunswick itself. Brunswick, as we knew it some 20 years ago, was a very busy rail junction, and the railway set-up in Brunswick played a very important part in the prosperity of the township itself. It seems to me that this additional traffic, and all it entails, will largely restore to Brunswick the very busy activity that it knew some 20 years ago.

The supply of water from the Wellington Dam has been mentioned during the debate. This is provided for in the agreement. Since the storage capacity of the weir was increased about 10 years ago, it has always been considered that a percentage of the water in the weir would be available for industry in Bunbury, if needed. It seems that at last the time has arrived when water from Wellington Dam will be piped to Bunbury and used for industry.

The protection of the water catchment areas is a very important matter that is mentioned in the agreement. The catchment areas are of major concern. Extensive clearing around some of the weirs has brought considerable discolouration to the water in the weirs themselves, and any mining activity, such as bauxite mining, could have a devastating effect on water purity within those regions. We should therefore give the utmost attention to the protection of the catchment areas.

Conservation and reafforestation go hand in hand with the protection of the water catchment areas, and these matters have also been mentioned in the Bill. It appears that this could become a very controversial subject, as we have already noticed in the Press. I agree with other members that the rich jarrah areas in State forests should be completely sacrosanct as far as mining is concerned. I say this because sections of our State forests—I am thinking particularly of the Asquith area in my own electorate—are completely free of dieback. The Asquith area carries a particularly fine stand of jarrah.

Although the Asquith area is more likely to fall within Alcoa's mining activities than within Alwest's, this might be an opportune time to emphasise that these rich jarrah areas of State forest should be declared completely taboo to mining. A great deal of the jarrah forest is affected by dieback, and the mining of bauxite would have little impact on the value of timber in those areas. The reafforestation and rehabilitation of the areas after mining could be of benefit to them. For this reason, I think that in certain areas we should welcome this type of mining, but in other areas which are carrying rich stands of jarrah—which is daily becoming more valuable to the State—I think it would be a very wise move to place an embargo on mining.

Another very important aspect of this industry is the method of disposal of effluent. In this instance the company proposes to pond the red mud and completely contain it within the ponds. There has been some experience with the effluent disposal from the Laporte industry at Australind. This has occasioned a good deal of heartburn in some quarters, although I think at the moment we are on top of the problem, as the effluent is being contained in ponds in the sandhills, which seems to me to be the best method of dealing with effluent. The effluent is ponded and dried out, and the area used for some other industry. I understand that is what is proposed in this agreement.

I am familiar with the area where the industry is to be located, and where it is intended to dispose of the effluent. I think a wise choice has been made in selecting the type of country that is to be used for the disposal of effluent.

The member for Bunbury mentioned the possible problem of smoke fall-out, or smog, from the industry itself. Here again, I think we should be guided by past experience. We can all quite readily see Alcoa in operation at Kwinana, and long before this industry comes into operation at Bunbury Alcoa's plant at Pinjarra will be in operation.

Mr. Taylor: Do you think it is bad at Kwinana?

Mr. I. W. MANNING: No. I keep a close watch on this because I travel on the road a good deal. I do not think the smoke and smell from Alcoa are in any way distressing. That is my personal impression. If with the passage of time and progress in methods of dealing with these things we can tidy it up, we will have achieved a great deal. I think there will be little as regards the industry in Bunbury to which people could take exception.

I said earlier that one of the great contributions an industry of this type will make to Bunbury will be the effect on the port itself. The success of Bunbury and the region, generally, is daily becoming more and more located in the new port and harbour development. It is rapidly becoming clear that the decision to construct the new port and harbour facilities at Bunbury is the key to the success

of the area. This industry has undoubtedly been attracted to Bunbury because of the port, and I am sure others will follow.

I would like to commend the Minister for the manner in which he has pursued the establishment of the port, thereby attracting industry to the Bunbury area. There has been criticism of the Minister in the area. I have felt all along that it was most unfair criticism, and on a number of occasions I have publicly and otherwise defended the Minister in what he was attempting to do. I am very pleased to say that my faith in the Minister and the Government on those occasions has been justified. I offer my support to the Bill.

MR. TAYLOR (Cockburn) [9.30 p.m.]: As the tenth member to speak in the second reading debate on this Bill, I intend to confine my remarks to only a few points. The most pleasing aspect of this debate has been the number of members who have chosen to speak on industry and all its potential problems. We now find that many are speaking on subjects such as effluent, red mud, smoke, smog and other similar matters. It would appear that next session, no matter on which side of the House we may be sitting, we are likely to hear a much more informed debate whenever a question concerning industry and industrialisation arises.

This session could well be called "the red mud session" in that five of these industrial agreements have been placed before us within a matter of three years, and in four of the agreements the matter of red mud has been raised. I would have liked to ask some of the members who have spoken if they had visited the sites of these industries to see the red mud, because they seemed to be most concerned when they discussed it.

I presume the Minister has seen the red mud, but I am almost sure that the other members who have spoken have not. It has certainly been well established in the Kwinana area for at least seven years, and it does not appear to cause too much worry at this stage.

I do not propose to discuss that part of the Bill dealing with effluent, and I will not discuss in detail the need for infrastructure in relation to the development of the Bunbury project; that is, the houses, schools, and hospitals that will be needed. I will not discuss the matter of State Housing Commission homes which the agreement states must be built. I only hope that a State Housing Commission suburb will not be established adjacent to the refinery works at Bunbury.

I do not want to say too much about the increased opportunities for employment that will be offering, as was mentioned by one honourable member. Opportunities for employment will increase, but I am a little sceptical at this stage on the degree of opportunities. The member for Bunbury and the member for Wellington will be those who will be most involved in the establishment of this Bunbury refinery and I say to them that I hope they will take steps to ensure that those responsible for the development of this industry will, first and foremost, look at the quality of the life of the people residing in the Bunbury and Wellington areas rather than be mesmerised by the quantity of money which will be coming into this area in large quantities.

Mr. Williams: That has already been done by the shires.

Mr. TAYLOR: At this stage the question of employment for women, girls, and for the young in areas which have this type of industry would appear to be a problem, and it is one in regard to which the Commonwealth could assist, because in this State it is a problem that is growing with the establishment of this type of industry.

I will now refer to two particular matters. The agreement in this Bill is similar to many that have been in operation in this State for some 10 years or more. With this type of development occurring all over the State, I believe that most of the problems met with in the early projects are now ironed out, or at least understood and that they can be overcome in the future. However, there are still two problems that need to be considered. In practically all of these new developments problems have arisen during the construction period as a result of industrial unrest. These are problems that should be covered in the agreements that are made in the future. There is no doubt that many of the projects that are now well established had their progress marred at the beginning of the construction period.

It is not my place to lay complaint or to make too much comment in regard to this aspect, but this is one area that should be looked at before this particular project gets under way. I do not know whether there is a need for greater liaison between the Government and the industry on the one hand and the Government and the construction companies on the other. Perhaps tenders are let, accepted, and contracts are signed for the construction work, and then the construction companies find, through under tendering they need to be somewhat parsimonius in dealing with their construction workers. This may or may not be so; I do not know. I am certainly not suggesting where the answers lie. However, this is a constant problem with all construction work on these types of projects.

A construction worker moves from project to project. I feel sure that many of the construction workers have moved on from Kwinana to Pinjarra, and when that

undertaking is completed they will move from there to Bunbury. It is a problem to which consideration should be given at this stage, and one which should be tackled at a worth-while level.

My second point is that provision should be made, on this occasion in advance, for the purchase of homes adjacent to the refinery site. To some extent this was attempted at Kwinana when the nickel refinery was built, but this has only been a partial success, and I understand the Government has been considerably embarrased by the desire of a number of people to move out of the area. I believe the Government has paid out $100,000 to settle the claims of 12 or more families in the Kwinana area. These families made claims on the Government to purchase their homes to allow them to move out of the Kwinana district. I believe that about 40 applications are still held by the Department of Industrial Development from people who wish to move away from Kwinana. For example I have recently received two letters, dated the 17th and the 19th November from people who are anxious to leave Kwinana. An extract from one of those letters reads as follows:—

> The reason we have to move, is the noise, particularly on some nights. Last Saturday and Sunday nights (14th and 15th November) were unbearable.
>
> The family were woken three times on both nights with Western Mining making enough noise to deafen one, and on Monday there was an ammonia smell off and on from seven a.m. till after 10 a.m.

Part of the other letter reads—

> I am writing to you to see if you can help me in any way. I have written also to Mr. Roslyn of the department of Industrial Development to see if my name can be added to the long list of people wishing to leave this area because of the noise and odours. I have contacted Western Mining, and in fairness to them I must say they acted promptly in sending one of their staff to see me. Could you possibly raise this matter in Parliament. . .

As I have mentioned, the Government has spent over $100,000 in the past 12 months to find homes for people wishing to leave the area. It is budgeting again for a similar amount to be spent in June-July, 1971, but, as I have mentioned, the names of 40 families living adjacent to the refinery have been lodged with the Department of Industrial Development. These people claim they want to leave the Kwinana area.

The Picton area is an old-established one and if the refinery is established anywhere near dwelling houses the same problem will arise. I therefore hope that a lesson has been learnt from past experience and that provision will be made well ahead to tackle this problem.

As I have mentioned, over the past 10 years we have seen a large number of this type of agreement being negotiated, and many of these projects brought to fruition. At the commencement of the projects many problems were encountered but the companies concerned have not been able to completely solve all of them. They have certainly not been able to solve problems relating to effluent disposal, fumes, and dust. I sincerely believe that many of the industries in the Kwinana area are doing all they can to overcome these problems, and there must always be some noise, smell, fumes, and dust. However, the lessons to be learnt from these industries must be given consideration before the project in the Bunbury area gets under way.

As many of these industrial agreements have been in operation for some considerable time, one wonders whether it is opportune to have a full review of the working of this type of legislation. For example, I am not over-happy about the payment of royalties, but as a member of the Opposition I am not in a position to make an informal comment on that. However, I wonder why, in this particular agreement, we continue to include a clause providing for the non-compliance of the conditions that are imposed under the Mining Act. From questions I have asked, and from observations I have made, I cannot claim there has been, in the main, any laxity in regard to safety or the working conditions in those companies of which I have some knowledge and in regard to which this clause grants immunity. Nevertheless, I cannot see why it should continue in this agreement. I cannot see why, in view of the fact that several of these large companies have been operating for some time, certain groups and companies of a certain size should be granted this exemption.

To me this would appear to be the time to review this clause with a view to deleting it from any agreements that may be made in the future. If it is not deleted, I wonder whether the Department of Labour could begin to start assessing the need to review the type of situation which applies in these industries. It was suggested by Professor Gandevia, of the University of New South Wales, whilst attending a conference in Perth recently, that modern industry and modern techniques, and the use of sophisticated chemicals and technology may bring about adverse effects on the health of the workers which modern science has not yet encountered. Professor Gandevia considered that there was need for research to determine the possible health risks to workers in some of these industries.

It may well be the time in this State for us to begin to insist that industrial and social medicine should be among the requirements laid down in agreements negotiated for the establishment of these industries.

Industrial and social medicine is a specialised area. It has relevance in other countries of the world, but in Western Australia at the moment it appears to have no relevance. Only two doctors in this State are qualified in the field of industrial medicine. In Australia there is no course for industrial medicine. One has to go overseas to take such a course, yet we are rapidly becoming an industrialised State. As I have mentioned, each of these new industries appears to have sophisticated techniques and one wonders whether the companies themselves and the Government agencies are in a position to protect workers, in the long term, against the possible adverse effects of the products they handle. Therefore I consider that something could be done, not only in regard to this industry, but also in regard to others.

Another point I wish to raise is that this industry will probably have a very high proportion of workers who have been born overseas. I take this opportunity to refer to a matter which I raised in this Chamber earlier this year with regard to unrest in the Kwinana area, and which was commented upon by the Minister for Industrial Development. When I read the comment by the Minister it made me most unhappy. He referred to a statement of mine that had been reported in *The West Australian*. The article had a heading which suggested that I blamed outsiders for certain industrial action that occurred at Kwinana earlier in the year. This article was wrongly headed and those who reported it apologised to me for so doing. However, the Minister for Industrial Development in the Chamber chose to quote the newspaper article rather than my remarks which appeared in *Hansard*. For the record now I wish to say that my comments in relation to the high proportion of overseas people who were involved in strikes in industry at Kwinana were put forward to suggest that those people came to this State looking for better employment conditions and a new way of life and perhaps they did not find them.

There is nothing surer than that a large proportion of overseas workers will be required at Bunbury and Pinjarra when the industries get under way. The pattern has already been set in this State and it will be migrants who will take up the positions that are offering in these new industries. They have views on unionism different from what we have. For example their reliance on shop stewards is very marked, as compared with local union attitudes. This situation will undoubtedly exist at Bunbury and Pinjarra and the Department of Labour will perhaps be able to help at least by considering the problem and suggesting ways and means of educating migrant workers to understand our methods of dealing with labour matters in this State.

