furnish the mines in Kalgoorlie and other mining towns with fuel to provide the necessary power for their operations.

As Mr. Stubbs has already stated, we have consulted the unions and they have no objection to any of the amendments brought forward. However, I would like to bring a query to the notice of the Minister. In the event of a male worker who is in charge of an engine, a boiler, or a small furnace being replaced by a female worker, would the female worker receive equal pay for the equal work? With those remarks, I have much pleasure in supporting the amendments.

THE HON. F. R. H. LAVERY (South Metropolitan) [7.47 p.m.]: Mr. President, the previous speaker mentioned a matter of historical interest. This prompts me to say that the Babcock boilers which are now in use at the Colonial Sugar Refinery works at Mosman Park—and they have been there for a considerable number of years—were the original boilers at the Bullfinch mine. They were brought here in about 1915 or 1916, and I used to fire them. At that time in our history it was necessary to have a boiler attendant's certificate.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [7.48 p.m.]: I thank Mr. Stubbs and Mr. Garrigan for their remarks in support of the Bill. I also thank Mr. Lavery for his comments; I am not aware of the particular matter that he mentioned. I am unable, of course, to give Mr. Garrigan any assurance in relation to the possible displacement of a male worker by a female worker, because this is not within the scope of the Bill, nor is it within the scope of anything else but the arbitration laws. However, where a female is to be employed to look after a boiler which she was not previously able to do by reason of the legislation, I imagine this would not mean that a male worker would necessarily be displaced. He would probably be employed somewhere else; however, I can say no more about that. I thank members for the support they have given to the measure.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 7.51 p.m.

Legislative Assembly

Tuesday, the 7th October, 1969

The SPEAKER (Mr. Guthrie) took the Chair at 4.30 p.m., and read prayers.

JOINT STANDING ORDERS

Amendments: Governor's Approval

THE SPEAKER (Mr. Guthrie): I have received the following message from the Governor:—

> The Governor has the honour to inform the Legislative Assembly of Western Australia that he has this day approved of amendments to the Joint Standing Orders made by the Legislative Council on 9th September, 1969, and by the Legislative Assembly on 30th September, 1969.
>
> DOUGLAS KENDREW,
> Governor

QUESTIONS (14): ON NOTICE

1. HIRE-PURCHASE ACT

Amendment

Mr. BERTRAM asked the Premier:

(1) In view of the fact that most finance companies and organisations are wording their hire-purchase agreements so as to deprive hirers of the advantages which they used to have—and should still have—by voluntarily returning goods instead of allowing them to be repossessed by the owner, does the Government intend to amend section 12(6) of the Hire-Purchase Act and thereby protect members of the public who are unwittingly entering into hire-purchase agreements which could cause them to lose millions of dollars annually?

(2) If not, why?

Sir DAVID BRAND replied:

(1) The Hire-Purchase Act contains a provision which prevents the avoidance of certain rights of hirers, and this appears to be one of them.

(2) Answered by (1).

2. STOCK EXCHANGES

Legislation

Mr. BERTRAM asked the Minister representing the Minister for Justice:

(1) Has the Standing Committee of Commonwealth and State Attorneys-General recently discussed matters relating to the establishment of stock exchanges and the

control of dealers in securities and security market manipulation practices?

(2) If so, with what result?

(3) Has the said standing committee agreed to adopt recommendations of the Company Law Advisory Committee for control of take-over bids and disclosure of beneficial ownership of shares?

(4) If "Yes", when will the necessary legislation be introduced here?

Mr. COURT replied:

(1) Yes.

(2) Deliberations are still proceeding.

(3) Yes.

(4) The introduction of legislation will be considered by the Government when the uniform draft Bill, presently being prepared for the standing committee, has been approved by the committee.

3. BEEKEEPING

Restrictions

Mr. DAVIES asked the Minister for Police:

(1) Are there, as far as his department is concerned, restrictions on the keeping of bees in the metropolitan area?

(2) If so, what are the restrictions?

(3) What redress would be available to any person whose health or well being were affected by bees kept by neighbours?

Mr. CRAIG replied:

(1) No.

(2) Answered by (1).

(3) If the local council is unable to assist under its by-laws and, failing agreement between the parties concerned, the matter of redress would be for a court to decide.

4. BEEKEEPING

Restrictions

Mr. DAVIES asked the Minister for Agriculture:

(1) Are there any limitations or restrictions on the keeping of bees in the metropolitan area?

(2) If so, will he please detail?

Mr. NALDER replied:

(1) Under the Beekeepers' Act there are no limitations or restrictions on the keeping of bees which are specific to the metropolitan area.

Some local authorities do have by-laws relating to this matter.

(2) The local authority by-laws, where they exist, enable those authorities to deal with cases where bees are kept in such a manner as to cause a nuisance.

Under the Beekeepers' Act, beekeepers, anywhere in the State, are required to keep and transport bees in such a manner as not to cause a nuisance.

5. MEDICAL SERVICES

Prices

Mr. BERTRAM asked the Minister representing the Minister for Health:

(1) What body fixes the price of services rendered by medical practitioners to the public?

(2) What formulae or criteria are applied to determine the prices referred to and how often are the prices reviewed?

(3) What are the present prices fixed for medical services?

(4) Is he satisfied that the proposed increase in the price of medical services is justified?

(5) Was he or his department consulted by the relevant price fixing body before it announced the recent increase in the price of medical services?

(6) Are the prices of medical services now uniform throughout Australia; if not, in what respects do they differ?

Mr. ROSS HUTCHINSON replied:

The information requested in this question does not come under the control of the Minister for Health in Western Australia. However, out of courtesy to the honourable member, the information has been obtained for him as follows:—

(1) The Australian Medical Association recommends fees to be charged by general medical practitioners.

(2) A firm of private accountants investigated costs in running a general medical practice and set a base line in 1963. This base line is examined from time to time against figures obtained from the Bureau of Census and Statistics on average weekly earnings and wholesale price indices and from figures supplied by the National Roads and Motorists Association of New South Wales on car-running costs, and fees adjusted accordingly.

(3) During normal hours as from the 1st October, 1969:
Attendance at surgery $2.80.
Domiciliary visit $4.20.

(4) This question is a request for an opinion which, under the rules covering the answering of questions, the Minister is not prepared to express.

(5) No, but the Commonwealth Government and the registered medical benefit organisations are given three months' notice of changes in recommended fees.

(6) No. In Western Australia, Victoria and South Australia the fees are the same but these are lower than the recommended fees in New South Wales, Queensland, and Tasmania.

6. STAMP ACT

High Court Decision

Mr. BERTRAM asked the Treasurer:

Will he table a copy of each of the reasons for judgments delivered by the High Court recently in respect of section 101A of the Stamp Act?

Sir DAVID BRAND replied:

I understand it is not the practice to table copies of court judgments, but to suit the honourable member's convenience, I will make available a copy of this particular judgment to him.

Mr. Bickerton: That is service!

Sir DAVID BRAND: That applies only today.

The SPEAKER: The judgment is not tabled. It is provided purely for the honourable member's convenience.

7. OIL SEARCH WELL

Joseph Bonaparte Gulf

Mr. JAMIESON asked the Minister representing the Minister for Mines:

Is the oil search well, situated in Joseph Bonaparte Gulf, which recently had a gas blow which caused temporary abandonment, under the assigned authority of this State?

Mr. BOVELL replied:

No.

8. ADELAIDE LAW SCHOOL REPORT

Implementation of Recommendations

Mr. FLETCHER asked the Minister representing the Minister for Justice:

(1) Is he aware of an Adelaide Law School Report, page 2, *The West Australian* of the 17th July, 1969, which recommends—

(a) major changes in hire-purchase regulations to protect used-car buyers—

(i) in the event of sickness or unemployment, and

(ii) in giving the buyer power to rescind his contract with a dealer if the car or vehicle immediately after purchase is found to need extensive repairs;

(b) the licensing of all door-to-door salesmen;

(c) tighter restrictions to curb deceptive advertising?

(2) As this is not inconsistent with the Rogerson Report tabled in the Legislative Assembly on Tuesday, the 5th August, is any early legislation contemplated in regard to (1) or in respect of any of the recommendations contained in the Rogerson Report?

Mr. COURT replied:

(1) and (2) The Adelaide Law School Report and the Rogerson Report are one and the same.

This report was made to the Standing Committee of State and Commonwealth Attorneys-General. It is presently under consideration by that committee.

The report does make recommendations with regard to the matters mentioned in the question. However, these matters are independent of the basic recommendations, which concern the setting up of a single form of credit transaction to replace hire-purchase and the many other forms of credit selling which are presently in use. These proposals require the most careful consideration. Of course, whether or not they gain eventual acceptance, it will always be possible to implement all or any of the secondary proposals, but, here again, there are important issues to be decided.

The Government has made no decision with regard to any part of the report. Furthermore, it does not propose to make any such decision until it has had the advice of the Standing Committee of Attorneys-General. This advice is not likely to be forthcoming until the Standing Committee has submitted the report's proposals to the closest scrutiny. In this connection it must be stressed that the report does not present any draft legislation, nor even any detailed proposals for legislation; it is, to use its own words, simply "a framework of principles around which a legislative structure might be constructed."

9. EDUCATION

Kwinana High School

Mr. TAYLOR asked the Minister for Education:

(1) What is the present anticipated enrolment at the Kwinana High School for the beginning of the 1970 school year?

(2) Will sufficient accommodation be completed ready for occupation for this number of students?

Mr. LEWIS replied:

(1) 1,224.

(2) It is anticipated that sufficient of the additions will be completed to house the new intake.

10. EDUCATION

Orelia School

Mr. TAYLOR asked the Minister for Education:

(1) What is the present student enrolment and the number of teachers at the Orelia School?

(2) Would he agree that a fourth teacher is now overdue; if so, when will a fourth teacher be appointed?

(3) What is the anticipated enrolment and number of classes envisaged at the opening of the 1970 school year?

Mr. LEWIS replied:

(1) 128.

(2) An extra teacher is to be appointed as soon as possible.

(3) 150-200 based on headmaster's estimate. Class groupings will be determined by the headmaster prior to the first school day in 1970.

11. BROAD GAUGE LINE

Perth-Bunbury: Western Aluminium Finance

Mr. KITNEY asked the Minister for Industrial Development:

(1) In view of the decision of Western Aluminium No Liability to build an alumina refinery at Pinjarra, has the Government given any consideration to the establishment of a broad gauge line from Perth to Bunbury?

(2) Is there any provision in the agreement between the Government and Western Aluminium No Liability for the company to supply finance for such a line to be constructed?