I have rambled a little in making these remarks, but I did not want to cover any of the ground that was referred to by other speakers. I wonder whether this company can, when employing labour, consider engaging some of those who need employment as distinct from those who are most able to fulfil the positions that are offering. The industries in the north and also some of those operating at Kwinana, because of the relatively good pay, attract good, young, and capable workers.

I have a feeling that in my area the industries being naturally selective by-pass those people who have a slight impediment or infirmity. Those people do not have the opportunity that they should have. This thought came to me when I read the remarks of the President of the Shire of Boddington who said that the work which would be available in that area would be welcome by the people there. One hopes that the employment will not only be offered to those who are most able to carry it out, but will also be offered to those people in the Boddington-Collie-Bunbury area who most need the work.

Perhaps the company will take in as employees some of the people who are not as fit or able as the normal persons, and those who perhaps suffer from some impediment. If these people are willing to do the work they should be given employment. I hope the comany will employ a cross-section of the community, rather than employ the most eligible for the work.

As I mentioned in the beginning of my remarks, I do support the Bill. I agree wholeheartedly with the idea of establishing the project in another area, and certainly away from the Kwinana area. I know also that this will be the means of broadening the industrial education of members from other parts of the State, and this will be all to the good when considering this type of legislation in the future.

MR. JAMIESON (Belmont) [9.46 p.m.]: There is only one aspect with which I wish to deal in speaking to the Bill and the agreement: it is associated with the upgrading of the railway line if the project comes into being. We should be absolutely certain as to where we are going at this point of time in regard to our railway lines. I draw the attention of the Minister for Industrial Development to the fact that he made a classic blunder in the original Alcoa agreement. I obtained the adjournment of the debate on the measure, and I tried to interest the Government in

changing its thoughts on the construction of the Jarrahdale railway line, and build a standard gauge line.

From now onwards we should give great weight to any proposal to upgrade any 3 ft. 6 in. railway line. It might be contended that the line covered by the proposal in the Bill needs to be maintained. If there is to be any upgrading or if any improvements are to be made, then they should be put into effect on the basis of standardising the gauge. There is no reason at all why the Jarrahdale-Kwinana railway line could not have been a standard gauge line. I think it was a matter of cussedness on the part of the Government in refusing to build a standard gauge line.

Initially there is very little difference between the cost of constructing a narrow gauge line and a standard gauge line, if it is to be used for one purpose only, although it was contemplated that the Jarrahdale-Kwinana line might have to carry some traffic from the great southern into the Kwinana complex. That traffic could have been catered for by the building of a third rail, if that was necessary. The Minister for Industrial Development discarded my suggestion as not being worthy of consideration.

This State has reached the stage where we, as a legislative body, must ensure that in the future railways lines should be built to the standard gauge, so that ultimately all the lines will be of standard gauge and everybody will pay the same freight rates, and the rolling stock will be available to all the lines in the State.

This is a long-term project. However, if we do not lay down a firm principle at this point of time, it will be a much longer project to convert the lines to standard gauge in the future. I hope that any move made in the future to upgrade railway lines will only be implemented on the basis of conversion to standard gauge.

MR. COURT (Nedlands—Minister for Industrial Development) [9.49 p.m.]: I thank members for their contributions to the debate. I think this is the longest debate we have had on a Bill of this kind. Much of it unfortunately has centred around the same subjects, but on this occasion we have wandered a little further than we normally do.

Let me say at the outset that it is the job of the Government of the day—be the Government us or somebody else—to weigh up all the factors and then to make a judgment. We can never have all that is desired; and, as some members have pointed out, when we have development, irrespective of the kind, something has to be disturbed. The important thing is to weigh up all the factors and then to make a judgment so as to achieve the maximum result with the minimum of disturbance. I believe that in most instances we have done that with the agreements, and particularly with this one.

There are two extremes of view. On the one hand we get the academic and scientific people, like foresters, who are heavily dedicated and committed to their own way of thinking and their own professions, and they like to retain the existing state of affairs for ever. On the other hand, we find people in the other extreme who contend that industry should be established, and to hell with the rest. Somewhere between those two extremes we as members of Parliament, and the Government in the first instance, have to weigh up the pros and cons and then express judgment as to how far we can undertake development within reasonable limits.

I would like to explain this to the House, and I was hoping I would not have to take too long, but the number of comments I have to answer is fairly voluminous and I apologise for the time I will take. This happens to be the last agreement we will be dealing with in this Parliament, and it is rather important that I explain the procedures that are followed.

Over the last few years we have developed a very skilled negotiating group. Of course, the Minister is the one who makes the contact with the various companies at the board room level and generally maintains the co-ordinating responsibility. We have endeavoured to put together the machinery, first of all, in the north-west where this type of machinery was initiated, and now in the south where there is a great deal of co-ordination. I would like to pay a great tribute to the work of Mr. John Parker, formerly the Director of Engineering and now the Co-ordinator of Development, who has developed an amazing expertise not only with his engineering knowledge but with his understanding of commercial practicability, for which he has gained international reputation.

Some of the matters that have been negotiated by way of infrastructure provisions have been amazing by the standards of any country. Whether a matter affects transport, forests, lands, water supplies, or railways, it matters not. This group is brought together so as to avoid the fragmentation of effort, and to avoid a situation where the left hand does not know what the right hand is doing.

This brings me to the point that no two situations are exactly the same, and in this respect I will deal with the points raised by the member for Clontarf in relation to the different freight rates, because it is a fact that no two situations are the same.

I sometimes wonder what would happen if we sat back and looked at some of the propositions which we dig up and some which come to us, and said that they were

too hard because we would upset somebody and that there would be a problem with forestry, a problem with water conservation, and a problem with transport. What would happen if we did nothing about such propositions and Parliament came to hear of this? There would be a mighty uproar. Members would clamour, "What is the Government doing? Why is the Government letting these chances go by?"

I believe it is the responsibility of the Government of the day to bring these propositions to this House after they have been negotiated as well as they can possibly be negotiated to obtain the maximum benefit for the State. We must acknowledge one great drawback which we have to face; namely, the fact that our loan fund situation is still in a lamentable position. Our finance on the revenue side has changed quite dramatically. I think it is fair to say that so far as capital funds available to the State are concerned, if we take into account inflationary trends, which are inevitable with any developing country, we are really trying to get along as the fastest growing State with a loan fund budget approximating that available when we were the slowest growing State.

It is because we have been able to get the private sector to contribute so heavily that we have managed to get this far. Members have heard me say before that there is a limit to what can be done to extend this participation by private industry when we get into more sophisticated types of operations.

In case members think we are completely indifferent to forests, I have some figures on forest lands which are quite remarkable. They give the lie to those who accuse Ministers—myself in particular—of being indifferent. My colleague, the Minister for Forests, was able to tell me from official statistics that State forests and timber reserves under the Forests Act in 1959—which was when this Government came into office—were 6,096,512 acres. The present figure has gone up to 6,323,468 acres, or an increase of 226,956 acres.

I would have thought that this was quite remarkable in these days of rapid development when there is continual pressure from people in the country for land to be released for farming purposes. I never hear of anyone wanting to give land back to the Forests Department. It is always a case of somebody wanting to take something from the State forests. I must admit that the figures represent a remarkable performance on the part of the Minister and on the part of the officers of the Forests Department, because there has been an increase of nearly 250,000 acres in the amount of land held as State forests or timber reserves under the Forests Act.

I offer this as some consolation to members who are concerned that we will take a few hundred acres a year because of mining development in forest country. The increase is a recompense, because it does appear to me that it represents a very positive approach not only to the question of forestry but also to the question of conservation generally.

Mr. Graham: Acrewise, that may be so. However, what is the timber bearing capacity of the new State forest area compared with that which is to be desecrated?

Mr. COURT: I could not be specific.

Mr. Graham: That is the important point.

Mr. COURT: The facts available indicate that the area of State forest is nearly 250,000 acres more than it was in 1959. The amount of land mentioned by the Deputy Leader of the Opposition in such an extravagant way by the use of the term "desecrated" is not all good quality forest land.

Mr. Graham: It is desecrated from a forestry point of view. I hope it would not be all good quality forest land.

Mr. COURT: A smaller area is involved under this agreement than under the other agreement.

Mr. Graham: Millions of acres are involved.

Mr. COURT: I do not discount lightly the tremendous job of reafforestation that will be done. Also, I do not retract one word from what I have said; namely, the economic return to the nation—admittedly not in the same species of trees, but from the reafforestation programme—will be greater than that which would come from the indigenous trees.

Mr. H. D. Evans: They will not grow to the right size.

Mr. COURT: If one wants to be a dismal Dan one would do nothing.

Mr. Graham: Has the Minister spoken to a forester who knows about forestry?

Mr. COURT: Surely the Deputy Leader of the Opposition does not think that we have done this out of our heads.

Mr. Graham: Which forester?

Mr. COURT: The Deputy Leader of the Opposition knows that I have never referred to a specific officer in Parliament when it has been a question of departmental affairs.

Mr. Graham: A Forests Department official?

Mr. COURT: I am not going to do it now.

Mr. Graham: The Minister knows he has not spoken with one.

Mr. COURT: Before we went into this exercise, which involves forests, we consulted with the forestry people and they gave us advice as to how it could be done.

Mr. Graham: They gave advice but they did not give advice on what you are doing.

Mr. COURT: They said that this is what could be done and indicated the possible consequences and risks. However, these are calculated risks that have to be taken in the interests of development.

Mr. H. D. Evans: That is not what is in the papers.

Mr. COURT: I suggest that the honourable member should not get involved with people who rush into print.

Mr. H. D. Evans: It was the Minister for Forests who rushed into print.

Mr. COURT: I do not decry these people if they want to express themselves. The honourable member is suggesting that the Government has misled its officers in respect of matters of conservation because people are rushing into print every second day.

Mr. Graham: Thank goodness for them.

Mr. COURT: They would not be rushing into print every second day if the Deputy Leader of the Opposition's party were in office. I have seen his Government in action when somebody has tried to express himself.

I should like to get back to the main concept of development, which is the one we have to appreciate. Only one or two members have touched on it tonight. When we go into basic development of this kind, which is a sophisticated type of development, the multiplier effects are quite fantastic. We are talking about a major transport system in this particular project; not to transport 100,000 tons of something, but to transport, in the first phase, when it reaches 1,000,000 tons of alumina product, 3,000,000 tons of bauxite, and 700,000 tons of coal.

If I might answer a question by the member for Collie: if he reads the agreement he will find that provision is made for the same rate of freight to apply for coal as for bauxite, although it is not so profitable for the railways to carry coal as to carry bauxite, because of the relative density of the two products.

Mr. Jones: I mentioned the S.E.C. and wondered why the agreement could not be extended.

Mr. COURT: We are not dealing with S.E.C. coal. When I introduced the Bill I referred to the fact that having a more efficient railway would probably lead to an improvement in the cost of getting coal from Muja to the S.E.C. power station. I specifically referred to that, as well as the fact that it opens the door for export. Transport is a great industry, superimposed on this other industry.

The object of this industry is to reach 2,000,000 tons of product, which will mean we will be carrying 7,400,000 tons of product, 6,000,000 tons of bauxite, and 1,400,000 tons of coal. The impact of this in Collie does not need any elaboration.

I now refer to the port—the great industry will surround the port. The catalyst for the port is Pinjarra, and no-one on the other side has mentioned the importance of Pinjarra in our regional development programme. This industry that we are negotiating and ratifying in this Bill is not the beginning of the major breakthrough in regional development in the south-west in this era.

The previous agreement that we ratified in respect of Pinjarra was the catalyst for the great south-west development, and there is nothing unreal about that. That industry will become one of the biggest of its kind in the world, and it is currently being built up, subject to a lot of industrial trouble, which is a very poor reward after getting the company to accept the extra cost of establishing itself in Pinjarra.

We have now this focal point in Bunbury from which we are able to think in entirely different terms. There will be an increase in the population, more houses, greater impetus to the building industry, more schools, hospitals, amenities, retail businesses, and so on. The member for Wellington specifically referred to the direct impact that this industry will have on the producers of potatoes, milk, and a thousand-and-one things in this area.

Having dealt with that in a general way, I now proceed to some of the more specific matters. I will endeavour to cover them as quickly as I can. I was disappointed with the member for Collie. I felt he wanted to be enthusiastic about this industry. I know he feels enthusiastic about it but, of course, being in Opposition, he is not allowed to do that sort of thing.

Mr. Graham: What is not allowed?

Mr. Williams: He is laughing his head off.

Mr. COURT: He came along with two bob each way—"I love this industry, but think of the horrors of it." However, I think he will reflect on this, one day, and realise that he cancelled out the whole of his support when he supported a certain forester, because if he supports him he immediately opposes the whole proposition. Without the mining of bauxite, the whole project is cancelled out.

It is quite fallacious to suggest that the south-west is being neglected. Over the last 10 years the south-west has progressed at a greater rate than the national average. Admittedly it might not have progressed as fast as the Pilbara, where there

are special circumstances, but it has progressed at a sound rate and it will now go ahead at a great rate.