Mr. COURT replied:

(1) Yes, but not specifically for the alumina project but as part of overall progressive reviews. At this juncture conversion is not economically and financially justifiable.

(2) Not specifically. The agreement refers to financial assistance if required for locomotives, rolling stock, and line upgrading.

The foregoing answers follow consultation with my colleague, the Minister for Railways.

12. *This question was postponed for one week.*

13. LAND

Reserves: Metropolitan Area

Mr. RUSHTON asked the Minister for Lands:

Will he advise the location and intended use of reserves of 500 acres and over under the control of the Crown and Government instrumentalities within the metropolitan region?

Mr. BOVELL replied:

The following reserves, set apart under the provisions of the Land Act and each containing not less than 500 acres, are situated in the metropolitan region:—

Reserve No.	Locality	Purpose
1720	Perth	King's Park
1774	Karragullen	Perth Water Supply (Catchment)
4127	Armadale	Timber and Commonage
4561	Bedfordale	Parklands
5704	Bedfordale	Timber
6203	Mundaring	Catchment
7125	Whitby Falls	Mental Hospital
7340	Lake Jandabup	Conservation of Fauna
7415	Roleystone	Timber
7537	Greenmount	National Park
8018	Hamersley	Public Purposes
8224	Woodman Point	Explosives Magazine
9209	Cottesloe	Secondary School Endowment
9868	Yanchep	National Park
10233	Kalamunda	Conservation of Flora
15656	Thompson Lake	Conservation of Fauna, and Drainage
21018	Rockingham	Commonage
21314	Kalamunda	National Park
22897	Helena River (Darlington)	Park Lands
23118	Glen Forrest	Park Lands
23229	Canning Dam	Catchment
23780	Lake Walyungup	National Park
24411	Lake Cooloongup	National Park
24781	Forrestdale	Protection of Flora and Fauna
25746	Pinnaroo	Cemetery
26806	Gidgiegannup	Recreation
27575	Neerubup	National Park
28362	Serpentine	National Park
29241	Banganup Lake	Conservation of Fauna

14. FERTILISERS

Trace Element Additive

Mr. H. D. EVANS asked the Minister for Agriculture:

(1) Is it correct that the annual report of the Western Australian Government Chemical Laboratories states that many of the

81 samples of trace element fertiliser analysed for the Department of Agriculture contained less than the required amount of trace element additive?

(2) How many analyses of trace element fertiliser samples containing each of the following elements were made at the request of the Department of Agriculture:—

(a) molybdenum;

(b) zinc;

(c) copper?

(3) In how many instances with each element enumerated above was a deficiency below the claimed content revealed?

(4) Do any of these results constitute a breach of the Fertilisers Act; if so, in which instances and in what way does each contravene the Fertilisers Act?

(5) If any contravention of the Fertilisers Act was made, has any action been taken against the manufacturers responsible?

(6) What is the price of superphosphate per ton as compared with fertilisers which contain the elements referred to above?

Mr. NALDER replied:

(1) Only 35 of the 81 samples referred to in the report were samples of trace element fertiliser. The report states that a number of these contained less than the guaranteed amount of trace element.

(2) Molybdenum—17 samples.
Zinz—27 samples.
Copper—28 samples.

(3) Molybdenum—17 samples.
Zinc—4 samples.
Copper—8 samples.

(4) 15 of the samples of molybdenum fertiliser, four of the samples of zinc fertiliser, and five of the samples of copper fertiliser deviated from the guarantee by more than the 10 per cent. allowed in the Act.

(5) No. The purpose of the Act is to protect the consumer.

In this case there are difficult technical problems and prosecution would serve little purpose. Extensive modifications of equipment and procedures to ensure complete accuracy would increase costs to farmers.

Very small amounts of fine material are mixed with superphosphate which has a much greater average particle size. Only 1½ lb. of molybdenum oxide is, for instance, added to a ton of superphosphate. Segregation can occur and accurate sampling is difficult.

The problems of mixing have been increased both by reductions in the amount of copper and zinc included in trace element mixtures, as recommended by the department, and by the increased average particle size of superphosphate associated with improved conditioning. The averages of the analytical figures obtained for copper and zinc contents are above the required standards.

The manufacturers are giving urgent attention to methods of improving uniformity. The Department of Agriculture has carried out an extensive examination of sampling procedures, with particular reference to fertiliser supplied in bulk.

(6) Prices of superphosphate and of superphosphate containing copper, zinc, and molybdenum are given below for supply in bulk at works—

	$
Superphosphate plus copper	23.75
Superphosphate plus copper, zinc A	31.45
Superphosphate plus copper, zinc B	24.60
Superphosphate plus copper, zinc, molybdenum No. 1	33.70
Superphosphate plus copper, zinc, molybdenum No. 2	27.65
Superphosphate and molybdenum	20.80
Superphosphate	15.00

There is a reduction in price of 75c per ton for cash before delivery as well as $1.80 per ton for delivery in October.

QUESTION WITHOUT NOTICE

MILLSTREAM STATION

Water Pollution

Mr. BICKERTON asked the Minister for Works:

(1) Has the Minister received a telegram from Millstream Station dealing with the pollution of water by human excreta from the men working on the project there?

(2) If so, will he supply the House with details, and also advise what action he has taken in connection with this matter?

Mr. ROSS HUTCHINSON replied:

(1) and (2) Yes, I did receive a telegram to the effect as outlined by the honourable member. I called for a report as to the extent of any pollution that might have occurred, and I think that in the interests of brevity and accuracy it will be of value if I read a copy

of a letter which I forwarded to Messers. Kennedy and Sons of Millstream Station.

The letter states—

> Reference is made to your telegram of September 22 concerning pollution of the Millstream water supply.
>
> I have now received a report on this matter which indicates that on inspection some night soil was found in the area upstream of the pools and that this was immediately removed. It was all in areas where no surface runoff has occurred since construction work began and it is considered almost impossible to have caused pollution.

That is, to the detriment and the danger of the supply. The letter continues—

> The report also indicates that cattle and kangaroo droppings are thick in this same area.
> In accordance with the requirements of the various contracts, toilet facilities have been erected and have been in use throughout the period of the work—both adjacent to accommodation caravans and the works areas. Although the work has been closely supervised, it appears that a few workers have not used the facilities provided. The local officer will keep the matter under surveillance in an endeavour to obviate any recurrence.

Mr. Bickerton: Perhaps you need a night watchman!

MUSEUM BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Lewis (Minister for Education), and read a first time.

FREMANTLE PORT AUTHORITY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 30th September.

MR. FLETCHER (Fremantle) [4.51 p.m.]: Under this Bill section 27 of the principal Act is repealed and re-enacted in a different form so that instead of the Governor having authority to do certain things, the Fremantle Port Authority will, with ministerial approval, be able to grant leases for all the purposes mentioned in the Act, these including workshops, yards or sites for shipbuilding, storage of coal and merchandise, foundries, etc.

At present the Act refers to the fact that all these leases must be in relation to shipping, but, under the amendment, the Minister will have the right to lease the land for other purposes he may approve. I would like to interpolate here that the Minister has anticipated that this amendment will receive a smooth passage through this House and another place. However, at this moment I am concerned about the implication that port authority land will be leased for purposes other than in relation to shipping; but I will deal with that aspect later.

These leases will be for a period of 21 years or for an extended period on conditions stipulated by the Minister. If the Minister approves, the port authority may lease an area for a period of up to 50 years. I take the Minister's word that 50-year leases apply in the Eastern States' port authority areas. Further, I am sure he would be careful regarding the type of industry he would permit to be established on a particular lease. I assume the Minister is listening to this aspect of my comments.

What I want to point out is that industry has a habit of growing and diversifying. The Minister himself will admit that what starts off as a comparatively innocent industry from the point of view of, say, contamination, etc., could subsequently become offensive regarding the manner of production, effluent, and possible discharge from chimney-stacks, and so on.

Quite frankly I do not like the inclusion of the 50-year term. It would be costly if a 50-year agreement had to be subsequently abrogated for the reason to which I have just referred; that is, that an industry which, when it was first established, was compatible with the area concerned, subsequently, for some reason or other, proved to be obnoxious. I can just imagine the cost involved in litigation in respect of any attempt to abrogate an agreement in those circumstances, particularly if the industry had been established 40 years previously.

Because of the possibility of an industry becoming offensive at some future date, I do not like the prospect of its being on our foreshore in 50 years' time. Admittedly I would not be here to suffer any ill-effects which may occur, but many other people will be.

I have noticed a provision for a shorter term lease, and also for leases in excess of three years to be advertised not only in the *Government Gazette* but also, on two occasions, in a newspaper. Under the present arrangements, this newspaper must be a Perth newspaper, but the provision in this Bill concerns a newspaper which is circulating within the State. This could therefore apply to a publication circulating in the far north of our State or even in the southern areas, and consequently any advertisement would not receive the publicity it deserves.

However, the fact that an advertisement is to be placed in a newspaper does not mollify me, as the amendment on the notice paper suggests. I want to know what has caused the Minister, the Government, or the Fremantle Port Authority, to open to industry, generally, an area previously confined to industry exclusively associated with shipping. Already a wool dumping plant in connection with containerisation occupies many acres of soil which, I will admit, was pumped from the harbour to the Port Beach area.

Mr. Ross Hutchinson: Are you opposed to this?

Mr. FLETCHER: I will come to that presently.

Mr. Cash: Give us some indication.

Mr. Graham: Be patient!

Mr. Ross Hutchinson: I will try.

Mr. FLETCHER: As I was saying, that soil had to be pumped somewhere. I will make that concession; but how much further north is industry likely to extend? I am concerned to ensure the preservation of Port Beach and Leighton Beach. The Minister will recall that the other night I stated I was very happy with those two beaches and the facilities provided at them; and I have no doubt the Minister also feels keenly for those beaches because they come within his own electorate. The Minister would be ill-advised to take any action which might cause damage or be detrimental to those beaches. As I pointed out the other evening, the Fremantle Port Authority has jurisdiction over an area which includes many more ocean beaches both north and south of Fremantle.

I draw the attention of the House to the second schedule of the Act. Members will see that the area over which the Fremantle Port Authority has jurisdiction is that which I mentioned the other evening; namely, from Point John on Point Peron to City Beach on the mainland, which is at latitude 31 degrees 56 minutes 22 seconds south. This is on the east side of the port authority area and all of the beaches in that locality come within the jurisdiction of the port authority.

On the 2nd October, 1969, I asked the Minister the number of nautical miles involved from Point John to the latitude I have just mentioned. When the Minister replied to my question he said that 30.23 statutory miles were involved. Of course, this covers a considerable stretch of beach.