The honourable member referred to the leakage of information, and no-one regretted that more than the Government did. The point he made was a factual one. When information gets around on this basis, and people speak as though it is a reality, the castles that are built in the air and the speculation that begins are quite tragic in some cases. We were at a very delicate stage in our negotiations; there were one or two tricky matters unresolved as regards conservation, freight rates, and a number of other matters of vital concern to the Government on the financing side, and it was most unfortunate. But it seems that there is a point beyond which things cannot be kept confidential because so many people have to be involved.

Mr. Jamieson: Too many public relations officers.

Mr. COURT: We tried to talk to local people who had to be involved in the project, but I have learned over the last 10 years that there is a limit to what can be done while still maintaining security. I would like the honourable member to agree that the Government did its best to try to to dampen this thing down in order to avoid excessive speculation.

It is true that some of the agreements that have been considered by this Parliament have been referred to as scraps of paper but have now become some of the biggest of their kind in the world in actual operation. One could say that this present agreement is a scrap of paper because the company has two years in which to give notice, but I believe this agreement, as with many other agreements that have been submitted here, will become a reality. There are two fine companies involved in it, one of which has great mining and industrial expertise, and I beleive that they, together with some international influences in the alumina business, will produce a great project.

The honourable member referred to two problems—wood chips and canning. I hope the wood chips will be negotiated in the next year, as there has been a complete change of heart in Japan. Reports received this week are quite encouraging. This matter may not be accomplished in a hurry, but it will be accomplished. We have also made some progress in connection with a replacement canning and/or vegetable industry. I mention that in passing.

Naturally, the honourable member was interested in coal. I can only give him the assurance I have given to him, personally, and to the shire president; that is, as I have said in the Press and in my introductory remarks, the Government and the company are trying their hardest to make Collie coal fit, and the objective is to ascertain how it will fit, not to find reasons why it will not. I might add that in some respects it would be easier to find reasons why it will not fit, because if the honourable member were on the receiving end of some of the comments that I have had from Bunbury, as regards the fear of fly ash, he might want to join forces with me and lend a helping hand.

I am trying to convince the people in Bunbury that this will not be an industry of the old order and that the fly ash will be minimised because of the method of using the coal, as distinct from the straight use of coal in a power station. Bunbury is not as keen about having a refinery as Collie would be.

Mr. Jones: Move it up our way.

Mr. COURT: The Collie Shire President was very vocal about this last week. He said, "Send us the refinery, fly ash and all."

I have noted the point regarding the loco bases at Collie. I do not think this is practicable but I will have my colleague investigate it.

The matter of wharf charges has been negotiated in accordance with the system we have of co-ordinated negotiation, not only with the Government but also with the local port authority. We have always been very careful not to ride roughshod over the port authority. We have tried to live with the authority and give it a proposition that is profitable. We need the authority's co-operation, and I think the authority would be the first to admit that the Government has been co-operative in this matter.

The honourable member asked why we had a seven-year review period for royalties. At the time I was tempted to refer to the seven-year itch, but I thought it would be inappropriate. It so happens that this is regarded as a reasonable period of security to give to an industry that has to finance itself and has to sell on a very long-term contract. Most alumina is sold on 20-year contracts and the escalation clauses are not as generous as some of the escalation clauses we write into railway freights. It is not unreasonable, therefore, to give the company certain rests along the way. All companies would like a 21-year period but, in the main, we have had to bring this down and have review periods, with the proviso that there shall be no discrimination.

A number of members, including the member for Collie, raised the question of labour conditions. Those who understand the mining industry will appreciate that where we are to have a huge investment concentrated in one particular place, we could not expect people to man every part of the project under normal labour conditions laid down in the Mining Act. That would be a crazy situation. We would have men sitting around completely unconnected and completely disheartened, doing

nothing, because the main impact of a long-term project which runs for 60-odd years must, of necessity, be in some centralised place. The overall investment and the overall operating activity must be taken into account and if those matters are related to the area we would find that, by meeting the conditions of the agreement, the companies more than conform. What would be the position if they had to man the mines in detail under the Mining Act? There would be no agreement and no project.

The honourable member was concerned about water. There is nothing new in water being taken from the Wellington Dam to Bunbury. I am only amazed that it has not been done before. If one goes back and studies the origin of the Laporte agreement one will find that it contained a provision to tap the Wellington Dam on a much greater basis than is proposed under this agreement, if the company could not obtain water of sufficient quality and quantity. I would have felt that the honourable member would like to feel that he was part of the great south-west development and that at last somebody was going to establish an industry.

Mr. Jones: There has been a change of attitude.

Mr. COURT: No, there has been no change of attitude. If the member for Collie refers back to my comments during those rather hectic days in Collie when the union of which the honourable member was secretary took great delight in trying to embarrass the Minister for Industrial Development, and the Government generally, he will recall that I said there is a limit to the amount of water that can be taken from the Wellington Dam and from underground sources in Collie for the purpose of power generation. This is because the commitment of the Wellington Dam, in its original conception, was for irrigation and "other purposes"; and, to my mind, the "other purposes" have always been the industrial expansion of Bunbury.

If the honourable member looks at the newspaper article he quoted he will see that I said those words. If the then General Manager of the S.E.C. said exactly the same thing, it was because we were on the same wave length. Naturally, if there was any water to be taken from Wellington Dam, the general manager was after it, but he realised the limitations.

Mr. Jones: I will lend you the paper afterwards.

Mr. COURT: I happen to know the paper in question because at that stage the honourable member was a bit of a problem. I well recall the occasion of a meeting when the chairman said there were two lots of people at the meeting—one lot were headline hunters, and the other lot were head hunters. The chairman of the meeting put the honourable member in the second category.

As far as the question of whether or not there will be any surplus power generated at the alumina refinery is concerned, all I can say to the honourable member at this point is that I do not know. At the moment at Kwinana, for instance, we have a surplus of power at the Alcoa works which is not gridded in. However, we do allow the company to use some of the power for activities directly related to its operations. For instance, at Pinjarra the company will be able to use surplus power to drive belt conveyors to the mine site; it would be quite foolish to make the company put in a power line in those circumstances. However, at the moment there is no suggestion that the company will grid in its surplus power, although I must admit in most overseas countries if anyone has surplus power the first thing the local power authority does is to go to the company and ask it to grid the power into the system, as part of the overall rationalisation.

The last comments made by the member for Collie were in connection with forestry. I want to tell the House that the Government has gone as far as is possible to look after the matter of forestry. Consultations have been held with the Forests Department—and I am talking about the top people—and I believe that what we have written into the agreement is as much as could reasonably be expected of any Government and of any company. I would not like the honourable member to think that just because certain techniques were employed in the first area, those techniques will remain. For instance, Alcoa, which is a most co-operative company and works closely with the Forests Department, is always looking for new techniques. The company has bought one of the largest Caterpillar tractors ever built, and it has a huge ripping device.

Contrary to what the member for Collie mentioned whilst he was obsessed with topsoil, one of the problems is the hard layer which is left after the bauxite has been removed. As the honourable member knows, the topsoil is first removed, the bauxite is taken out, and then a rather hard underneath layer of material is left. One of the techniques being developed is to rip this layer so as to allow permeation of the topsoil. This will allow the roots—if that be the main problem, which is doubted in some quarters—to follow the topsoil down.

This is the type of study which is going on all the time. It is not a static thing and it is not treated with indifference or callousness, because companies want the reafforestation to be successful. Whilst we are on this subject, the member for

South Perth mentioned native flora and asked for an assurance that the matter had been the subject of discussion and consideration. I can assure the honourable member that it is a matter of discussion; and also—so far as the new company is concerned—Alwest is vitally interested because one of the bosses of the company is an enthusiast so far as conservation is concerned—I was going to say he is a bit of a conservation crank, but I think that would be unfair. "Enthusiast" is the more correct expression. It is easy to talk to that gentleman about these matters and it is also a fact that Alcoa is taking a tremendous interest in the restoration of flora; just as much as, and additional to, its immediate commitment in respect of forests.

When I talk about forests, I am referring to trees. So far as shrubs, undergrowth, and flora are concerned, the company is rather proud of its interest in this field of activity and I do not think there is any need for us to worry, because the company people have to live with these areas, not only in respect of the public, but also in respect of the authorities which are vitally interested—on the one hand, the Forests Department and, on the other hand, the Metropolitan Water Board so far as its water catchment areas are concerned, and the Country Water Supply Board so far as other water catchment areas are concerned.

I would refer members to clause 12 of the agreement on page 28 of the Bill. In part, the clause states—

> ...and the Conservator unless he has good and sufficient reason to the contrary shall grant to the Company any permit or licence necessary for those purposes subject to usual or proper conditions...

The reason it is expressed in that manner is to provide for a situation such as where the company might come up against an area of special scientific or other interest or of special importance to the Forests Department. For instance, the conservator has told me of one large area of some 60,000 acres in the forest land directly related to Alcoa. As a result of this system of liaison, consultation, and discussion the company has no intention of going into that area, because the Forests Department wants it for a particular purpose.

A number of other areas are the subject of discussion and areas such as the Dryandra Forest area and the Boyagin Rock area—and there are several other areas—are the subject of negotiation between the Forests Department and the company. Of course, anyone else who is involved, such as the Minister for environmental protection, will also have an interest in the consultations.

I mention this matter with some emphasis because those words were not included in the clause by accident; they were put in there for a purpose. In other words, the clause states that the conservator will grant a permit in accordance with the provisions of the agreement unless he has good and sufficient reason to the contrary; and a good and sufficient reason could be a particular scientific interest in an area —some special significance about either flora or fauna in a particular area of forest. This is the way it works.

I want to emphasise that we have two companies; one that is operating and the one that is about to operate, which have shown great sensitivity to this kind of thing. I refer also to the clause which appears on page 29 of the Bill, because it will save me coming back to it later when I answer comments that have been made by other members. Subclause (8) of clause 12, appearing on page 29 of the Bill, reads as follows:—

> (8) As may reasonably be required by the Conservator, the Company shall from time to time and at its own expense take adequate measures—
>
> (i) for the progressive restoration and re-afforestation of the forest destroyed;
>
> (ii) for the prevention of soil erosion;
>
> (iii) for the prevention of the formation of deep water pools and other dangers to persons who may use the forest areas.

These provisions are very exacting. I could not quite follow the member for Collie's remarks in regard to more top soil being replaced. The company cannot replace more than 100 per cent. of the soil that has been removed, unless he wants the company to rob farms nearby of their soil, and I can imagine what my colleague, the Minister for Agriculture, would have to say about that.

Mr. Jones: There is always some soil lost.

Mr. COURT: In an operation of this size not much is lost. I thank the member for Narrogin for referring so eulogistically to the way in which the company has negotiated with the farmers. In this particular operation, most farmers are very satisfied with the arrangements that have been made in respect of their properties. Some of their topsoil will be removed, the bauxite taken out, and the soil will be replaced for the regeneration of pasture.

One of the points that was worrying the country water supplies department was the need to insist that these properties be put back to pasture, because whilst forests are protected when they lie within water catchment areas, there could be a deleterious affect on the catchment areas as a result of the farms not being put back to pastures. This has caused a certain amount of worry to the country water supplies scheme, and also in regard to water from

the metropolitan water supply scheme, although it is mainly the country water supplies that are affected in this case. Farms are to be rehabilitated.

I come once again to the variation clause. This problem is inevitably raised. There is no other way to negotiate an agreement, because an agreement cannot be put in a straitjacket. I sometimes wish I could adopt the clause that a Tasmanian Labor Government adopted. The said clause just says that the agreement is varied in any way that the company and the Government agree to in writing. We do not go that far and do not intend to go that far.

Mr. Bertram: Many agreements are varied without any variation clause.

Mr. Jones: Is the problem so real that two sessions of Parliament cannot handle it?

Mr. COURT: I remind the honourable member that practically every session we have brought an amending Bill to this Parliament. This is not only because we want to bring it to Parliament, but also, if the clauses are read properly, we are obliged to. The company probably wants to invest tens of millions of dollars extra and because of that it insists on any amendment to the agreement being brought to Parliament because it would not be valid unless it were. The appropriate words are—

> . . . for the purpose of more efficiently or satisfactorily implementing or facilitating any of the objects of this Agreement.

If an attempt is made to get a lawyer to work on this clause to get an opinion on it one does not get very far. The words I have quoted are the limiting words. The variation clause has to be used for the purpose stated with the result we have been to this Parliament on many occasions with amendments to agreements. I hope that every Government that comes into power in this State will follow the same line.

We have also had a query about differential freight rates. Perhaps I can answer the member for Clontarf on this query at the same time. If a study is made of the Koolyanobbing agreement, the B.H.P. agreement, the smelter agreement which we passed the other day, the Koolanooka agreement, the first and second bauxite agreements, the Pinjarra agreement, and this one, they will all appear to be different, but in the final analysis they all come back to what is economic.