The other evening the Leader of the Opposition, when speaking on another subject, mentioned that over seven miles of the 30.23 miles of beaches had already been absorbed by industry. The intrusion into that area which has taken place already causes me concern.

From the latitude which crosses the coast approximately at City Beach an imaginary line is drawn to Bathurst Point lighthouse on Rottnest Island. Further, the beaches which extend from Bathurst Point lighthouse on Rottnest Island also come within the jurisdiction of the Fremantle Port Authority. The area includes the eastern shores of Rottnest Island and takes in what are known as the Stragglers, which are rocks which project from the sea in that locality. It also takes in the Mewstone, Carnac Island, Garden Island, and back to Point John. As members will see, a considerable area of beach comes within the jurisdiction of the port authority. The facts which I have mentioned are to be found in the second schedule of the principal Act, which the Bill seeks to amend.

Members may wonder why I have gone to the trouble of giving this detail, but at least 50 miles of shoreline could be affected by the amendment and, consequently, I have reservations about the Bill on this point.

As I have said, this area is generally known as the outer harbour. Industries associated with shipping are already established in the locality of the inner harbour. The establishment of industries, other than those associated with shipping, on all or any part of the shoreline which I have just mentioned does cause me concern. I ask the Government: Is it not already concerned at the encroachment of industry on our ocean beaches? The Opposition demonstrated its concern the other evening. Certainly I am concerned and I know many other people are also concerned.

Possibly the Minister may not be aware of the implications of the wording in the Bill over which I am concerned. I refer to section 27, which it is proposed to reenact and, in particular, to the part which reads—

> . . . or for any other purpose approved by the Minister.

I know the Minister would not make a decision lightly in this respect. I admit the port authority created the area on which a wool dumping project has been established at Port Beach. I say that for the benefit of the Minister who interjected earlier. The question may be asked: Am I or am I not satisfied with the area upon which the wool dumping project has been established and which was resumed from the inner harbour and is now, in effect, in the outer harbour? I am satisfied, because that project is associated with shipping. However, I am anxious to retain and improve the beaches in that locality. I am sure the Minister will admit that a fence line has been created on the location of the wool dumping establishment and that this causes some impediment as far as access to the beach is concerned.

I have the Minister's speech in my hand. I will not quote it at length, but he did say—

> It has been found that both the term and the purpose for which the land may be leased are too restrictive and over the years these matters have presented the authority with various difficulties of one kind or another.

I will accept that statement. However, section 27 of the Act, as it now exists, contains provision for the establishment of industry which is associated with shipping. I prefer the existing section to the amendment which is proposed.

In another part of the Minister's speech he said—

> Lands acquired by the authority, either by reclamation or purchase, and with a definite earning potential, can remain idle when leasing is confined for purposes associated with shipping only.

Later on he said that this kind of thing had happened in the Eastern States. It may have happened in the Eastern States but, as I have not been there lately, I do not know the kind of industries that have been established. However, it is conceivable that industries which are established on foreshores could be to the detriment of people who previously enjoyed those same foreshores. I am anxious to see—and so, I might add, are all other members on this side of the House—that this sort of thing does not occur in Western Australia.

I can understand that lessees would want security of tenure for up to 50 years; because, as the Minister mentioned, they may wish to outlay a considerable amount of capital. I also understand that they would not wish to outlay this capital unless there was security of tenure. However, once the lease has been let, the Minister would have no jurisdiction over what might happen subsequently during the currency of the 50 years. During this period a comparatively innocent industry could become offensive. Section 27 could have been amended to achieve this purpose for any industry related to shipping.

Let us consider the amendment which is proposed. The Minister must know where the Act is truncated; namely, where the words "or for any other purpose approved by the Minister" now appear in the Bill. It is not necessary to read the whole of the proposed re-enacted subsection. It is a bald statement and I do not like its truncated form, because I believe it throws the door open for the admission of other industries to our coastline. I admit those industries could not be established without ministerial approval. I have no doubt that the Minister, when he replies, will assure the House that he would not give approval to the establishment of all sorts of offensive industries.

Also, I will admit to the House and to the Minister that I do not wish to deny the Fremantle Port Authority revenue. However, I am concerned that pressure could be applied as adjacent industrial accommodation becomes scarcer. I think the Minister will admit that it is already scarce. Let me interpolate to say that the O'Connor area, which is in close proximity to the Fremantle Port Authority, has now reached saturation point in regard to accommodation. I suspect the Minister knows this and also that industry is searching for alternative sites. The area envisaged under this measure could represent an alternative site for a type of industry to which, as I said, the public could later take exception. Pressure could be applied, if not on the present Minister, then perhaps on future Ministers. I am sure the Minister will agree that an attempt could be made to have port authority accommodation made available for industries which are not associated with shipping.

I am not critical of the use of the reclaimed area by the wool dumping firm. I cannot recall the name of this company, but there has been no detrimental effect upon the beach and, furthermore, the industry is associated with shipping on the basis of containerisation.

Country Party members, in particular, may know that wool bales, which were previously of a certain measurement, will be reduced in size as a consequence of terrific pressure which is applied through the hydraulic press. Some members may know the term for this, but I do not.

Mr. Young: It is called double dumping.

Mr. FLETCHER: A Country Party member has indicated, Mr. Speaker, that this is called double dumping; namely, the process of pushing the extra wool into containers. This industry is associated with shipping and, consequently, I take no exception to it.

I hope the Minister is aware of the distinction which I am drawing. The point I make is that there may be an influx of industry and of demand for industry in the locality I have mentioned because, from the point of view of industrial accommodation, saturation point, has been reached in and around Fremantle. As I have said, I am concerned that the passage of the Bill may throw open the door to industries which are not associated with shipping; which may become incompatible with the area; and which may even be offensive.

The House dealt with a similar matter the other evening. I do not need to go into that debate, but the argument which applied then applies equally now. As I have pointed out, the area of beach which comes within the jurisdiction of the port authority is quite considerable in that it extends from Point John on Point Peron to City Beach, and from Bathurst Point lighthouse on Rottnest Island, round the coastline of the various islands, and back to Point John.

Port installations and ancillary facilities including foundries, shipbuilding and boatbuilding slips, and workshops will inevitably

expand south. I make this admission for the benefit of the Minister for Works, the Minister for Industrial Development, and other members of the House; namely, it is inevitable that these kinds of industries will extend into the outer harbour. However, the existing section of the parent Act would not preclude this, as I am sure the Minister is aware, If, however, section 27 is repealed and re-enacted in accordance with the amending Bill, I repeat that the door will be thrown open to applications from industries which are not oriented towards shipping—industries that could be situated inland rather than on the huge expanse of coastline I have mentioned. I suggest to the Minister the temptation will be ever present to increase the revenue of the port authority by leasing coastal real estate. I place the beaches before industry in priority.

When moving the second reading the Minister said that the proposed amendment will also, by reducing the advertising requirements to two insertions in the *Government Gazette* and a daily newspaper, obviate any unnecessary delay in arranging for leases. I ask the Minister: Why the rush? I think the Minister will admit that a few days out of a 50-year lease would give time to reflect on whether or not an industry would be satisfactory to the Fremantle area and to all those who use the area and beaches I have mentioned.

The Minister said that the amendment would also bring the powers of the Fremantle Port Authority into line with port authorities at Sydney and Melbourne. Even this does not endear the measure to me. A sewage treatment plant could be established on an area within the port authority's jurisdiction. The Premier himself will admit that there is controversy over the prospect of a sewage treatment plant being established at the southern end of the area I have delineated, which comes within the jurisdiction of the Fremantle Port Authority.

The other evening I attempted to read correspondence from one of my constituents. He is a school teacher, and he wrote me a letter of three or four pages in his own handwriting. I will condense the pertinent points of his letter. He wrote from 54 Allen Street, East Fremantle. He stated he is a school teacher and is concerned at what is happening on the beaches and—as I mentioned—he said that so many industries which could be established in the area of jurisdiction of the Fremantle Port Authority could be established inland. I repeat: I do not wish to deny revenue to the port authority.

Mr. Ross Hutchinson: Where would you put a sewage plant, if you would not put it where it is being established?

Mr. FLETCHER: I would certainly not put it in the electorate of Fremantle.

Sir David Brand: That is a very honest answer.

Mr. FLETCHER: It might be possible to place it in the area of the member for Dale or the area of the member for Murray.

Sir David Brand: That is a very strong argument, I am sure.

Mr. FLETCHER: However, that is their problem.

Sir David Brand: That is right! Isn't this what you call the Jack system?

Mr. FLETCHER: Let me say that at the moment a lot of people in the Floreat Park area take exception to the sewage treatment plant which is established there. I do not blame this school teacher for writing to me and taking exception to a similar plant being established in an area to which not only he and his school children, but also many other people, go for their holidays. I do not imagine the Minister would condone such a plant being established within his electorate, which is north of the Fremantle traffic bridge.

Mr. Ross Hutchinson: There is one only three-quarters of a mile from where I live.

Mr. Graham: Would it be possible to take it to Dalkeith?

Mr. FLETCHER: However, the prevailing wind blows from the south-west and the Minister does not get the doubtful benefit of the offensive smell; the wind carries it in another direction and, as a consequence, he does not find it offensive as do the people who are downwind. However, that is another matter.

As I have said, I am concerned and I take exception to the amendment to section 27 of the principal Act. I want to see industry grow; but I want to see it grow in an area where it will not be detrimental to our beaches or to the people—not only within my electorate—who visit Rottnest Island, Garden Island, Carnac Island, Rockingham, Coogee Beach, South Beach, Port Beach, Leighton Beach, and even as far north as City Beach.

I have made known to the House that those areas all come within the jurisdiction of the Fremantle Port Authority. Because of my concern regarding this matter I have placed on the notice paper the amendments which stand in my name and which I will move at a later stage of the Bill.

MR. GRAYDEN (South Perth) [5.21 p.m.]: I find myself very much in agreement with what the member for Fremantle has said. As he pointed out, the authority has jurisdiction over an area bounded in the north by City Beach and in the south by Point Peron. At the moment the port authority has power under section 27 of the principal Act—with which we are now dealing—to grant leases for 21 years for purposes connected with shipping. However, as the member for Fremantle pointed out, under this amendment

the port authority will have power to grant leases for up to 50 years with ministerial approval; and for purposes which go far beyond matters connected with shipping.

I believe that at a time in the history of Western Australia when we are more conscious of conservation than ever before —we are conserving our flora and fauna, and conserving our natural features in order that posterity might gain from them —we in this House are abdicating our responsibilities because we will hand over to the Fremantle Port Authority the power to lease land within its jurisdiction. I have already said that this involves an area extending from City Beach to Point Peron.

In the past we have heard about a shipbuilding industry being established at Point Peron. I am wholeheartedly in favour of this if Point Peron is the only possible site for such an industry. But before I vote for any legislation which will enable that sort of thing to be established, I, as the representative of my constituency, want to be assured that in fact this is the only possible site, or at least the best possible site.

If this amendment is passed it would appear to me that the Fremantle Port Authority, with the approval of the Minister, could simply lease any land within its area for such a purpose and Parliament would have absolutely no say in the matter. I think we are abdicating our responsibilities. If the members of this present Parliament are still here when a proposal is brought forward to actually go ahead with a shipbuilding works, they will have absolutely no redress. They will not be able to go along to the Minister of the day and say, "Let Parliament have a look at this; let us examine it before we agree to it," because the Minister would simply turn around and say, "You were a member of the Parliament when legislation giving the Fremantle Port Authority the right to do this was enacted."

I think it is an extraordinary state of affairs. I would certainly not disagree with permitting the existing industries to extend their leases for a period of 50 years. I can see nothing objectionable about that, because the industries are already established. I cannot see anything objectionable in permitting the granting of further leases within the inner harbour; but when we talk in terms of the outer harbour, which embraces virtually the whole of Cockburn Sound, that is a different matter. The Fremantle Port Authority could lease areas like Palm Beach and Rockingham Beach for 50 years, and it would not be for Parliament to decide the issue; it would be simply a matter of the authority, with the approval of the Minister, granting a lease.

We have already concerned ourselves about King's Park, and it is necessary to have an Act of Parliament before certain buildings can be erected there. We have an Act of Parliament which ensures that no more than a prescribed amount of the Swan River may be reclaimed for public works or other purposes without Parliamentary approval; and if we wish to construct a railway line—no matter how short—again it is necessary to have an Act of Parliament. The Parliament has previously felt that these things are of consequence and that they should at least be discussed in Parliament as a safeguard to ensure that they are absolutely necessary.

If it is desirable and reasonable that this should be done in respect of King's Park and the Swan River, is it not reasonable that we should do the same in respect of the beaches of Cockburn Sound? The member for Fremantle has already foreshadowed an amendment which will ensure that before any beach is leased, such lease must have the approval of Parliament. I hope the Minister will give serious consideration to this amendment.

Mr. Ross Hutchinson: Do you mean for shipbuilding?

Mr. GRAYDEN: I mean for any purpose. The Minister should give the matter plenty of consideration and, possibly, have the Bill altered in another place.

Mr. Ross Hutchinson: There is no chance of that.

Mr. GRAYDEN: The Minister has not heard what I intend to say. I do not mind 50-year leases in respect of accepted industries, or in prescribed areas within the inner harbour; that is a different matter, and I would go along with the provision in that respect unless there was a serious objection. However, I am objecting to the wide scope of the amendment and the fact that leases may be granted on any beach from City Beach to Point Peron, irrespective of the magnitude of the industry, and the matter would not have to be discussed in Parliament.

I am sure there are a dozen different ways in which the Bill could be amended to achieve this, and I sincerely hope the Minister will give consideration to the proposed amendment; otherwise, unless somebody can produce a pretty good reason, I will certainly go along with the foreshadowed amendment of the member for Fremantle.

MR. TONKIN (Melville—Leader of the Opposition) [5.29 p.m.]: If the House had agreed to the motion recently introduced by the member for Fremantle that the Government in due course set up a controlling authority to preserve the beaches, then one would not be worried about this Bill. But the fact that the Government opposed that control makes one very doubtful about the justification for giving this power to a single Minister; because this proposes that if the Minister agrees, then any part of the lands under the jurisdiction of the port authority may be leased for any purpose—for any purpose whatever.

It need not be a purpose ancillary to the port authority's own activity; the land could be leased out to anybody for any purpose whatever.

I think that is too much control to put in the hands of a Minister. The only way we can handle this matter is to make it subject to the control of Parliament. If it becomes necessary, because of a special circumstance, to permit the port authority to alienate part of its land for 50 years, then Parliament should be informed of it, and Parliament should approve of it, because the lands under the control of the port authority are lands which will be required for use by the general public; and this requirement will increase substantially as the years go by. We will have a big population in Perth and there will be a tremendous demand on the beaches. It would be wrong, therefore, and we would be recreant to our trust, if we allowed a Minister to alienate for a period of 50 years land which might be required by the people, and which they ought to have for recreation purposes.

There could be some force in the proposition if it were limited to the actual requirements of the port authority itself. One might even go along with that, but I would be very hesitant to do even that under these circumstances. When, however, it is proposed to allow the port authority, with ministerial approval, to lease any of its lands for any purpose for 50 years, I think that is asking too much without referring the matter to Parliament.

I think the Minister ought to appreciate that the question should be brought here. What caused the port authority to want this particular provision after all these years? Has there been some special case which has come up and which is now pending the passing of this power which the authority will then use? If the Minister has had such a proposal, we ought to be told about it so that we can weigh it up in all the circumstances.

I cannot believe that, suddenly, the Minister, after having had a look at the Act would say, "It would be a good idea if I had the power to allow the port authority to lease land for 50 years."

Mr. Ross Hutchinson: You are quite right.

Mr. TONKIN: Things do not happen that way. So there must have been representations to the Minister by the port authority or somebody else who said, "This is too restrictive; we want to get some land down there, but 20 years is no good. We want to be assured we will get it for 50 years. Will you amend the Act to make that provision?"

Mr. Ross Hutchinson: No such representations have been made by individuals to me.

Mr. TONKIN: Have any such representations been made to the port authority?

Mr. Ross Hutchinson: I doubt it, but there may have been.

Mr. TONKIN: Then how did this proposal have its genesis?

Mr. Ross Hutchinson: Perhaps I had better read my second reading speech to you again.

Mr. TONKIN: The Minister was not particularly clear in his second reading speech. I thought it was important more for what it did not say than for what it did say. If the Minister will be a little more explicit when he is replying to this debate and will state that the full information has been supplied to the House and nothing is being withheld, then we could take another look at the proposal. I would ask the Minister what objection the Minister of the day could have to bringing a proposition to Parliament when a lease beyond a period of 21 years is proposed?

The Government has its majority and if it could convince its own members that the proposition was sound it could get the proposal carried in the House. That would appear to me to be the fair and reasonable way to do this. What we have to contend with, generally, however—and you know this to be quite right, Mr. Speaker —is that the Government will not disclose any information about what it has in mind until it enters into an agreement which, as far as we are concerned, is more or less irrevocable.

As an example, let us consider the proposal with regard to the sinking of the railway. Although the Government has been asked a number of times to give details of any proposition submitted by Western Australia Development Corporation its answer is that it will make its decision as to whether it will make any information available or not in its own good time; and we have no guarantee that the Government will not have the agreement signed, sealed, and delivered before we know anything about the proposition

I do not think we ought to aid the Executive in that kind of conduct. If we are to be a worth-while institution we should require that the fullest information on these proposals be brought to Parliament so that the people's representatives will be aware of what is intended before it is too late to do anything.

So I suggest to the Government that in view of the fact that the proposal for the establishment of a beach authority was defeated and there is now no control, the control of this aspect should be reposed in Parliament and the Minister ought to agree to amend the Bill so that the situation will be properly safeguarded.

As the Bill stands I am opposed to it. One must give some credit to the member for South Perth for having sufficient fortitude to stand up in his place and express opinions opposed to those of the Minister. From his argument—which one could not fault—it is perfectly clear that he is one of the members who are unhappy with the situation; but one only who is prepared to get up and voice his opposition.

I think there is far too little of this sort of attitude; that is, it is far too seldom that members who are not satisfied with what has been proposed are not afraid to speak out. This is a place where opinions ought to be expressed and the consensus of opinion should finally determine the matter. As the proposal stands at present, I do not like it at all.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [5.39 p.m.]: At the outset I feel I should perhaps try to answer some of the questions that have been asked; questions which I thought were answered—perhaps too generally, but certainly answered—during the course of my introductory second reading speech.

I propose now to recapitulate briefly the prime reasons for the introduction of this legislation, and for the benefit of the House I intend to read the old section 27 which the Government's present amendment would supersede.

The two prime purposes are that the powers of the port authority should be extended to permit the granting of leases beyond a period of 21 years, up to a period of 50 years, and that instead of these leases being granted only for shipping and other purposes—which I shall detail in a moment and which are written into section 27—they shall be granted by the port authority for any purpose.

Mr. Tonkin: That is pretty wide.

Mr. ROSS HUTCHINSON: That is very true; it was deliberately meant to be wide. There is another point which must be made, and on this matter I feel sure the Leader of the Opposition would have said exactly the same to me if I had raised such a foolish question with him.

I did go on to say that it has been found that in practice the term and the purpose for which land may be used are too restrictive; that the port authority wants to exercise its ability to enable it to manoeuvre.

Mr. Tonkin: Can the Minister give examples of where it has been found to be too restrictive?

Mr. ROSS HUTCHINSON: I feel I am often able to read the mind of the Leader of the Opposition, and I have here some specific cases which may satisfy him. I was, however, proposing to mention these a little later in my speech.

It is not the intention of the port authority to facilitate an influx of industry—I think those were the words used by the member for Fremantle—to port authority regions. That is not the intention at all. The purpose is principally to give the port authority power to operate with more scope and to enable it to deal with certain questions that are outside its present powers. Accordingly, one would be foolish to think at all that there was going to be an influx of industry to port authority land because of the amendment I am submitting to the House.

One member also said that we would be abdicating our authority if we took this course of action. This is indeed extravagant language and I find it difficult to understand why a member should say we are doing this in the light of the amendment I am submitting.

It is true, as members who have spoken have suggested, that the Bill will increase the powers of the port authority. As I have said, the purpose of the legislation is to give the port authority room to manoeuvre; to enable it to cater for such cases as might arise.

The port authority is composed of men of some calibre and standing in the State; they are responsible people who endeavour to discharge their duties and responsibilities in a proper and fitting manner. They would not lightly grant leases to any company, whether it be for purposes associated with shipping or for any other purposes. They would only do this after due consideration of all the facts—just as the honourable gentlemen on the front bench opposite, as responsible Ministers sitting on this side of the House, considered all the aspects of a problem before making a decision.

Quite apart from having a sense of responsibility, the men who comprise the port authority are of the calibre in whom trust can be reposed; and, as the Minister who for the time being has jurisdiction over the port authority, I should hope that I too would have the same sense of responsibility. Surely most Legislatures in democratic countries would sanction this sort of thing.