I want to reiterate what I said the other night. My colleague, the Minister for Railways, and myself are not allowed to negotiate any agreement which the Treasury does not think will be profitable to the railways. That is a basic requirement of any agreement. If the member for Clontarf wants to stick to the old freight book for ever and a day there is no future for the railways of this State. The important consideration in these agreements is whether the agreement will prove profitable to the railways. It would be ideal, but quite unrealistic, to expect to get a freight rate that would be three times more profitable than the one fixed in the agreement. The reason why there are differentials is that, firstly, there is a difference in the capital contribution this company will have to make whether it be for standard or narrow gauge rehabilitation and upgrading, and we have to equate this to a freight rate. Also there are varieties in grades, types of commodity, etc.

For instance, if the company had to put up $20,000,000 for the upgrading of a line and for dual gauge and standard gauge, it would be unable to borrow money, as a company, at less than 10 per cent. It cannot borrow money at the same rate of interest that Governments can. It may have to pay 11 or 12 per cent. interest. However, if it borowed money at 10 per cent. it would be paying $2,000,000 a year interest, on top of which it would have to meet the repayments on the money borrowed. The company is not entitled to any taxation deductions under the rather crazy taxation laws we have at the Federal level, so this capital contribution is reflected in the freight rate. We have to try to equate the freight rate in accordance with how far we can afford to go.

Mr. May: How do you account for the fact that the company will get money back from other people who use the railway?

Mr. COURT: There is a doubt as to how much the company will get back should other companies use the railway. Anyway the company is building the railway to carry tonnages up to 6,000,000 of bauxite plus the coal, so there will not be much reserve capacity. Therefore most people who will want to use the railway for their additional tonnages in excess of 500,000 a year would have to pay money that would not go back to the company, but would be spent towards the further upgrading of the line.

In other words, the company would have to upgrade the standard gauge railway to the level required. Further, there could be many other expenses borne by Alwest; and surely, in all that is reasonable, the company should get something back in return if the reserve capacity it creates is used by others.

I thank the member for Narrogin for his constructive remarks in regard to farmers and others and the impact the industry will have on his district. Thank goodness somebody was enthusiastic about the agreement! I think I have covered most of the points raised by the member for Warren.

Mr. H. D. Evans: What about compensation?

Mr. COURT: The compensation that will be paid to the Forests Department has been increased beyond the compensation that was provided in the Alcoa agreement. It will be recalled that in the Pinjarra agreement provisions were inserted for an increasing payment to be made to the Forests Department. That was provided by amendment to clause 13 of the original Alcoa agreement, instead of having a static amount as was originally contemplated. The honourable member also referred to reserves. I have touched on those particular reserves. He mentioned Dryandra, and I have referred to one or two others. I can only reiterate what I have already said; that is, under the terms of the agreement the conservator has power to consult and to treat these areas as special cases within the terms of the clause that appears on page 28.

I thank the member for Bunbury for the comments he made. I have made a note of the points he raised about marshalling yards, which I will pass on to my colleague, the Minister for Railways. I know the cost will be more in 20 years' time, but at the moment he has no money. Therefore we have to exercise judgment and keep an eye on how far we can go. In regard to the refinery site, I can only reiterate the assurances I have given to the Bunbury Municipal Council and the Dardanup Shire; that is, we will be conferring with the company in the near future to ensure it thoroughly understands what is proposed. I do not think there is any need for the concern it might have at the moment, because we are not putting this industry alongside an established number of houses.

The member for Cockburn referred to the situation at Kwinana where people built within an area after it had been zoned "industrial." This did bring about a degree of hardship which the Government has been trying to relieve. In many cases, however—though not in all cases—people built there illadvisedly, but we have tried to live with it and I hope this will be avoided at Bunbury.

The member for Pilbara was concerned about the railway. He referred specifically to clause 3 of the ratifying Bill. Without this clause the ratification would be completely ineffective. This does not wipe out all the Statutes of the State, as the honourable member said. It only means it will be used to the extent necessary as written into the agreement. I think the appropriate words are "subject to its provisions."

If the honourable member reads it with those words in mind he will appreciate that they have a restrictive significance. He referred to railways. Most of the railways in recent years have been private railways. As the honourable member said, there is no conflict between the W.A.G.R. and the existing railway in the north. But where railways impinge on the W.A.G.R., the honourable member will have seen what has happened—as is evidenced by the Bill which forms the next item on the notice paper—where a special Bill had to be introduced. This is the vital difference between purely private railways and those to be operated as W.A.G.R. lines.

Mr. May: Why did you not have a report from the director-general?

Mr. COURT: Because there is no railway Bill; there is no W.A.G.R. line in the other cases.

Mr. May: You got a report in the case of Kalgoorlie.

Mr. COURT: That is the railway Bill dealing with the W.A.G.R. Kalgoorlie-Kambalda-Widgiemooltha line. We hope that railway will be built before Parliament meets again. One is being upgraded at the moment in connection with the salt industry. In this case there is a different situation. There is an established W.A.G.R. line from Bunbury to Collie and the new railway will be from Worsley to Mt. Saddleback.

I can assure the honourable member that the director-general—like all the other senior officers—is involved in these negotiations as part of the co-ordinating machinery we have established.

I would now like to touch on a point raised by the member for Belmont. I well recall the point he raised when we were building the Jarrahdale-Mundijong section of railway for the carriage of bauxite. The honourable member's point was well made and it was taken up by me with the then commissioner, as I happened to be Minister for Railways at the time. It was impractical at the time for that section of the Jarrahdale-Mundijong and Mundijong-Kwinana line to be standardised because the commissioner convinced me that the operational problems, particularly in connection with the Mundijong-Kwinana line, were insurmountable.

I do believe the efforts we are making to standardise this railway with a view to having a dual gauge and a standard gauge is consistent with what the honourable member was referring to. We have had the same criticism from one of his colleagues about this being an isolated railway. I do not think it is. I feel it is part of a greater concept. This was borne in mind when we negotiated the Alcoa Pinjarra agreement. Once the line gets standardised from Bunbury to Pinjarra, it will only be a stone's throw from the existing standardisation down as far as Kwinana.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Ratification of the Agreement—

Mr. H. D. EVANS: I would refer members to page 21 of the Bill and particularly to clause 7 (3) of the agreement and ask whether there is any reason for the Dryandra State Forest not being afforded the same protection as the water catchment area. Surely that region is just as important as the catchment area, and it is important that it be conserved. Once we have bulldozers and other machines going into that area it will mean the finish of the creatures referred to in Vincent Serventy's book entited *Dryandra*.

If this protection is not provided now the opportunity will be lost in the future. It is arguable that the Conservator of Forests has a measure of control as indicated in clause 12 (2) of the agreement but it can equally be queried why we should not leave the catchment areas also under the control of the Conservator of Forests. The companies can still obtain permission to mine; they cannot be denied this, provided all the circumstances have been examined by the Minister for physical environment. I will leave the Minister to comment on the possible insertion, in line 6 of clause 7 (3), of the words "and that part of State Forest 51 near Dryandra and the land that is affected in the area."

The CHAIRMAN: The honourable member cannot move an amendment to the schedule.

Mr. H. D. EVANS: In that case I would ask the Minister for Industrial Development why my suggestion cannot be implemented.

Mr. COURT: If the honourable member had his way there would be no end to where we would go. We would be writing in so many bits and pieces here and there that, firstly, people would not care to negotiate with us; and, secondly, the machinery of Parliament would be completely unworkable. The situation is that the Government has written in specific provisions in accordance with the negotiations, and these deal with water catchment areas because they enjoy a special situation for the well-being of the community. This does not mean that we disregard the other areas.

If we were to mention the Dryandra area I could produce for the honourable member half a dozen other areas about which other people feel very deeply. We could reach the situation where we would find ourselves in an untenable position. I am prepared to trust the good sense of the conservator, the Government of the day, and the company, because such areas have a special significance.

The Conservator of Forests has approached the Alcoa company in respect of one area in particular which has scientific value, and the company has agreed that the area will not be mined. In the case of any area which is of special significance to the Forests Department there will be consultation between the conservator and the company, with a view to adopting a common-sense attitude. If we tried to be specific about every particular reserve or scientific area we would finish up with having no Bill at all.

Mr. H. D. Evans: And having no reserves, either.

Mr. COURT: I expected the honourable member to say something like that.

Mr. BERTRAM: I refer to clause 5(4)(a) of the agreement which appears on page 14 of the Bill. This deals with the disposal of the red mud. At first glance it appears that this provision shuts off completely the Minister for environmental protection in respect of the disposal of red mud. I would like an intimation from the Minister for Industrial Development as to whether or not that is so.

Mr. COURT: It does not preclude the Minister for environmental protection making representations in respect of this matter. No doubt, from time to time, he will do so, because his brief is a fairly wide one. The object of this provision is to avoid any misunderstanding relating to the commitments of the company which are onerous to a marked degree.

In both this agreement and the Pinjarra agreement the red mud situation is very tightly controlled. I cannot imagine this will conflict with what the Minister in charge of physical environment will want to do. Surely he will welcome a provision which spells out absolutely what is to be done.

Mr. BERTRAM: My concern is with the words "prior to the production date have submitted to and have had approved by the Minister". They would refer to the Minister for Industrial Development, and would exclude the intervention of any other Minister. The Minister for Industrial Development would be able to say to the Minister for environmental control, "I have jurisdiction, and you do not." That is what concerns me.

Mr. COURT: We have to go back to the definition of "Minister" on page 5 of the Bill. After all, the Minister can be changed, and he is not referred to specifically as the Minister for Industrial Development. At his will the Premier can change the Minister. If the Minister did not do what was expected as a matter of Government policy he would not get very far.

My own understanding of the procedure is that quite apart from the normal co-operation between Ministries, where there is any concern as to whether a certain matter will achieve this purpose it will be referred to the Minister for physical environment.

Clause put and passed.

Schedule—

The CHAIRMAN: In submitting this I should point out that the schedule contains, in effect, two schedules—the first and the second.

Schedule 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 Mr. Court (Minister for Industrial Development), and transmitted to the Council.

BILLS (3): RETURNED

1. Electoral Act Amendment Bill (No. 2).
2. Marketing of Eggs Act Amendment Bill.
3. Road Maintenance (Contribution) Act Amendment Bill.

Bills returned from the Council without amendment.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th November.

MR. JAMIESON (Belmont) [10.49 p.m.]: This Bill can only be described in a short phrase as "a shocking sham." The Government, through the Premier, promised some time ago that certain action would be taken legislatively. If one can believe the rumours and the writings in the Press, we heard that there had been some infighting—if one can use that term—in the Cabinet between the Premier in regard to his obligation to live up to his electoral promise, and the Minister for Town Planning in regard to his desire to retain the Act as it is at present.

When one examines this proposed legislation fully one sees that the Minister for Town Planning has won the bout most decisively. There will be no difference whatsoever in the present situation. It is true that the Bill contains some 10 pages, and the provisions in the legislation will be amended by the Government's proposed 12 amendments which we have before us. Even those amendments will not do anything to help. As a matter of fact, the Bill could not have been drafted any worse had the member for Mirrabooka and the member for Dale drafted it, and that is certainly saying something.

I will show where the Bill falls down. None of the organisations, to which I have referred this Bill, like it at all. Those organisations consider that the measure was brought in in haste, and probably conceived in haste. As a consequence, the legislation is proposed to be amended by the 12 amendments we now have before us. So it must have been conceived in haste. In my opinion, and in the opinion of many others, it should be withdrawn and dealt with more leisurely at a later date, when we can create an appeal system outside the control of the Minister.

The Bill will give the Minister the right to deal with appeals where persons are affected by a town planning scheme. Such appeals are usually put forward against the Metropolitan Region Planning Authority, on a large scale, or against a local authority, on a lesser scale. The persons concerned are also permitted to appeal to the Minister under the Town Planning and Development Act with respect to conditions imposed on subdivisions by the Town Planning Board. Thirdly, appeals can be made to the Minister when the considered cost of sharing a road already constructed past a proposed subdivision is more than a reasonable amount which the developer expects to pay to allow the subdivision to take place.

Fourthly, a developer can appeal to the Minister against a decision of the Metropolitan Region Planning Authority, or a local authority, if he considers the conditions imposed to be detrimental to the proposed development; and, as a consequence, he has a *bona fide* grievance.

I have long been in favour of taking from the Minister the right to hear appeals. I think he has enough to do. I referred to this matter recently when speaking to other legislation where there was a right of appeal to a Minister. I do not think a Minister should be in the situation where he must put legislation through this Chamber and then, at a later date, act as judge and jury and determine some point on behalf of a person who feels he is aggrieved. I suggest that the sooner we get some sort of independent tribunal the better. We will certainly not reach a solution under the provisions outlined in the Bill now before us.