Another thing that was said by the honourable member who spoke in opposition to the Bill was that if a lease were written for 50 years the authority would have no say if something developed during this course of time. This is obviously not so. It should be clearly understood that a lease would contain all sorts of clauses which would cater for circumstances where the Government or the port authority might require the land for certain reasons. The land could also be returned. Of course, proper compensation would be paid if the former action had to be taken. So it is foolish for any member to oppose this Bill on that ground. One honourable member asked why the Bill was introduced, and I have given the

reasons, generally, and in accordance with traditional procedures, in the outline of my second reading speech.

Before being more precise as to where companies already affected are in some difficulty, I would like to mention something that was stated by the member for Fremantle. In regard to a bit of streamlining concerning advertisements in the *Government Gazette*, he asked, "Why the rush?" It might be stated with perhaps greater force that if we did not take the action, somebody else might say, "Why all the red tape?" It is felt that the proposition under the present amendment will cater quite adequately for, and give notice to the public of, what may happen. There is no need to gild the lily. It is not a matter of rush or red tape, it is simply a common-sense approach to a practical problem.

I think it appropriate for me to get on to some wider matters that concern Cockburn Sound and the outer harbour of Fremantle. However, before doing so, I think I should read part of section 27 as it stands at the present time as it will inform members of the powers now held by the Port Authority. It reads as follows:—

> The Governor may, upon the recommendation of the commissioners, grant leases of any land vested in them by this Act, for any term not exceeding twenty-one years, as yards or sites for ship-building—

Note "or sites for ship-building." Continuing—

> —boat-building, storing of timber, coal, merchandise, or other property, or for the erection of workshops or foundries, or for other purposes connected with shipping.

That gives a pretty clear indication of the legislative powers of the authority and the types of leases it can enter into. The remainder of section 27 goes on to deal with advertisements in the *Government Gazette*.

It can be seen by members that the authority has powers for the leasing of sites in regard to shipbuilding.

Mr. Tonkin: For 21 years.

Mr. ROSS HUTCHINSON: That is right; and it has been found in practice and in the light of research concerning other port authorities that this provision operates for a longer period of time than is the case in this State. As I said in my second reading speech, the authority in Sydney can lease for a period of 99 years and in Melbourne, I think, 56 years, or *vice versa*. I note that the Maritime Services Board of New South Wales has power to lease for a maximum term of 99 years in Sydney, while in the case of Melbourne the period is 56 years. There is nothing strange or exotic about this proposal.

I think it might be appropriate for me to refer now to something which I mentioned earlier; that is, the references made to Cockburn Sound. Probably before this Government came into office there was a wide appreciation of the value of Cockburn Sound. Am I not fair in saying that? Certainly that has been my impression. For many years this State has believed in the value of Cockburn Sound as an outer harbour, and certainly in the reign of the previous Labor Government there was this appreciation of the value of Cockburn Sound as part of the Port of Fremantle.

We are a young city and a young State and we need excellent harbours. We have not too many natural harbours; so who among us would say that Cockburn Sound should not be used for port purposes? There are those who, in recent times, have tended to criticise the Government for putting Cockburn Sound to use as part of a port. They should think in terms of balance. Every effort will be made by the Government—and I presume succeeding Governments—to protect certain areas of Cockburn Sound for leisure purposes; but do not let us think that Cockburn Sound must be protected against any further development.

Cockburn Sound is there for the development of this young State. What will be the population in 50 years? What use will have to be made of Cockburn Sound? One has only to think of these things to appreciate that Cockburn Sound has tremendous advantages. I go so far as to say this: If one of the members of the Opposition had happened to be in my shoes as Minister for Works and the port authority had represented to that Minister, whomsoever he might have been, that these amendments should be included in the Act, I say he would not have rejected them as a proposition.

Mr. Tonkin: It would have had to put up a case.

Mr. ROSS HUTCHINSON: Not one of them would have rejected this as a proposition—not even the Leader of the Opposition.

Mr. Tonkin: It would have had to put up a good case—a pretty strong one.

Mr. ROSS HUTCHINSON: Do not tell me the situation is not self-evident.

Mr. Tonkin: I have been waiting for specific instances, but not one has been mentioned yet.

Mr. ROSS HUTCHINSON: I have given the Leader of the Opposition food for thought.

Mr. Tonkin: Give me a specific instance.

Mr. ROSS HUTCHINSON: The Leader of the Opposition has asked me to be more explicit. During my second reading speech I said:—

> One particular difficulty in regard to the restricted purpose of the section

> is that it is at present difficult to protect the interests of tenants who, having been granted a lease of land for purposes connected with shipping some years ago, and after having spent considerable sums of money by way of capital on buildings and appurtenances thereto, find before the expiration of their lease that for reasons possibly beyond their control these purposes no longer exist and they are therefore not legally entitled perhaps to continue to occupy the land.

I went on to say that considerable land is at present leased under permissive occupancy agreements, and it is doubtful whether, having regard for the present restrictions under section 27 relating to the purposes for which land can be leased, formal leases could be entered into. That is a generalisation.

There are specific instances of companies which have occupied authority land for many years and which have been involved in heavy capital improvements over the years, but in respect of which some doubt exists as to whether they are now occupying authority land for purposes connected with shipping in accordance with the provisions of section 27 of the Fremantle Port Authority Act. The companies are the Shell Company of Australia Ltd., Mobil Oil Aust. Pty. Ltd., and Ampol Petroleum Ltd.

I have been further informed that all of these companies occupy land in the North Fremantle area and are concerned with the storage and distribution of petroleum products. Prior to the BP Refinery (Kwinana) Pty. Ltd. coming into full production, in 1956, the commodities of these companies were discharged in the inner harbour. Now their bulk requirements are supplied by pipelines direct from the Kwinana refinery, and the effect this has had on the imports of petroleum products through the inner harbour is amply illustrated by figures. I have a table here which shows the amount of oil taken in the inner harbour over the years. Let me condense this table by saying that for the year ended the 30th June, 1950, imports of petroleum products through the inner harbour were 563,000 tons, while in 1968 the figure was only 57,000 tons.

If the refinery had not been established at Kwinana it could be anticipated that imports of petroleum products through the inner harbour would have increased to a figure in excess of 1,000,000 tons if, indeed, that situation had been allowed to develop. It could therefore be claimed that the major and substantial activities of these companies now are not being conducted for purposes connected with shipping.

I have been informed that several other oil companies which have been granted occupancy of land at North Fremantle since the establishment of the refinery are in a similar position to the companies to which I have referred.

I believe the amendments contained in the Bill are quite sound; and I also believe that the Fremantle Port Authority is composed of responsible men—and surely the Minister for Works can be adjudged to be a responsible person—and that no leases will be entered into lightly. All care will be taken in regard to the occupancy of such leases. I think any further remarks might well be made in the Committee stage.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Ross Hutchinson (Minister for Works) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 27 repealed and re-enacted—

Mr. FLETCHER: An analysis of the amendment I have on the notice paper will reveal that it proposes to delete the word "and" on page 2, line 11, with a view to inserting other words.

I assume I am not confined to argument in respect of the word "and". I have to submit arguments as to why I need to strike out the word "and" so with the indulgence of the House I will endeavour to do so.

The CHAIRMAN: The honourable member is quite in order.

Mr. FLETCHER: Let me say I am not impugning the Minister in any way, nor am I impugning the commissioners in any way. The commissioners are personal friends of mine, and they are men of high integrity. However, like myself, they have a limited life, and they may not always be where they are. The Minister, also, may not always be in his present position.

I made the point earlier that priority might be given to the securing of revenue rather than to the preservation of the beaches. I do not want to answer all the Minister's arguments at the moment, because discussion on those points will come up subsequently.

It is my intention to delete the word "and" in line 11 on page 2 and then to insert a new subclause (5) which will state that no lease of any portion of the ocean beach forming part of the lands vested in the Fremantle Port Authority shall be granted unless the approval of Parliament is first obtained.

As the Minister will remember, there has been considerable argument on this point which caused him a lot of concern. I refer to the Swan River Conservation Act. Clause 7 of the amending Bill, which was introduced in 1966, provided that notwithstanding any Act, no person would resume, fill in, or reclaim any area normally covered by water if the area was in excess

of two acres; was required as part of one scheme involving an area of more than two acres; or together with a contiguous area or areas had been resumed, filled in, or reclaimed at any time within the preceding 12 months and would exceed two acres.

Under the Swan River Conservation Act we are bound to bring before Parliament and discuss any improvements involving the reclamation of more than two acres. My amendment is not inconsistent with that provision. If the Minister condoned such a move in 1966, why should he deny this Chamber a similar opportunity to ensure that plans for any portion of the beach to which I have referred should first come to Parliament for consideration if, whether resumed or otherwise, the beach is to be used for any purpose. Firstly, we would consider whether it should be resumed; and, secondly, we would consider the purpose for which the area was being resumed.

It is fundamental to democracy and to the people we represent that we ensure that every part of Western Australia shall be used for a purpose satisfactory to the people whom we represent. My amendment stands or fails on that one issue; that the matter should be brought to Parliament for debate.

I think the Minister did me a little injustice when he said I was imagining all sorts of industries, offensive and inoffensive, being established in the port area. I did admit that it was inevitable that industry would expand.

Mr. Ross Hutchinson: But you used the words "influx of industry." You said "influx."

Mr. FLETCHER: Does the Minister always use precisely the exact words?

Mr. Ross Hutchinson: Well, did you not mean that?

Mr. FLETCHER: The Minister knows that in the North Fremantle area there is a little triangle which is painted purple on the M.R.P.A. plan. That is an industrial area which will soon reach saturation point. There could be an influx of industry to the particular area and once it reached saturation point where would the industries expand? They could only expand along the beaches to the north as far as City Beach.

Some industries could be established inland instead of on our coastline and the purpose of my amendment is to ensure that only industries which, of necessity, require coastline should be established there. It is not my intention to kick out the tank farms between North Fremantle and Kwinana. They are there in perpetuity as far as I know. However, I do not want to see any further unnecessary encroachment. The Fremantle Port Authority, having jurisdiction over such a large area, could bring to that area industry which is unsatisfactory to the members of this Chamber and also to those whom we represent. I move an amendment—

Page 2 line 11—Delete the word "and".

Mr. GRAYDEN: I hope the Minister will agree to this amendment in order that the member for Fremantle might introduce the further amendment he has foreshadowed. I am quite certain that it will not upset the Minister, because the proposed amendment will add a clause to read that no lease of any portion of the ocean beach forming part of the lands vested in the Fremantle Port Authority shall be granted under this section unless the approval of Parliament is first obtained.

The proposed amendment will not upset the plans of the Minister in the slightest. The Minister has gone to great pains to assure us that the Fremantle Port Authority is a responsible organisation and will not rush around, willy-nilly, leasing portions of our ocean beaches between City Beach and Point Peron.

The Minister has stated that the main reason for the present provision is that the Fremantle Port Authority wants to extend the leases of existing businesses. The amendment will simply insert a provision in respect of beaches, and I cannot see why the Minister would want to oppose it. We have to ask ourselves, in respect of the amendment foreshadowed by the member for Fremantle, whether we want the development of the beaches which have been specified between City Beach and Point Peron vested in the Fremantle Port Authority, not for some specific period, but forever or until the legislation is repealed.

The situation is that we will delegate our authority—which should be retained in the State Parliament—to the Fremantle Port Authority, because it will be able to lease any beach which is within its jurisdiction without referring the matter to Parliament, and without the matter being discussed in Parliament. In other words, the Fremantle Port Authority will be able to do whatever it likes with the beaches, not only in the inner harbour but also in the outer harbour. The question we have to answer is: Do we want Parliament to retain the right to examine projects put forward in respect of that area?

If we pass the Bill in its present form we could be confronted, in a few years' time, with a very big project and we would not be able to say that the matter should be discussed in Parliament because the Minister would be able to say that the matter had been discussed a few years previously and members of Parliament delegated their responsibility. The situation is as clear-cut as that.

In those circumstances I think the Minister should agree to the amendments proposed by the member for Fremantle

because they will not curtail the Minister in his efforts—and laudable efforts—to extend the leases of existing industries.

Surely we value our beaches. We value the Swan River to the extent of ensuring that resumptions of more than two acres are discussed in Parliament. Virtually the same thing applies in King's Park.

Surely we must value, to the same extent, the ocean beaches, because people coming from overseas think of Perth in terms of our wonderful climate; our wildflowers; our Swan River; and our beautiful beaches. However, if the Bill is passed in its present form it would seem that the Parliament of Western Australia is saying that the beaches will forever be purely a matter for the Fremantle Port Authority. In those circumstances I hope the amendment will be agreed to.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. ROSS HUTCHINSON: I oppose the amendment because I believe there is no necessity for it. In my view there is some mixed thinking by those who compare the Swan River Conservation Act with the Fremantle Port Authority Act and the reasons for the establishment of the two authorities established under those measures.

The Swan River Conservation Board was established to control reclamation, to preserve the river, and to improve it for recreational purposes. The Fremantle Port Authority was established primarily to look after the affairs of the Port of Fremantle. As I tried to demonstrate when closing the second reading debate, Cockburn Sound can be used for a multiplicity of purposes but, perhaps, primarily for port purposes and the Fremantle Port Authority should have autonomy in this respect.

However, I want to emphasise that the port authority does not work in a vacuum and it does not operate as an island; it has regard, and must perforce have regard, for metropolitan town planning requirements, industrial development requirements, and its own requirements. It joins with all other Government departments in a sensible approach and with balanced thought in regard to the preservation of certain areas for the benefit of people in the vicinity. To superimpose on that structure another control by Parliament is not, in my opinion, necessary in all the circumstances. Therefore I believe the amendment should be opposed.

Mr. FLETCHER: The Minister, in opposing my desire to delete the word "and" with a view to moving a further amendment said, in effect, that the M.R.P.A. and the town planning authorities, and all the other organisations involved, can be relied upon to take care of the requirements of the people and, as a result, there is no need to superimpose on this legislation the amendment that I have foreshadowed. I do not like to mention names, but despite the existence of the M.R.P.A. and the town planning authorities, and other Government departments, a huge area of our beachfront in excess of requirements was taken by BP. The refinery could have been established away from the beach and the products of the refinery could have been piped to the wharf or jetty for the purpose of loading and unloading. If all these Government departments are protecting us, why did they let that happen?

Mr. Court: It came to Parliament.

Mr. FLETCHER: That is so, but it does not get away from the fact that had the provision in my amendment been in existence there would have been no prospect of such a huge area of our beachfront being taken by industry in the way in which it was taken. In other words, if the amendment is agreed to, that mistake could not be repeated; because, as that astute Minister, the Minister for Industrial Development, said, the matter would have had to come to Parliament. That is precisely what I want, and if I spoke all night I could not make out a better case than the Minister for Industrial Development did when he interjected.

Mr. Court: What you are complaining about came to Parliament.

Mr. FLETCHER: I know that and we were silly enough to condone it on that occasion. However, let us prevent the same mistakes occurring in the future. I do not want anyone to remind me which Government was in office when what I am complaining about happened, but I want to protect our beaches from all Governments—those composed of members from this side and also of those from the other side.

I want members on both sides to demonstrate their impartiality and unless they do democracy becomes nothing more than a facade behind which Executive action can hide. Irrespective of my regard for the Fremantle Port Authority, or for the Minister, or for any Minister, Executive action does take place without regard to Parliament and my amendment is designed to prevent that and to have all matters in this connection brought to Parliament.

For want of a better word, the Minister's argument was specious. He did not put up a good case. He is not prepared to be democratic and allow the matter to come to Parliament for decision, although he is democratic in allowing matters in respect of the Swan River Conservation Board to come to Parliament where more than a certain area is involved.

I agree that the periods of lease can be renewed, if necessary, but already a sufficient length of our coastline has been unnecessarily encroached upon, and if industry wants to take any more of it, for any purpose whatever, and it could have a deleterious effect on the needs of the

community generally, then I say the matter should be brought to Parliament in conformity whith my amendment.

Mr. GRAYDEN: I hope the Minister will give this matter further consideration, and if he cannot agree to the amendment of the member for Fremantle, he will indicate that he is prepared to do something about amending the legislation in another place. My concern is in regard to the principle. The Minister referred to existing legislation and said that there is already provision in the Act for the Fremantle Port Authority to lease land in its jurisdiction for a period of 21 years provided it is to a business concern that is connected with shipbuilding.

However, I think the Minister is getting right away from the point. In this instance we are talking about leasing land for 50 years, which is a different proposition altogether. For instance, no-one would establish a shipbuilding industry on a beach fronting Cockburn Sound if it had a lease for only 21 years. But the 50-year basis is a different thing altogether. The Minister wants to go far beyond allocating beach frontage for shipbuilding; he wants the port authority to be given approval to allocate land for any purpose at all provided it is done with the approval of the Minister in charge.

As far as I am concerned, the 21-year provision is a complete safeguard for the beaches fronting Cockburn Sound, but the 50-year provision for all types of industry is a different proposition. I think every member would go along with the Minister, if he wanted established industries, to have the leases under which they would operate extended. That is a reasonable proposition. However, we are talking about the beaches, and they are limited.

For instance, no-one would contemplate establishing industries at City Beach or Cottesloe. Therefore, the Minister need not be frightened about the amendment affecting those two beaches. I do not know about the situation at Port Beach, Leighton, Coogee, Kwinana, or Rockingham, so far as the Fremantle Port Authority is concerned. However, if the amendment is agreed to and some big undertaking was likely to affect those beaches, it would mean, in all, only five Bills coming to Parliament.

We agree with the Minister when he says the Fremantle Port Authority is not likely, willy-nilly, to start leasing the beaches; therefore he need not fear the amendment, which is really a simple one. There is nothing ulterior in its wording. Yet the Minister is asking us to give to the Fremantle Port Authority the authority, with the consent of whichever Minister occupies his position, to do whatever it wants to do with the beaches within the authority's jurisdiction—and those beaches extend from City Beach to Point Peron.

Why should the Minister think that the Fremantle Port Authority is better able to examine an application for industrial development along the shores of Cockburn Sound than the members of this Legislature? Surely if an industry is so big that it is likely to affect Cockburn Sound, the matter should come before Parliament. He is asking us to give *carte blanche* to the Fremantle Port Authority to do certain things, not for a specific industry but for all time.

He is asking the Parliament to put its signature at the bottom of a blank piece of paper and hand it over to the Fremantle Port Authority, so granting it power to superscribe whatever conditions it may think are needed in respect of the most important features to which I have referred. This is precisely what he seeks to do, and the terms are completely unconditional. The Minister will not say to the Fremantle Port Authority, "You can do this only in respect of shipbuilding." He wants this authority to apply to any industry.

We know what has happened at Port Hedland. We have a river there and port facilities, and all sorts of industries are clamouring to be sited on the waterfront, but very sensibly the Minister has said they do not have to be on the waterfront; that such industries can be established several miles distant; and the Government is seeking to have this done.

However, in this instance what are we asked to do? It will be the responsibility of the Fremantle Port Authority to decide what industry shall be established on any one of the beaches in question, provided it has the approval of the Minister of the day. I am not casting any reflection on the Minister who is in office at present, nor am I saying that he is an unreasonable man. The position is that no-one knows who will hold the office of the Minister in the future. If the Bill is agreed to, in effect we are saying that the Fremantle Port Authority is better suited to make a decision in regard to our beaches than is Parliament itself.

We regard the Swan River as being extremely important to us and we have legislated to ensure that Parliament has full jurisdiction in regard to conceding a couple of acres of it. Parliament also has complete jurisdiction over King's Park. In the past the Legislature has supported the view—and Bills have been passed accordingly—that the Swan River and King's Park are important to the people of Western Australia. No-one in his right mind would suggest that these beaches are not equally important, yet at this stage we are to say, "Forever we will divorce ourselves from the responsibility of making decisions on the establishment of industries on our beaches"; that is, industries the Minister has envisaged at Cockburn Sound.

We are handing over our responsibility to the Fremantle Port Authority, because somewhere in the distant past an Act was proclaimed which said that these beaches were to form part of the outer harbour, and therefore it is logical that we should provide that the Fremantle Port Authority shall be the responsible body in the future.

As long as Parliament survives, it is important that it should do everything possible to protect the natural features of Western Australia; not only our flora and fauna, but also our beaches, because they will give untold pleasure to the people of this State in the future, as they do now. If there is any possibility of an industry being established at Point Peron, Parliament should make a decision on it. Why should we leave the decision to the Fremantle Port Authority? If we do, it is possible that in future years Parliament could be accused of handing over its authority to that body. Surely we are cognisant of the fact that Cockburn Sound represents a wonderful playground for the people of Perth!