The Bill, if it becomes law, will set up various courts at various times. Those courts might have the same presiding officer, but the other members would probably differ on each and every occasion. As a consequence, the decisions arrived at would differ and they would vary according to the personnel on the various appeal courts. Decisions will always be subject to the guidance of the judge, who would be the main person. When a tribunal is

set up the judge usually becomes the arbitrator and makes the decisions. We might as well send an appeal to a judge, as is the case with a Court of Marine Inquiry, where an expert advises the judge.

We do not propose to take that course in the Bill now before us. The Government has come down with a mongrelised scheme which will provide for an appeal either direct to the Minister or to a court of appeal. If one or the other is nominated, access to the other is denied.

I think this provision requires some examination and I will, at a later stage, quote the opinion of one of the larger shires in the metropolitan area. It is a considered opinion on this matter. The Minister, in introducing the Bill, no doubt had the aid of notes provided for him. I wish to draw attention to what the Minister said at page 2512 of *Hansard*, when speaking to clause 40. The Minister had the following to say:—

> Clause 40 provides for the setting up of a town planning appeal committee which will consist of persons appointed by the Governor. The Minister may refer an appeal either to individual members, or collectively, to consider and report with a recommendation to him. The Minister will then determine the appeal after consideration of the report and recommendations.

Of course, the Bill does not give that right at all; it only gives the right to refer to an individual member, and not to the committee. In the first place, the Bill does not set up a committee. If a committee is set up the conditions must be set out. I draw member's attention to the clause concerned, part of which reads as follows:—

> (3) The Minister, if he thinks fit, may require any person on the Committee to consider, and report and make a recommendation to him upon, any apeal to the Minister and that person shall do so as soon as practicable thereafter, and the Minister, after considering the report and recommendation of that person, shall determine the appeal.

That provision only gives the right to refer to a single person. No committee is set up, and a committee cannot be set up under the terms of the Bill. A committee cannot consist of 1,000 persons, and there is no suggested limitation. So the situation obviously becomes completely out of order. There will have to be either individual advisers, or no-one at all. So the advice which the Minister gave us when introducing the Bill is also out of order because there is no provision in the Act for the appointment of a committee.

Mr. Rushton: What is your interpretation of paragraph 2 of clause 40?

Mr. JAMIESON: The paragraph states that the committee shall consist of such persons as the Governor may, from time to time, appoint, but the committee is not specified. Those people will only be personal advisers. There is no machinery to set up the committee, and that is bad drafting. If advisers are required they should not be called a committee, and if a committee is set up then it must be formulated. Somebody must be in a position to be able to chair the affairs of the committee and to control the situation, but there is nothing in the legislation at all.

Mr. Lewis: Cannot that be done by regulation?

Mr. JAMIESON: Perhaps it can be done by regulation but that would be a most unusual procedure. That would mean that legislation has been brought down to set up a committee without specifying the details of the committee. I would imagine if that was the intention the Minister would have mentioned it in the first place. I think the number of members of the committee should have been set out, perhaps by regulation. This is a typical example.

If we go through the Bill and incorporate all the proposed amendments, we will find it is a very shoddy piece of legislation. There is no requirement that the Minister or the court of appeal should give reasons for their actions. For consistent and orderly local government development and town planning schemes, surely the bodies against which appeals are made should be advised of the reasoning; otherwise, they will make the same mistakes again. It is obvious that the minutes or the reasons for decisions should be handed down to the parties so that they will know what the situation is.

Mr. Lewis: Does the Minister give his reasons at the present time?

Mr. JAMIESON: Sometimes he does, but he does not have to; nor does he have to under the provisions of this Bill. We are setting up a court of appeal and we want to know exactly where we are going. When an appeal is rejected, the appellant, who may be involved in some future development, should be told where he made a mistake, so that he will not err again. This is not provided for.

We also see the rather quaint situation that a quorum of this court shall consist of two. This makes the court a sham. If the quorum consists of the chairman and a person who is representing one point of view, there is not much opportunity for the person representing the other point of view to do anything about it. I think the court should be fully constituted before it sits. If one party becomes ill or defaults by not turning up, the chairman of the court has the power to approve of some

other nominee, who will be a suitable person under the circumstances. Who is a suitable person? The Bill does not set down what his qualifications shall be.

I suggest that we should set up a court similar to that which exists in New South Wales, where there is a permanent tribunal which is chaired by a judge or a magistrate, who can interpret and handle aspects of law. We should certainly not keep varying the court of appeal from time to time. If, in the opinion of the president, a person is not an appropriate person to sit on this court of appeal, he is discharged. It is a mess. The president, himself, could be left in constant turmoil. I would not like to be the judge who is allotted the task of making these determinations. If he should at some time fall foul of a particular advocate, he would not be likely to want him to sit on the bench again. It could be the opinion of the president that that man is not a suitable person.

Subclause (3) of clause 43 reads, in part—

> If either party objects to the appointment of any member other than the President, the President may, unless the objection appears to be frivolous or unreasonable, upon the application of that party, order the member to be discharged from the Court—

Here again, there could be never-ending arguments in trying to establish a court. Courts that vary from time to time have always been fraught with the danger of never being able to be constituted in a reasonable way.

I think we should take a good look at this Bill before we go too far with it. I said at the outset that it did nothing to take away from the Minister any of the power he has at the present time. I will read the provision relating to the Minister's objection to an application to appeal to a court. Clause 42(4)(b), incorporating the suggested amendments, reads—

> the Governor may, within thirty days after the Minister so objects, make a declaration that upholding the appeal would be contrary to town planning principles, in general or in respect of land the subject of the appeal, and would tend to prejudice the public interest and thereupon the appeal shall not be heard or determined by the court;

This is the sort of clause that one sees in military laws. If one cannot find anything else with which to charge a person, one charges him with conduct that is prejudicial to good order and discipline. If the Minister does not want the appeal to proceed he makes a recommendation to the Governor. The Governor does not take action on his own account.

A further proviso that is intended to be added to this clause is laughable. It reads—

> If the appellant so elects in the time and manner prescribed, the appeal shall become an appeal to the Minister, who shall determine it.

Is the Minister—who, in the first place, recommends to the Governor-in-Council that the appeal should not be proceeded with—likely to give a very good answer to an appeal to himself? It becomes almost ludicrous.

Mr. Dunn: Is not an appeal to the Governor an appeal to Cabinet?

Mr. JAMIESON: The Minister objects in the first place. He takes the appeal to the stage where the Governor may make an order. The Minister must object before the Governor can take action. What will happen when the appeal comes back to the Minister again? An appellant would not get past first base. It is obvious that he would be wasting his time and the Minister's time, because the Minister would go through the rigmarole of referring the appeal to the committee—which is not a committee anyway—and getting a report, and then he would say, "I do not have to agree with this report, so I stand by my previous decision not to allow this appeal, because of the escape clause to the effect that it would be prejudicial to the good order and discipline of the Act," to use other words. That is all it amounts to. It makes a farce of the whole procedure.

Mr. Rushton: Suppose it was a matter that would compromise the plans agreed to by Parliament; that would be the sort of issue that would be in dispute. How would you get around that?

Mr. JAMIESON: Something that is contrary to an Act of Parliament?

Mr. Rushton: No; a matter that we have dealt with here and have approved.

Mr. JAMIESON: The principles of town planning are clearly set out. We will not get around those by providing this sort of appeal. This is what I am pointing out. It will depend on whether the Minister objects under subclause (3) to the court hearing the appeal. Once he does that, he is in the box position. He is on the Executive-Council, and if the Executive-Council decides in its wisdom to advise the Governor to allow an appeal to be heard, the person concerned has a right of appeal to this court; but it seems to me that after the Minister has taken action to stop the appeal, at a later stage the appeal comes back to him, and it is nothing but a waste of time.

Mr. Court: But the person concerned would be no worse off than he is under the present legislation.

Mr. JAMIESON: He would be no better off, either. He has to go through many sets of procedures to arrive at the same situation.

I now come to what might happen to that person under the proposed legislation. The Minister may award costs in these appeals. It has usually been accepted that costs would not be awarded where the appeal concerned a small subdivision, although costs might be allowed in a matter concerning a large subdivision in which the department is involved over a lengthy period of time.

Let us look at the other situation. If a person elects to go to a court of law or to this court of appeal—which is a court of law—he is up for unknown costs, which are virtually Supreme Court costs. This, in itself, would discourage most people from going to these lengths. Most people would think, "If I don't get an appeal to the Minister, I might as well give it away, because if I do flum out I will be up for considerable costs." An appeal of this nature would involve legal representation on both sides, and witnesses—expert and otherwise—who would be called to give evidence. A matter such as the issue on the corridor at Armadale could be debated at length for some days, and if the decision went against the person appealing he would be up for a considerable amount of costs. I do not think the Minister for Industrial Development would have brought a Bill like this to the House.

Mr. Court: Exactly the same position applies in regard to the valuation court under the Public Works Act.

Mr. JAMIESON: Except that one never wins a case in the valuation court anyway. I have had experience of it. It is rather fruitless to appeal against valuations, so it is only an exercise. We do not want this legislation to be only an exercise.

The Premier has been assuring the public for a long time that he would provide a right of appeal, but his right of appeal has a fairly handsome sting in it, because one does not know how much one will be up for in appealing to this court of appeal. If it were specified that these appeals would be at no cost to the appellants, there would be all sorts of queer appeals, but I can see dangers in incorporating members of the Supreme Court of Western Australia and having the Supreme Court Rules applying, under which there are fines for such things as contempt and failure tc do certain things under court orders.

All these factors will be applied against the appellant and it is not a reasonable proposition. I think something could be done more in the way, perhaps, of an appeal to a magistrate as applies now under the provisions of the Dividing Fences Act where a decision cannot be reached. I think this is a sound procedure. Someone has to determine these matters other than the administrative head of the department who obviously will lean towards the determination that has been made by his town planning advisers. If he does not he will be in all sorts of trouble. Those advisers view matters according to their line of thinking, however, and it could be contrary to the true situation.

One of the organisations which I consider should have a right of appeal in such matters is probably a local governing body. It does not appear that a local authority, as a body, would have this right. Very often, of course, it would be the body that is being appealed against. However, at times, the Metropolitan Region Planning Authority and the local authority are at variance, and, of course, there could be occasions when the local authority, because of its knowledge of local affairs, could have the right town planning scheme for the area in question. As a consequence, this position should be more clearly protected.

It would have been noted that in this morning's issue of *The West Australian* there was an editorial headed, "Appeals to Caesar." I know that you, Mr. Speaker, do not like having newspaper articles discussed in this House, but in that editorial the situation I have tried to make clear is set out rather well. Finally, the editorial adopts the view that the Bill will not effect any change and that there cannot be any change. The local authorities I have contacted on this matter are very much at twos and threes about it. The Local Government Association held a meeting on Friday and those present had various ideas; the association could not make up its mind on what it thought of the Bill. It is probably as confused as the Minister was when he saw the amendments, and he is probably more confused now.

The members of the Local Government Association who had a look at that Bill in the reasonable—or, as they claim, the unreasonable—time that had been made available to them were of the opinion that the tribunal suggested in the Bill was not the right type to be constituted. Generally, the members of the Local Government Association were of the opinion that, in the first instance, such a tribunal should have a local government representative on it.

Mr. Court: I gather they do not want a change in the present system.

Mr. JAMIESON: I feel that the association wants an independent tribunal similar to the one in New South Wales where they do not get involved in a change of personalities all the time, otherwise they would not know where they were going. I can imagine what would

happen if on every occasion an industrial appeal was made, the Industrial Commissioner had to be changed. The result would be wierd and wonderful decisions.

Mr. Court: You are not suggesting that we change a judge or magistrate every day?

Mr. JAMIESON: I suggest the other two members would change, and it is a majority decision. They would change according to the people who were taking the appeal. One suggestion was that it should be a court of appeal with possibly a legal man as chairman, one local government representative, and a representative of real estate interests who was acquainted with town planning matters. Alternatively, one of the members could be a representative from the Town Planning Department, as my colleague has just mentioned.

The Local Government Association does not like the quorum provision, as I mentioned earlier, and I do not blame the association for that.

Mr. Lewis: Where is that provided?

Mr. JAMIESON: On page 7 at the bottom of the page. The words are—

> The President and one other member form a quorum.

Mr. Court: Very often they cannot agree.