Everybody recognises that the expansion of industry must continue. All I wish to ensure is that if the establishment of any industry is contemplated in the future, a more suitable site than Cockburn Sound can be found for it. Surely this is reasonable! At present the people of Western Australia are most conservation-conscious. Many of the mistakes made in the past will never be repeated if the people have a say in the matter. However, under the legislation we have before us at the moment we will grant to the Fremantle Port Authority complete jurisdiction over the beaches fronting Cockburn Sound and those close to the city. I take exception to the principle of the matter.

In the circumstances, I think the Minister should reconsider the provision because it would be quite simple to agree to an amendment so that all his objectives could be achieved and at the same time our beaches could be protected. The member for Fremantle has suggested one amendment, and I think it is reasonable. We are concerned with the beaches already in existence, and the amendment will not affect the Minister's plans one iota. In the circumstances, I hope the Minister will give further consideration to the clause.

Mr. FLETCHER: I thank the last speaker for his support. He has reminded me of something else I wish to say. When the Minister quoted from section 27 of the principal Act, which the Bill seeks to amend, he read down only to a certain word. I will read from that section again, as follows:—

> The Governor may, upon the recommendation of the commissioners, grant leases of any land vested in them by this Act, for any term not exceeding twenty-one years, as yards or sites for ship-building, boat-building, storing of timber, coal, merchandise, or other property, or for the erection of workshops or foundries, or for other purposes. . . .

The Minister stopped at the word "purposes". He did so because after that word, the words, "connected with shipping" appear. That is the reason for the section being truncated in the manner it has been, and the Minister seeks to insert words according to his own whim.

Mr. Ross Hutchinson: You are not reading it properly, and you are not telling the truth. It is for other purposes connected with shipping. The "other purposes" should be read ahead of that.

Mr. FLETCHER: If you read the words, "and for other purposes"—

Mr. Ross Hutchinson: It does not read "and for other purposes." What does it say?

Mr. Tonkin: "For any other purpose."

Mr. Ross Hutchinson: Does it say "and" or "or"?

Mr. Tonkin: It reads, "or any other purpose."

Mr. Ross Hutchinson: It says, "or for other purposes connected with shipping".

Mr. FLETCHER: Why equivocate over a word? The Minister was astute enough to read only down to the word "purposes," following which come the words, "or for any other purpose approved by the Minister". That is exactly the point that has been taken by the Leader of the Opposition. In my copy of the Bill I have underlined the words, "or for any other purpose approved by the Minister."

In my introductory remarks I said I preferred to see the section remain as printed, because it goes on to state, "connected with shipping, provided that no lease . . ." and so on. The Minister cannot deny that. Whilst on my feet I might mention that the following, briefly, is the comparable legislation in Victoria:—

> This Act may be cited as the Port Phillip Authority Act, 1966.

That authority is the equivalent of the Fremantle Port Authority. The long title of the Act reads—

> An Act to constitute an Authority to be known as the Port Phillip Authority to make Provision with respect to the Co-ordination of the Development of Port Phillip and certain other Areas and for other purposes.

Section 5 of that Act is as follows:—

> The Authority shall be responsible for advising the Minister on methods of—
>
> (a) co-ordinating development in the Port Phillip area;

(b) preserving the existing beaches and natural beauty of the Port Phillip area and preventing deterioration of the foreshore;

(c) improving facilities in the Port Phillip area to enable the full enjoyment of the area by the people.

The following will appeal to the member for South Perth:—

(2) The Authority may recommend to the Minister that—

(a) surveys investigations and experiments be carried out to determine the present condition of foreshores and the best method of preserving and improving foreshores including beaches;

(b) preventative and remedial measures in respect of the Port Phillip area be investigated or designed;

Section 6 also contains the following:—

No structure shall be erected and no work shall be undertaken on or vegetation removed from any land in the Port Phillip area without the consent of the Authority.

That authority is already in existence. I ask the Committee to study the Victorian Act and also the Queensland legislation which I mentioned the other evening.

In my amendment I ask that nothing more be done other than is already being done in Victoria and Queensland. Although further argument seems to be futile, my amendment seeks to provide some protection for our beaches in the same way as the beaches in Victoria and Queensland are protected. I see nothing unreasonable in seeking to have deleted the word outlined in my amendments.

Mr. TONKIN: The amending Bill proposes to extend the scope for which land may be leased and to extend the time from 21 years to 50 years. Those are two very important extensions. All the member for Fremantle seeks to do is to ensure that so far as the beaches are concerned they shall not be leased for 50 years until Parliament knows all about it and has an opportunity of expressing an opinion.

I listened carefully to see whether the Minister had a valid argument against that proposition, and I challenge anybody to name one statement, which could be called an argument, which the Minister used in opposition to the proposal. He endeavoured to draw a distinction between the Swan River Conservation Board—which is there to look after the Swan River—and the beaches.

I would remind the Minister that in this Chamber he referred to people who wanted to look after the Swan River as people who regarded the river as a sacred cow. We are taking the same attitude on the beaches as was adopted by those people in connection with the river. If it is right that proposals to reclaim more than two acres of the river should come to Parliament, surely it is right that proposals to alienate or to lease for 50 years portion of our beaches should also come to Parliament.

The Minister, however, declines to do that and in order to create some discomfiture for the member for Fremantle he endeavoured to show that there is a distinction between a phrase containing the word "and," and a phrase containing the word "or." I ask the Minister what the difference is between these two phrases: "Water may be used for drinking and washing," and, "water may be used for drinking or washing?"

Mr. Fletcher: He is a school teacher, he should know.

Mr. TONKIN: There is a simple answer to that question if there is a difference between the two phrases. I submit there is no difference; one could use both words and put a stroke between them and the phrase would still make sense. For example, "This land can be leased for these purposes and/or for other purposes."

I do not know what the Minister sought to achieve by suggesting there was a difference between the word "and" and the word "or," because there is no difference at all. The proposition is a straightout one—that when there is to be such a big departure from the existing position Parliament should have an opportunity to express what if feels.

Section 27 of the existing law—I will not read all of it—says in effect that the Governor shall upon the recommendation of the Commissioners grant all sorts of leases. It then goes on to say—

or for the erection of workshops or foundries, or for other purposes connected with shipping.

Not for other purposes connected with anything, but for other purposes connected with shipping. The Minister now proposes that this land shall be leased with the approval of the Minister for 50 years for any purpose whether it be connected with shipping or not.

That is the big difference. It is understandable that the port authority might want power to lease land for 21 years for purposes connected with shipping, because the port authority deals with shipping. But why should it want to lease for 50 years land under its control for any purpose, whether it is connected with shipping or not?

Surely we ought to know if the proposal is to lease land for 50 years for something in no way connected with shipping. That is the big distinction. Before the Minister enters into a lease for 50 years of portion

of our beaches for something not connected with shipping at all, Parliament has a right to know what the proposition is; we should have an opportunity to give our approval or to withold it.

The Minister, however, will not trust Parliament to do that. If he had reasons against the matter being submitted to Parliament one could have given attention to them but he had none. In some circumstances one might expect the question of delay could enter into it. This might mean expense or the loss of opportunity, but the Minister never attempted to advance any reasons of that nature. The whole of his argument boiled down to the fact that he does not want it; he is opposed to it; he does not like the idea of Parliament having a say in a matter of this kind.

The trend of administration today in the various States of Australia seems to be to give more and more power to the Executive and less and less to Parliament. We have a responsibility to see that any matters of importance which ought to come to Parliament are not left in the hands of the Executive for the Executive to do with as it likes irrespective of what Parliament thinks.

What harm would result or what disability would be incurred if a proposal to lease some of our beaches for 50 years for purposes other than those connected with shipping were brought to Parliament? There would be no harm in this whatever. The Minister just does not want this to happen; he is not prepared to bring it to Parliament. We on this side of the Chamber will do all we can to ensure that matters of this kind are brought to the knowledge of Parliament so that it might be able to express an opinion on them.

Amendment put and a division taken with the following result:—

Ayes—19

Mr. Bateman	Mr. Jamieson
Mr. Bertram	Mr. Jones
Mr. Brady	Mr. Lapham
Mr. Burke	Mr. Moir
Mr. H. D. Evans	Mr. Sewell
Mr. T. D. Evans	Mr. Taylor
Mr. Fletcher	Mr. Toms
Mr. Graham	Mr. Tonkin
Mr. Grayden	Mr. Davies
Mr. Harman	*(Teller)*

Noes—20

Mr. Bovell	Mr. Mitchell
Sir David Brand	Mr. Nalder
Mr. Cash	Mr. O'Connor
Mr. Court	Mr. Ridge
Mr. Craig	Mr. Runciman
Dr. Henn	Mr. Rushton
Mr. Hutchinson	Mr. Stewart
Mr. Kitney	Mr. Williams
Mr. McPharlin	Mr. Young
Mr. Mensaros	Mr. Dunn
	(Teller)

Amendment thus negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4)

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Nalder (Minister for Agriculture), read a first time.

ALUMINA REFINERY (PINJARRA) AGREEMENT BILL

Second Reading

Debate resumed from the 2nd October.

MR. TONKIN (Melville—Leader of the Opposition) [8.14 p.m.]: The purpose of this Bill is to ratify an agreement for the establishment of a refinery at Pinjarra; and it also provides the possibility that a feasibility study may lead to the establishment of an industry for the smelting of alumina.

The first proposition is reasonably definite inasmuch as a refinery will be established, but there is nothing very definite about the establishment of an industry to smelt alumina. It is a very good thing that we are to have an additional refinery; and this comes about, as the Minister explained, because of the physical limitations to the disposal of residue resulting from the works at Kwinana. There is a physical limit to the amount of residue which can be disposed of satisfactorily in the area. That being so, unless the whole operation is to cease it becomes necessary to have a refinery elsewhere where it will be possible to continue for a considerable time to dispose of the residue satisfactorily.

We welcome the proposition, because we think it will mean additional State development, opportunities for employment, and growth in trade; but there are many proposals in the agreement with which we disagree. As I go along I propose to say why we disagree.

When I was studying the Bill I appreciated that I would be in some difficulty if we followed the ordinary procedure of ratifying the agreement before we have an opportunity to consider its provisions. Upon my consulting the Minister over this difficulty he readily agreed that there was substance in what I was proposing, and he said he would take the necessary action under the Standing Orders to make it possible for a discussion of the agreement contained in the schedule to take place before we passed the clause to ratify the agreement. I want to express my appreciation to the Minister and to the Government for being reasonable with regard to this matter, because it is most important that we should have the opportunity of saying what we think about this agreement, and of endeavouring to alter

it to bring it more into line with our thinking in connection with an agreement of this kind.