Mr. JAMIESON: Very often when two people form a quorum, one is purveying one side of the argument, and the other, who is a judicial man, is there to put the case of the other party in the appeal, and so the situation becomes most unjust and unfair. At its meeting last night the Canning Shire was so concerned about this matter that it spent a considerable amount of time on it. Members have received a copy of the letter from the Canning Shire relating to town planning appeals in which it asks members who represent its territory to take urgent action. I propose to give the House some indication of the shire's thoughts. It wrote to me as follows:—

> Dear Mr. Jamieson,
>
> re: Town Planning Appeals
>
> At its meeting held last night the Council had before it a copy of the Bill to amend the Town Planning Act to provide for a system of appeals. The Council is aware that this Bill is now before Parliament to be dealt with during the last several days of the current Sitting and therefore I have been instructed to immediately place before you the reaction of the Council to the provisions of the Bill and to ask you to press for modifications as outlined hereunder.
>
> The Council has resolved to object to those sections of the Bill which provide for appeals to be made to the Minister or the Court as constituted under the Bill.
>
> While the whole of the Bill has been described by members of the Council as containing some 'strange provisions', the Council's resolution refers specifically to the following sections as requiring modification:—
>
> > Section 39(1) reads—"Subject to Section 42 of this Act, an appeal may be made to the Minister or to a Court but the commencement of an appeal to one extinguishes any right of appeal to the other".
>
> It is submitted that an independent Tribunal should be established, formed of persons appointed by the Governor for their knowledge and experience in matters of town planning and the law relating to town planning. It has become an important feature of the administration of town planning to maintain consistency on appeal decisions based on accepted principles and the precedent of previous decisions.
>
> The Council is unable to see that this will be achieved by the Minister retaining the right to adjudicate on appeals without having an open hearing or being required to give reasons for the decisions he may reach. There is no obligation on the Minister to call for evidence from the parties concerned as is usual when arbitrating on a dispute, nor to accept the report of the Committee to be formed under the Bill when determining an appeal. In effect, there is little change to the existing method of appeal which has been the subject of disquiet for some time. The constitution of the Appeal Court and other sections referring to its operation is such that its use will be limited and no improvement can be seen from the introduction of this procedure.
>
> The Council therefore considers that Section 39(1) should be substituted to allow for the appointment by the Governor of an independent Tribunal having absolute rights to deal with appeals and being required to give reasons for the decisions it may reach.
>
> > Section 40(3) reads—"The Minister, if he thinks fit, may require any person on the Committee to consider and report and make a recommendation to him upon any appeal to the Minister and that person shall do so as soon as practicable thereafter, and the

Minister, after considering the report and recommendation of that person, shall determine the appeal".

The use of the Committee and any benefit that may have been derived from its investigations is purely at the discretion of the Minister. This does not indicate any satisfactory solution by having a Committee formed to consider appeals when the Minister can determine the appeal with or without the Committee's report.

Section 42(3) and (4) reads—"(3) Within 14 days after receiving a notice under sub-section 1 of this section the Minister may, by giving notice in the prescribed manner, object to a Court hearing of appeal on the grounds that it relates to matters which, being contrary to town planning principles, in general or in respect of land the subject of the appeal, would tend to prejudice the public interest.

(4) Where the Minister objects, under Section (3) of this Section, to a Court hearing the appeal. . ."

The provision would appear to allow for the interference by the Minister in the administration of Court proceedings as prescribed by law. If the Appeal Court system is to be instituted it should not be subject to objections as may be lodged by the Minister where an appellant has chosen to have his appeal dealt with by this means. The due process of the hearing would be sufficient to allow evidence to be submitted concerning planning principles and the public interest and the Court should be competent to decide these questions.

Section 43 (2) reads—"A Court shall consist of a President who shall be a Judge appointed by the Chief Justice of Western Australia and two members, one to be appointed by each of the two parties to the appeal, . . . "

The members of the Court should be completely unbiased and impartial to the proceedings before them. The constitution of the Court as proposed will place an unreasonable onus for decision on the President of the Court. It is considered that the proposals for the establishment of an Appeal Court and the provisions under which it will be required to operate could create an unreasonably costly avenue and lengthy procedure for the hearing of appeals. This will act as a deterrent to the use of the Court and the opportunity of an open hearing.

Further to the foregoing the Council also hold the view that local authorities should have equal rights of appeal against decisions of the Town Planning Board or Metropolitan Region Planning Authority.

The Council has expressed its concern over the haste in which this Bill is being dealt with when ample time has been available for its presentation to Parliament since the Premier indicated such a move would take place. Because it considers that local authorities and planning authorities have not had the opportunity to study the implications of the Bill as it now reads or express their views thereon, the Council has resolved its opinion that the Bill should be withdrawn from the present Session of Parliament until it can be submitted in a form acceptable to those bodies concerned with the administration of town planning. On these grounds I have been instructed to take appropriate action to petition the Governor calling on him to "exert his influence" to withhold the reading of the Bill.

The Council seeks your support to its opposition to the provisions of this Bill and requests that you use your office to lodge its objections as stated above.

This same request has been made to other members of the State Parliament representing the Shire of Canning.

Yours faithfully,

(Signed) N. I. Dawkins,
Shire Clerk.

That is the letter from the Shire of Canning which sets out completely the result of a thorough examination of this matter by an organisation which has probably been involved in as many town planning schemes as any other local authority in the metropolitan area.

It would have an abundance of experience. I think it is up to us as a legislative body to take notice of its views. This shire has not been hasty in making a determination; and it has stated that in its opinion an appeal court can be set up in some way, but not in the way proposed in the Bill. I feel there is a great deal of justification in what it says.

I get back again to the point I mentioned when I started my contribution: as it is constituted, the Bill seems to be just a sham. It does nothing other than possibly cause an increase in costs to people who are looking for some way to make an appeal to an independent body.

I do not think the Bill is worth supporting as it is, and I go along with the shire—for what it is worth—that it should be withdrawn at this stage. As a consequence, I intend to vote against the provision at the second reading stage.

MR. RUSHTON (Dale) [11.31 p.m.]: I do not intend to speak at any great length on the legislation which is now before us. The previous speaker has mentioned many points, and one can agree with some of them. The point I would like to make is that the Local Government Association has indicated that it prefers to stay with the present appeal system.

Mr. Bickerton: Why does not the member for Dale speak up, as he did the other night? We cannot hear him.

Mr. Jamieson: The member for Pilbara was told not to interject; he was not making a speech.

Mr. Bickerton: I was trying to help.

Mr. RUSHTON: The point I wish to make is that the Local Government Association has indicated that it prefers to stay with the present appeal system, which is to appeal to the Minister.

Mr. Jamieson: I do not think the association can really make up its mind.

Mr. RUSHTON: The various shires differ in their opinions. However, I saw the report from the Local Government Association and, collectively, they prefer to stay with the present system.

I know that members on this side of the House feel that this is an endeavour by the Government to widen the avenue of appeal. The general comment over the years has been that appeals are being made to Caesar. I do not think anybody disputes the work of the Minister, and his zeal in the task with which he has been charged. I think the results he has achieved are creditable. However, appealing to the Minister against decisions by his department has raised doubts in the minds of many people. They claim that the department has some influence on the Minister.

Although the legislation does not go as far as we would like to see it go, it is still worth proceeding with to see how it works during the next recess. The legislation can then be reviewed and amended if necessary to bring it into line with desirable practice and experience.

Local Government authorities are most experienced in these matters because they have a lot to do with town planning. Those authorities would have an opportunity to suggest amendments or changes. The town planning appeal committee which is being set up shows a broadening of the approach to Ministerial appeals. The work which the Minister has been carrying out will be speeded up, and this will benefit many people. The legislation might not be ideal, but it is a step forward and the change will be of considerable help to the Minister and will speed up the hearing of appeals of which each of us has a number. I have had to handle many in my period of time, and I think the proposed additions are a desirable step forward.

We might agree that the measure does not go as far as we would like it to go. The appeal court, which will be an alternative to an appeal to the Minister, will certainly allow an alternative. The limitations of the appeal court have been explained, but I contend that the legislation is a step forward in the appeal system relating to town planning.

Town planning has affected most of us in its application, and it is certainly most necessary that the appeal system be brought to a standard where it enhances the public opinion of town planning. Not only must people feel that justice is being done, but they must see that justice is being done. I think that is the intention behind this legislation. We would be wise to support the measure.

Mr. Tonkin: What good would it do?

Mr. RUSHTON: I mentioned earlier that the avenue of appeals to the Minister has been broadened. The Minister will receive a helping hand in this regard and that is a step forward.

Mr. Toms: It will only clutter up the Statutes.

Mr. RUSHTON: No, I do not think it will. Local authorities will have an opportunity to put forward their views. The member for Belmont gave us the views of the Canning Shire, and that shire has had much experience in the presenting of appeals. The shires will give close attention to the legislation and make recommendations. During the next session of Parliament the legislation can be reviewed with a view to finding out how it has worked. Imperfections can be removed, and improvements considered and included.

Mr. Toms: Remove the whole 20 clauses?

Mr. RUSHTON: No. I think we all agree that the part played by the Minister is most worth while. We need to study the town planning appeal court to see how it works in relation to the appeals which go before it. The court might conflict with what we think should be the ideal.

I see in this legislation the intention to protect the plan, and I think it is agreed that we do not want to see that plan destroyed. We do not want to see legislation which has been approved by Parliament being watered down so that it indirectly destroys the plan which was approved. I therefore hope the House will agree to the measure which is before us. I hope it will be given a trial to see how it works. It can be reviewed and amended accordingly during the next session of Parliament.

MR. FLETCHER (Fremantle) [11.40 p.m.]: I have circulated the Bill to two local authorities in my electorate; namely, the Fremantle City Council and the East Fremantle Town Council. I have received comment back from the Fremantle City

Council which indicates that the council is not enamoured of this measure. The council drew my attention to various parts of the Bill, of which I was aware, and pointed out certain weaknesses. Reference was made by the member for Belmont to certain matters to which the Fremantle City Council drew my attention.

For example, it is stated on page four of the Bill that the Minister, if he thinks fit, may require any person on the committee to consider, and report and make a recommendation to him upon, any appeal to the Minister. It is also stated that the Minister, after considering the report and recommendation, shall determine the appeal; in effect, the Minister shall determine whether there shall be an appeal.

Further, proposed new section 42 (3) states—

> (3) Within fourteen days after receiving a notice under subsection (1) of this section the Minister may—

I emphasise the word "may." To continue—

> —by giving notice in the prescribed manner, object to a Court hearing the appeal . . .

The Minister can refuse to hear an appeal and he can also refuse a court the right to hear an appeal. This is what the Fremantle City Council took exception to.

As the member for Belmont pointed out, if a person is lucky enough to appeal to one authority, he cannot appeal to the other. However, in the instance I have just quoted an individual would apply to the Minister for the right to appeal and the Minister could refuse that right and, after having someone inquire into it, the Minister could say that the person was not justified in approaching a court. The person would miss out on both counts.

Although I have been fortunate in the consideration I have received from the Minister in connection with appeals I have made on various issues on behalf of local authorities and persons, I may not always be so fortunate. The legislation under discussion could prevent an appeal to the Minister and to a court. For this reason I am concerned and so is the Fremantle City Council.

The public were promised an appeal machine by the Premier. We on this side of the House have taken the Government to task for legislation not being brought forward before this. The present Minister objected to machinery being set up to allow a right of appeal. It appears to me, therefore, that neither the Premier nor the Minister for Town Planning has won the argument, but they have come down with some sort of compromise.

Mr. Lewis: What is wrong with that?

Mr. FLETCHER: Some sort of compromise has been arrived at between the two protagonists I have mentioned. I can imagine what went on in the joint party room in respect of this; and members on the other side of the House know that the legislation is not satisfactory and that it is only a compromise. Members also know that the Minister is, in effect, still in the box seat in respect of whether or not there shall be an appeal.

Mr. Court: You are guessing a bit. You are fishing and guessing, and you are not right either.

Mr. FLETCHER: All right. I think the Minister for Industrial Development will agree that it is a reasonable assumption.

Mr. Lewis: You are catching blowies.

Mr. Rushton: It would have to go to Cabinet if there were any objections to an appeal.

Mr. Court: You are overlooking the fact that the Minister does not have the last say as to whether it goes to court.

Mr. FLETCHER: That is how I read the legislation. The member for Belmont is very astute on matters of town planning and local government, and that is how he reads it, too.

I notice that there is also a provision for the Governor to put his oar in. Proposed new section 42 (4) (b) reads—

> (b) the Governor may, within thirty days after the Minister so objects, make a declaration that the appeal relates to matters which, being contrary to town planning principles, in general or in respect of land the subject of the appeal, would tend to prejudice the public interest and thereupon the appeal **shall not be heard** or determined **by a Court;**

Consequently, not only can the Minister refuse an appeal, but so can the Governor, under certain conditions. Further, proposed new section 42 (4) (c) reads—

> (c) if the Governor does not, within thirty days after the Minister so objects, make a declaration under paragraph (b) of this subsection, the appeal may be heard and determined by a Court.

However, it has to get past the Minister first.

Mr. Court: You are wrong; you are misreading it.

Mr. Lewis: It is the Government and not the Minister.

Mr. FLETCHER: Those are the points I wished to emphasise and the ones on which I have doubt. I am quite convinced that the Minister will be able to refuse an appeal and also to refuse an appeal to the court. As I have said, I have reservations about the Bill. I do not like knocking back any court of appeal, simply because it would probably give satisfaction to the Government to say that I was

in some way responsible for refusing people the right of appeal. The Bill itself does that without any assistance from the member for Fremantle.

I have not received any comment back from the town of East Fremantle simply because there has been little opportunity for that council to comment. However, I have been in touch with the City of Fremantle and with the city manager. He expressed similar reservations to the ones I have.

The title of the Bill includes the words "for alternative appeals to the Minister or to a town planning court and for purposes incidental thereto." Nevertheless, I believe I have shown the House that appeal to the Minister is not possible if he does not wish to hear an appeal and, similarly, if the Minister does not wish a court to hear an appeal then there shall be no appeal to the court. In effect we are back to base and as a consequence I have less enthusiasm for the Bill than has the member for Belmont.

MR. TONKIN (Melville—Leader of the Opposition) [11.46 p.m.]: Members on this side have already clearly demonstrated the inadequacies of this legislation. I have given it a great deal of thought and I have come to the conclusion that we would not be justified in supporting it, because the measure is of little or no value whatever. It is nothing more than a gesture; it is an attempt on the part of the Government to do something, to discharge a very definite undertaking which was given to the electors.

To get this in its proper perspective, we should hear what the Premier said when he made the promise and the reasons for it. I will quote from a copy of his policy speech which he delivered in 1968. The heading, "Growth in Town Planning" appears on page 6 of that policy speech. The Premier said—

> Another Government activity that affects us all is town planning.
>
> We hear plenty of criticism about planners. But none of us would think of tackling any big job without a good plan to guide us.
>
> Our aim is to co-ordinate development in such a way that the community gets a better environment, better facilities, and a better deal all round.
>
> The time has now come for another step forward, arising from our experience.
>
> In the past, appeals against Town Planning decisions have been heard by the Minister. The growing size and complexity of this work-load has made it desirable to consider a change in method.
>
> We will set up a new system of appeals, possibly in the form of a Tribunal, and will undertake an immediate investigation to determine the best method.

If this is the best method, God help us! I think it is the worst method that could have been devised to displace the existing system.

The Minister who is to continue to administer this department if the present Government remains in office does not believe there is any necessity at all for a change. He can see no reason for setting up any appeal system. I happen to have here a copy of a letter which he wrote to the South West Regional Council under date the 2nd October of this year. It must have been written at a time when this legislation was actually under consideration.

The letter reads—

> I appreciate your letter of the 25th September seeking advice on the proposed Tribunal to deal with Town Planning appeals in lieu of the Minister.
>
> No one as yet has been able to state specifically the reason for a change—

I ask: What was the Premier talking about on the hustings?

Mr. Lewis: The Minister did not say he was endeavouring to devise a change, when he made that statement.

Mr. TONKIN: We will take the Minister's statement, which is—

> No one as yet has been able to state specifically the reason for a change—

That is the Minister's view; yet three years ago the Premier gave a reason, and the reason was that the growing size and complexity of this workload had made it desirable to consider a change in method. It is rather obvious that there is disagreement in the Cabinet over this proposition, and the Minister has no stomach for it. The letter continues—

> —or in what regard the present system has failed. 57% of the appeals I have dealt with have been upheld. The best a Tribunal has accomlished is about 25%. This is brought about by the fact that a Minister can uphold appeals on humanitarian, hardship, personal, family, economic and such other grounds as may be applicable, but a Tribunal must decide appeals on purely town planning principles and policy.

What a shame that the tribunal must decide appeals on principles of town planning and policy. The letter continues—

> Wherever Tribunals have been set up, they have become a costly machine, both in time and money, to all parties concerned, especially the appellants. Ever increasing delays in

dealing with appeals have occurred which have necessitated duplication of the Tribunals. New Zealand, for instance, now has three and the delay on appeals is still 6-7 months. Victoria, in 1968, instituted a Tribunal to hear town planning appeals on a limited scale. In a short space of less than two years, the delay became so great they have now appointed a second Tribunal.

W.A. has a town planning structure different from anywhere else. The decisions on which appeals are made are decisions of a Statutory Authority, the Town Planning Board, whose members are Mr. J. E. Lloyd, Town Planning Commissioner, Mr. V. L. Steffanoni, ex Chief Commonwealth Valuer, who has been a Member of the Board since 1934, Mr. J. B. Fitzhardinge, Past President of the W.A. Chapter of the Royal Australian Institute of Architects, and past State and Federal President of the Australian Town Planning Institute, and Mr. A. E. White, who was for many years the Secretary for Local Government in W.A. In other States and countries, appeals are against decisions of the local Municipalities or a Town Planning Department.

We consider that the best way to give practical results at minimum costs and maximum speed to the general public is to set up a system of an Appeal Committee of three Members, whereby appellants can be given the opportunity of appealing, either in person, with or without legal representation, or by written submission to a person, or persons, being members of the Committee who will, in turn, submit their recommendations to the Minister.

There are many appeals of a minor nature which will not need the consideration of a full Committee, but can be handled by an individual much more cheaply, expeditiously and just as effectively. Where an appeal is of sufficient importance, it will be dealt with by either two or three Members of the Appeals Committee.

Every endeavour is being made to locate suitable persons to act as Members of the Committee.

Yours faithfully,
L. A. LOGAN, M.L.C.,
Minister for Local Government
& Town Planning.

After stating at the commencement of the letter that nobody had come up with a reason for a change, and after giving opinions as to why a change was not desirable, the Minister then proceeds to say it is intended to make a change. What a change it is!

I propose to relate some of the knowledge I have gained of the so-called present system, against which there was so much opposition and which was responsible for the promise made by the Premier. I have seen some of the minutes of the M.R.P.A., where the chairman told the full committee that he had received some appeals from people, and where he recommended that the appeals be turned down; and the committee turned them down. Then the committee, in anticipation of an appeal to the Minister, but before any appeal was lodged, advised the Minister to refuse the appeal.

I have copies of those minutes in my office. What a system! What chance has the person outside of getting anywhere under a system like that? Before any appeal is lodged at all, the M.R.P.A., in anticipation of an appeal, advises the Minister to turn it down. Is it any wonder that there was widespread dissatisfaction in the community, and that the Premier, sensing it, came out with this very definite undertaking to set up a tribunal? Look how long it has taken. We have reached the dying hours of the session before the legislation is brought here. And in what a form! It no sooner hits the Table of the House than a sheaf of amendments is proposed.

Surely the reasonable thing to do with this Bill is to reject it and say to the Government, "Bring down something which will be worth while, and which will provide an experienced body which will be in a position to hear these appeals. Do not change the personnel from time to time because a different appellant is making an appeal." Surely this is a matter which ought to be decided upon town planning principles and policy and not upon the whim or the desires of an individual. If there is a town planning scheme and a definite Government policy in connection with it, the decisions should be in conformity with that policy and with those principles. How on earth can we have that if the personnel is changed from time to time?

This Bill will do no more than enable the Government to discharge the Premier's promise. It is a useless sort of a court to set up. No wonder the Canning Shire is so much opposed to it, and spoke of petitioning the Governor to have it withdrawn. We ought to get rid of it and leave with the Government the responsibility of doing what has been done elsewhere. As has already been said, under the existing circumstances this Bill will, in a number of instances, allow the Minister to make his own rules and make decisions on whatever grounds he may choose from time to time.

I know of one decision made by the Minister on an appeal where a block of land was subdivided. I know that the Metropolitan Water Supply Board and the

East Fremantle Town Council were opposed to it; but the Minister upheld the appeal. This was some years ago, and the block of land is still vacant because it is too small to build on.

What we want is what has been found to be necessary elsewhere; that is, a proper tribunal which will be able to make its decisions on the evidence in accordance with town planning principles and policy. That is not being done now, and this Bill will not permit it to be done either. It is not necessary for me to deal with the various provisions. They have been adequately dealt with already, and the hour is late. However, we on this side of the House are not satisfied that this is a proper discharge of the obligation on the Government as a result of the promise made by the Premier. We intend to vote against the Bill.

MR. LEWIS (Moore—Minister for Education) [12.02 a.m.]: First of all, I would like to thank those members who have contributed to the debate on this Bill. I think the member for Belmont was rather pessimistic, hypocritical, and supercritical in relation to the Bill. I can agree with his comment that the Bill was hastily drafted. The measure certainly was hastily drafted, but I want to allay any thought that the Bill or the principles behind it were conceived within the last week or two under some extreme pressure, division of opinion, squabble, or other things that have been implied by comments made by members of the Opposition.

As a matter of fact, the Minister in charge of the department has been working for a long period in an effort to devise something which would meet the promise made by the Premier, as enunciated tonight by the Leader of the Opposition. It has not been easy. The Minister went for a trip overseas, and one of the purposes of his trip was to see for himself the practices in other countries of the world. When he returned he made the statement that whilst there might be some shortcomings in our existing legislation, at the same time there was much legislation in other parts of the world which would not meet the desire of the Premier as stated during the last elections.

Nevertheless, the Minister kept on trying to find a satisfactory method of meeting the situation, and this Bill is the result. It is only in recent days, and I admit this quite freely, that the Bill was actually drafted—the culmination of much homework. The Bill has been hastily drafted; I will grant that. Many amendments are needed, and most although not all are drafting amendments. Admittedly, perhaps one or two principles are involved but, in the main, the amendments are drafting amendments to tidy up the phraseology of the Bill. I think that is further proof that the Bill was hastily drafted. However, it is an attempt, and a serious attempt, to meet the situation.

I would appeal to members to give this legislation a go. This is new legislation which is adopting a new principle of appeal to a person other than the Minister. It is a serious attempt to break new ground. Let us give it a go; let us try it out and, as with any other legislation, in the light of experience we can amend it, repeal it, or do something else about it. However, let us do those things in the light of our experience so that we will be able to say, "We brought in this legislation at the end of 1970. We have tried it out and now we feel something else should be done." Even if we find that something needs to be done as soon as 1971, there will be another session of Parliament next year—irrespective of whatever party is in office—and we can assess the value of this legislation from now until then.

If we have had insufficient experience we can carry on until such time as we have sufficient experience to say that the legislation is not perfect and it needs amendment in this direction or some other direction. I am sure that if the present Minister is the Minister for Town Planning at that time he will be quite ready to propose amendments to the legislation if it becomes an Act.

I do not think that some of the comments made tonight were justified. For example, it was stated that the Minister may object to an appeal that is directed to the town planning court, and the Governor will then determine whether the appeal shall go further. It was considered that this means the Minister will determine the matter and we will be back at first base. However, the Minister will not determine the matter; the Governor-in-Council will determine it, and that is not the same as the Minister.

Mr. Tonkin: Not much it isn't.

Mr. LEWIS: Not much it isn't! It certainly is not.

Mr. Tonkin: You are talking as though nobody on this side of the House has had any ministerial experience.

Mr. LEWIS: I think if the Leader of the Opposition became the Premier of this State—

Mr. Bertram: When?

Mr. LEWIS: The honourable member can say "when" if he likes. If the Leader of the Opposition becomes the Premier, I guarantee that no person sitting on the other side of the House at the moment who becomes a Minister will put up a recommendation to the Governor-in-Executive-Council which the Premier would not see; and if the Premier was not satisfied it would not go on to the Governor-in-Council.

Mr. Tonkin: That is true enough; but that is not what you were saying.

Mr. LEWIS: The Leader of the Opposition said that if the Minister puts up the recommendation it necessarily goes to the Governor and nobody else has any say; the Governor simply puts his rubber stamp on it as a matter of course. That does not happen with this Government.

Mr. Jamieson: In cases like this the Premier would have to set himself up as an appeal court.

Mr. LEWIS: The matter would be referred to Cabinet; that is what would happen.

Mr. Jamieson: The Minister is the administrator of the department.

Mr. O'Neil: The Governor will not sign any Executive Council minute unless the Premier's initials are on it.

Mr. Graham: That's nothing new.

Mr. LEWIS: The member for Fremantle made the point that under the Bill, as printed, if an appellant decided to appeal to the court and the Minister objected to that appeal, and if the Governor upheld the Minister's objection and, therefore, the appeal did not reach the court, the appellant would have no means of further appeal. I admit that the Bill provides no further means of appeal. However, among the amendments I propose to move when we are in Committee is an amendment to overcome that situation. In other words, it will provide that if the appellant so elects in the time and the manner prescribed, the appeal shall become an appeal to the Minister, who shall determine it; that is, when the appellant fails to get to the court.

Mr. Graham: That means that after the Minister has stated the matter is contrary to town planning principles, the appeal goes to the Minister. It is finished before it starts! Parliament is being treated as a joke.

Mr. LEWIS: If this amendment is not passed it does not get anywhere, anyhow.

Mr. Graham: It does not get anywhere, anyhow.

Mr. LEWIS: This is a time to break new ground and to make progress with appeals. I urge the House to pass the Bill and let us try it out. We certainly will not be any worse off than we are now.

Mr. Graham: Try it out, or throw it out?

Mr. LEWIS: I do not anticipate many appeals, but there could be.

Mr. Jamieson: You can say that again!

Mr. LEWIS: There has been a fair degree of satisfaction to date. I admit that not everyone has been satisfied, and this is why we are trying to amend the Act. In the light of experience, let us see whether we should amend the Act still further after it becomes law next year. If necessary, it could be amended as quickly as next session. As the hour is very late, I commend the Bill to the House, and I hope that at least it will be given a trial.

Question put and a division taken with the following result:—

Ayes—21

Mr. Bovell	Mr. Mensaros
Mr. Cash	Mr. Mitchell
Mr. Court	Mr. Nalder
Mr. Craig	Mr. O'Neil
Mr. Dunn	Mr. Ridge
Mr. Grayden	Mr. Rushton
Mr. Hutchinson	Mr. Stewart
Mr. Kitney	Mr. Williams
Mr. Lewis	Mr. Young
Mr. W. A. Manning	Mr. I. W. Manning
Mr. McPharlin	*(Teller)*

Noes—17

Mr. Bateman	Mr. Jamieson
Mr. Bickerton	Mr. Jones
Mr. Brady	Mr. Lapham
Mr. Burke	Mr. May
Mr. Cook	Mr. McIver
Mr. H. D. Evans	Mr. Toms
Mr. T. D. Evans	Mr. Tonkin
Mr. Fletcher	Mr. Norton
Mr. Graham	*(Teller)*

Pairs

Ayes	Noes
Sir David Brand	Mr. Davies
Mr. O'Connor	Mr. Taylor
Mr. Burt	Mr. Moir
Dr. Henn	Mr. Harman
Mr. Gayfer	Mr. Bertram
Mr. Runciman	Mr. Sewell

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Lewis (Minister for Education) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Addition of Part V—

Mr. LEWIS: I move an amendment—

> Page 3, line 27—Insert before the word "in" the words "including the grounds of the appeal,"

Amendment put and passed.

Mr. LEWIS: I move an amendment—

> Page 3, lines 35 to 37—Delete the words "all persons and bodies shall give effect to the determination" and substitute the words "that determination has effect".

Amendment put and passed.

Mr. JAMIESON: In regard to proposed new section 40, appearing on page 4 of the Bill, I would like to have the Minister's comments on the establishment of the proposed committee, because I again draw his attention to the fact that no mention has been made of how many members will be on the committee. Surely we are not to set up a committee and say that its personnel will report to the Minister! How will the committee itself report to the Minister? Will it report through the chairman, or will the committee merely comprise several people who have been called together as a committee; and, if this does

occur, why is it called a committee? Can the Minister give us any indication as to how the committee will work? Can he enlighten us as to how this will occur?

Mr. LEWIS: I presume the committee itself will report to the Minister. The subclause says the committee shall consist of such persons, which implies there is more than one; though it could be confined to one person.

Mr. JAMIESON: I wish to refer to new section 41 of part V. I am on dangerous ground here because I can only get to my feet three times.

The CHAIRMAN: You are not limited to three times on the whole clause but to three times on a subject.

Mr. JAMIESON: I am glad of that, Mr Chairman, because now I know where I stand. I would refer members to new section 41 of part V, which deals with appeals, and I ask the Minister how the Minister for Town Planning will award costs against himself. Can he award costs against himself and if so will he do so? If he will not, what use is there in having the provision because, in the main, the appeals will be against such a person or his servant? A person should be able to obtain justice somewhere along the line. Unless the Minister can tell me how these costs will be awarded against the Minister for Town Planning as the principal of his department, I think this is a sham.

Mr. LEWIS: I cannot quite grasp what the member for Belmont is getting at.

Mr. Jamieson: That is a Bill Hegney answer; you can do better than that.

Mr. LEWIS: No question arises for the Minister to be reimbursed and pay his costs. The appellant will be liable to pay costs.

Mr. Tonkin: Why should he if they can be awarded against the Minister?

Mr. LEWIS: I do not think the Minister will award costs against himself.

Mr. Tonkin: That is what the member for Belmont said.

Mr. LEWIS: In that case I would say, "No."

Mr. JAMIESON: The member for Mt. Hawthorn has indicated to me that the Minister is acting in an unbiased capacity and if his department has done wrong to somebody surely the appellant is entitled to costs. How does the Minister award costs against himself? Does he make an order and request the Governor-in-Council to make an *ex gratia* payment to the person concerned? If that is the case, that is all I want to know.

Mr. LEWIS: I am told by my ministerial colleague that provision already exists in the legislation for this purpose.

Mr. Court: The provision is already there; he hears appeals now.

Mr. Jamieson: He can make provision for costs, but how do you get costs against the Minister himself?

Mr. LEWIS: As members know I do not handle this portfolio, but I will make inquiries of the Minster concerned and he might be able to give the answer in another place.

The clause was further amended, on motions by Mr. Lewis, as follows:—

Page 5, line 1—Delete the words "it relates to matters which, being" and substitute the words "upholding the appeal would be".

Page 5, line 3—Insert before the word "would" the word "and".

Page 5, lines 12 and 13—Delete the words "the appeal relates to matters which, being" and substitute the words "upholding the appeal would be".

Page 5, line 15—Insert before the word "would" the word "and".

Mr. LEWIS: I move an amendment—

Page 5, line 18—Insert after the word "Court" the passage "but, if the appellant so elects in the time and manner prescribed, the appeal shall become an appeal to the Minister who shall determine it".

Mr. JAMIESON: I take the strongest exception to this amendment. Let us examine the situation when a person lodges an appeal. If the Minister objects to the appeal he takes the matter to Executive Council and he justifies his objection. Executive Council then decides the person has no right of appeal to a court.

After Cabinet has rejected the appeal and after Executive Council has rejected the appeal, the person is given the right to appeal to the very Minister who has guided the matter through Cabinet to have the appeal rejected.

If any amendment is unjustified this one is. If the Minister is sincere he will not take any objection against an appeal to the court. Once having guided the matter through Cabinet so that the appeal may not be allowed, he should not be the one to determine the appeal subsequently.

Mr. Court: It is not as simple as this. The reason for a person not getting a right of appeal to a court is to protect the public interest.

Mr. JAMIESON: The court might uphold the appeal.

Mr. LEWIS: I am a little surprised at the comments of the member for Belmont. Without this amendment we will have the situation where an appellant tries to get before the court, but cannot do so.

Mr. Jamieson: Because the Minister will not permit him to go before the court.

Mr. LEWIS: Very definite principles are involved. Without this amendment the appellant would be left high and dry and he would have no appeal at all. The member for Belmont has not suggested where a person can lodge an appeal. In many cases this amendment will be in the interests of an appellant who cannot have his appeal determined. It does not follow that an appeal to the Minister will be turned down. This amendment will give the appellant a channel of action through the Minister.

Mr. Bickerton: All the appellant will get from the Minister is a free kick.

Mr. LEWIS: It is much better to incorporate the amendment in this provision than to leave the provision as it stands.

Mr. TONKIN: I must admit that I do not understand what has been proposed or how the amendment will operate, but my understanding is this: The Government does not come into the picture until the Minister objects for the reasons set out. If the Minister objects to an appeal being heard he gives his reasons to the Governor as to why he objects. The Governor may then within 30 days after that objection make a declaration that the appeal relates to matters which, being contrary to the town planning principles, in general or in respect of land the subject of the appeal, would tend to prejudice the public interest and thereupon the appeal shall not be heard or determined by a court.

When all that has been settled on the advice of the Minister—and the Governor will not act without the advice of the Minister—a right of appeal is provided to the Minister who has advised the Governor to turn down the appeal to a court. Under those circumstances what chance has the appellant of succeeding in his appeal? This is to be a costly process. Why put the person to all the expense of appealing to the Minister, in anticipation of getting a decision contrary to what the Minister has already advised the Governor? If that is not crass stupidity I do not know what is.

If I have misinterpreted the situation I would like it explained to me. The appellant does not have the opportunity to go before the Minister until the Minister has advised the Governor that he should not allow the appeal for certain reasons. That having been done, and the Governor having taken the advice of the Minister, the appellant may then elect to appeal to the same Minister. In those circumstances he would have absolutely no chance of success, and he can only go through the motions of making an appeal at great expense to himself.

Mr. RUSHTON: I shall outline a situation which has arisen from time to time, and it is similar to the one under discussion. An appellant desires to go before a court, but the Minister objects. Cabinet considers the appeal is against the public interest, and in such a case the appellant has the right to appeal to the Minister. Whilst many of the matters which are the subject of appeal may not be accepted completely, they may be accepted when they are modified or changed. The appeal might involve an issue which *in toto* might be regarded as being prejudicial to the public interest, but when modified it might be accepted.

Mr. Jamieson: Would not that be put up in argument before the appeal court?

Mr. RUSHTON: At that time the proposal would not be changed.

Mr. TOMS: I cannot understand the reasoning of the member for Dale. We have the position where a person can lodge an appeal. If the Minister so decides the person can make an appeal to a court. If the Minister does not so decide for the reason that the matters are contrary to town planning principles in general, or in respect of land the subject of the appeal, would tend to prejudice the public interest, then the appeal shall not be heard or determined by a court.

With those provisions prejudicing public interest, and contrary to town planning principles, of what use would it be appealing to the Minister? I would say those would be the grounds on which the whole proposal was rejected in the first place. I agree that this clause means absolutely nothing, and it is just a sham. It will have no effect whatever except to add words to the Act. Up to now it has been a fairly good Act, but I can see a whole lot of rubbish being written into it which will not assist the individual.

Mr. LEWIS: New section 39 sets out that an appellant shall have the choice of two courses. One is an appeal to the Minister, and the other is an appeal to the court. However, the appeal to one extinguishes the right of appeal to the other. So he has to make up his mind at the beginning whether he will appeal to the Minister or to the court. He cannot have it both ways.

Mr. Tonkin: But the Minister will provide the appeal in both ways.

Mr. LEWIS: If an appellant elects to appeal to the court he will start proceedings in the hope that he will get through to the court. However, he could be stopped on the way and he would then be left high and dry. Had he known he was to be stopped on the way he might have decided to appeal to the Minister. The proposed amendment merely provides that if the appellant so elects—he will not be forced—his appeal shall become an appeal to the Minister.

Mr. Tonkin: At what stage does the appeal commence?

Mr. LEWIS: I think it is set out in the legislation. I would say it commences when he lodges the appeal.

Mr. TONKIN: Despite what the Minister says, what he is now proposing is contradictory. It is now proposed to provide that if a person commences an appeal to the court which, under clause 39 would stop him from appealing to the Minister, he could in certain circumstances appeal to the Minister because his right is not extinguished.

Mr. JAMIESON: It has been mentioned that there could be a modified decision. That is true; the court would not grant every request and in some cases there would be a compromise. However, one of the parties to the appeal would be sitting on the appeal court. The member of the judiciary would be there as an unbiased person but if the Minister put up a substantial case—that the matter appealed against would tend to prejudice public interest—then the appeal court would have to listen to that argument. So I suggest this is so much extra verbiage which is not necessary.

Amendment put and passed.

Mr. LEWIS: I propose to move an amendment as follows:—

Page 8, line 19—Delete the words "shall be followed by".

Mr. JAMIESON: A subsequent amendment removes the words "Town Planning." I think it would be more correct, in this proposed amendment, also to delete the words "Town Planning." The decision would then bind the court in making its determination on an appeal.

I am not particularly interested whether the Minister makes the amendment or not. However he should have a look at it or suggest that his colleague does at a later stage.

Mr. LEWIS: Further on, we propose to delete the words "Town Planning" in every case where the Town Planning Court is mentioned. The suggestion made by the member for Belmont would be consistent with other amendments which will be made later on.

The CHAIRMAN: I suggest to the Minister that he should delete the words, "shall be followed by a Town Planning" and he could insert the words "binds the."

Mr. LEWIS: I will follow your advice, Mr. Chairman.

The clause was further amended, on motions by Mr. Lewis, as follows:—

Page 8, line 19—Delete the words "shall be followed by a Town Planning" and substitute the words "binds the".

Page 8, lines 29 and 34—Delete the words "Town Planning".

Page 9, line 5—Delete the words "Town Planning".

Page 9, lines 13 and 14—Delete the words "shall receive such salary and other allowances as" and substitute the passage ", while acting as such, shall continue to receive the salary and other allowances that".

Mr. LEWIS: I move an amendment—

Page 9, line 18—Insert after the word "such" the words "remuneration and".

I think this provides for the remuneration of another member of the committee.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. NALDER (Katanning—Deputy Premier) [12.55 a.m.]: I move—

That the House at its rising adjourn until 2.15 p.m. today (Wednesday).

Question put and passed.

House adjourned at 12.56 a.m. (Wednesday).

Legislative Council

Wednesday, the 25th November, 1970

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 3.30 p.m., and read prayers.

QUESTIONS (4): ON NOTICE

1. RAILWAYS

Bridgetown Depot

The Hon. V. J. FERRY, to the Minister for Mines:

(1) Is the railway locomotive depot to remain at Bridgetown?

(2) If so, are any changes being contemplated in respect of—

(a) the number of employees; and

(b) the service facilities available?

(3) If the depot facilities are to be transferred to another centre—

(a) where will the depot be re-established;

(b) when will the transfer take place;

(c) how many employees will be employed; and

(d) what depot service facilities will be available?