I think that all too frequently we have had to accept the situation where the Executive entered into an agreement, and the members in this Parliament could not do anything about it because the Government had signed it, and we had to take it or leave it. That is most unsatisfactory, and it gives us no opportunity to express our objections, if we have any, to provisions in the agreement.

One pleasing feature of the agreement before us is that it must result in an enlargement of the Port of Bunbury, with the company paying a substantial portion of the cost of enlargement. I feel that the land which is to be made available down there as a result of the agreement is to be leased at too low a rental. Making a swift calculation it appears to me that the actual rental which will be paid by the company will be less than the amount it would pay in tax if it owned the land. It does not seem to me to be reasonable that a person who leases land should actually pay less in rent than he would pay in tax if he owned the land. That appears to me to be the situation with regard to this agreement.

There is a proposition in the agreement, which I think is a very bad one. It states—

> The State may as for a public work under the Public Works Act, 1902 from time to time acquire or resume any land or any estate right or interest to in over or in respect of land required by the State or the Company for such purposes as the conveyor system, a private railway and existing or proposed refineries, aluminium smelters, residue disposal areas, and housing and for any other works services or purposes that the parties agree are necessary or desirable and may lease or otherwise dispose of the same to the Company.

This Bill earlier provides that the agreement will override every and any law already in existence in the State.

Normally, when the State resumes land, the use to which such land is put must be subject to the Health Act and to the Clean Air Act, but under this Bill, as drawn up, any land so compulsorily resumed by the State for the purposes of this agreement will not be subject to the Health Act or to the Clean Air Act. The Bill states—

> On the said Bill commencing to operate as an Act all the provisions of this Agreement shall operate and take effect notwithstanding the provisions of any Act or law.

So this agreement, in its entirety—and that includes the resumption of land in satisfaction of the requirements under the agreement—may be operated irrespective of the Health Act, the Clean Air Act, or any other Act in existence in Western Australia.

Mr. Speaker, you will recall, I should think, that the Industrial Development (Resumption of Land) Act, which was an Act designed expressly for the purpose of permitting the resumption of land for industry, requires that such land shall be subject to the Health Act—and I quote from this Act—

> This Act shall be read and construed and have effect subject to the provisions of the Health Act, 1911-1944, and to the regulations and by-laws from time to time made and in force thereunder with the intent that where any provision regulation or by-law aforesaid may so operate as to prohibit or restrict or enable to be prohibited or restricted the use of any land resumed under the authority of this Act for the industrial purpose for which it is so resumed such provision, regulation or by-law shall notwithstanding this Act remain in full force and effect in relation to such land.

Surely, Mr. Speaker, you will agree that is how it ought to be. If land is resumed for an industrial purpose, then such resumption should be subject to the provisions of the Health Act, but the way it is proposed to resume land under this Bill is to override the Health Act and the Clean Air Act, so that all the things mentioned in this agreement can be given effect to regardless of any other provision.

I say that is a very bad principle and one which we on this side of the House cannot possibly support. Why does not the Government rely upon the provisions of the Industrial Development (Resumption of Land) Act if it is necessary to acquire additional land for this company? I would point out, too, that this resumption of land will not necessarily apply only to the proposed second refinery, but will also apply to a further refinery should the company decide to erect one.

In connection with this particular refinery, the company went to Pinjarra and, by private treaty, acquired certain land; but it is now proposed, with regard to any future refinery requirements, that the Government shall have the power to resume the land that is privately owned in the area.

Why should circumstances different from those that applied in the first case apply with regard to any further land required? Why should the owners of land which has already been acquired by the company fare better than owners whose land may be taken from them subsequently? I think that is a bad principle, too, but it is involved in this agreement.

By no stretch of imagination can the establishment of a private refinery be regarded as a public work; and whilst the people generally will accept that Governments are entitled to have powers of resumption for a public work, in the interests of the community generally, they will

not look kindly upon resumption powers for private industry. That is why there is a special Act setting out safeguards and making ample provision for such a situation where an industrial establishment finds difficulty in acquiring land and needs resumption powers to get it. But no such difficulty is envisaged with regard to this refinery. So why should the Government wish to have powers of resumption, similar to those under the Public Works Act, in order to deprive owners of their land to give it to private industry?

If private industry acquires land by private treaty, that is all right; but why, when it suits a company, should it be able to go to the owner of land and say, "We want your land and we are going to take it whether you like it or not"? That is what this Bill proposes to do in regard to any further land required by this refinery, or any land required for some other refinery in the future.

I think the agreement ought to be amended to provide that any land required shall be resumed, if necessary, under the provisions of the Industrial Development (Resumption of Land) Act.

As far as the feasibility study which it is proposed may be carried out is concerned, I can see nothing which would lead me to believe it is likely to occur. I am not saying it will not, but there is nothing in the agreement which would lead me to believe it is a reasonable thing which will occur. I think there is quite a lot of padding in the agreement. The agreement provides that the company undertakes to investigate the technical and economic feasibility of establishing a smelter in the south-west region of the State; and it further provides that the State, if it so desires, can also undertake studies. We do not know whether or not the State will desire to do this but the opportunity is here for it to do so. However, I would like to know what there is to stop the State, without any provision in this agreement, from carrying out its own investigations if it wants to do so.

The agreement provides that the State may, if it desires, also undertake studies and for this purpose the company shall provide the State with such information as it may reasonably require. Who is going to decide what is reasonable? If the company says it is unreasonable to supply this information, what will the Government do about it? There is no provision in the agreement for the Government to take any action. The clause continues—

> The Company shall not be obliged to supply technical information of a confidential nature in respect of processes.

One can understand that. It would be wrong to try to force it to do so. Listen to this padding—

> (2) If as a result of the studies undertaken under subclause (1) of this Clause the Company and the State are satisfied that a smelter is technically and economically viable and competitive on world markets then the Company shall establish a smelter and have it operating at a capacity and within a time to be agreed.

So the company and the State have to be satisfied. Well, of course, if the company does not want to go ahead it will say it is not satisfied; and what will the Government do about that? There would be no agreement if both were not satisfied and so the Government could do nothing. To my way of thinking that is so many words which will amount to nothing at all. It is a fond hope, but nothing more. The next provision emphasises this. It reads—

> (3) If the Company is unwilling or fails to establish the smelter as provided in subclause (2) of this Clause the State may negotiate with a third party other than an instrumentality of the State.

I am wondering why that last portion was included?

Mr. Williams: It is obvious.

Mr. TONKIN: Why should the Government not negotiate with an instrumentality of the State? If one is willing to go ahead and establish a smelter, why should it not?

Mr. Williams: Because we would have another Wundowie and we would lose plenty of cash.

Mr. TONKIN: What would be wrong with another Wundowie? I suggest the honourable member read the Auditor-General's report. If he did so, he would find that Wundowie is making a substantial profit.

Mr. Williams: I suggest you should go to Wundowie to buy pig iron. You would find you would have to pay an extra $4 a ton.

Mr. TONKIN: Quite a few people must be buying it because Wundowie is making a good profit.

Mr. Court: After a mighty great write-off!

Mr. Jamieson: What about Chamberlains?

Mr. TONKIN: The Minister is not averse to writing off large sums of money. What about the State Building Supplies?

Mr. Court: I am telling you that there was a mighty great write-off.

Mr. TONKIN: I thought the Minister would be preening himself about the results at Wundowie because, I understand, quite a good deal of the credit concerning what is happening there is due to him. However, the company is making a substantial profit.

Mr. Court: Thanks to the indulgence of the Treasury.

Mr. TONKIN: I believe Wundowie will make an even greater profit next year. So I suggest to the member for Bunbury that he bring himself up to date before interjecting.

Mr. Williams: He is reasonably well up to date.

Mr. TONKIN: Yes, only about two years behind!

Mr. Toms: That's not bad!

Mr. Graham: For him!

Mr. TONKIN: So it would appear that although the dates mentioned may be varied from time to time as circumstances might necessitate an alteration, we can expect that this second refinery will be established; but no such expectation exists with regard to a smelter. Although we would all hope that this will eventually transpire, I cannot see why some instrumentality of the State should not help in the situation if that is the only way that the establishment of a smelter can be achieved. Why should there be an express prohibition against its being done with the help of a State instrumentality? I would like to know, and I hope that when replying the Minister will explain the reason for this express exclusion.

The only other aspect to which I want to refer at present is in connection with the alteration of the basis of calculating the royalty. Previously royalty has been calculated and paid on the basis of the bauxite mined; but now it is proposed it will be calculated on the quantity of alumina produced. We have no quarrel with that. I think the change in circumstances is a reasonable one. So long as the Government in all the circumstances is satisfied that the amount of royalty is reasonable, then we would be prepared to accept its recommendation.

The company is one that has demonstrated its ability to operate efficiently. It has imagination and initiative, and like a number of such companies, of course, it is ambitious, but not to the extent of being foolish. Its calculations are carefully made, and it appears to be a company which, without prodding, lives up to its obligations.

No doubt some people in the area where this industry is to be located will be apprehensive about the possible harmful effects which may come from the works; but we have been told that all aspects have been carefully considered and the necessary protective measures will be taken. Therefore, I suppose we have to accept that in good faith and assure the people accordingly. But, from the experience already gained from Kwinana, the company should be in a very sound position accurately to judge what protective measures are necessary in the circumstances. I support the Bill.

MR. RUNCIMAN (Murray) [8.36 p.m.]: This Bill is one for an Act to ratify an agreement between the State and Western Aluminium No Liability, for the establishment of a refinery near Pinjarra to produce alumina, and for incidental and other purposes. I support the measure and welcome this industry on behalf of the people of the district of Pinjarra and adjacent towns—in fact, all the people of the south-west portion of Western Australia.

This is a classic example of decentralisation and I commend the Minister and the Government for the part they played in making possible the establishment of this great and far-reaching development in this part of the State .

Over a period of some months now a great deal of conjecture has been evident. Many rumours have been rife, as well as suppressed excitement in many places throughout the area; and now, at long last, we have before us a Bill to ratify an agreement which will make possible this very large project. I am glad that the company concerned is of the calibre and reputation of Western Aluminium.

As we all know, this organisation is made up of three companies—Western Mining, Broken Hill North, and Broken Hill South—and I, for one, am well aware of the great deal of research the company has done since 1957 into bauxite deposits in this State. Western Mining actually commenced operations in 1957 and in 1958 the three companies I have mentioned joined together.

During their very exhaustive research into these deposits, 29,000 drill holes were placed in different parts of the Darling Range, and something like 270,000 samples of ore bodies were taken. It has been estimated that the bauxite extends over something like 280,000 square miles. The area starts from north of Jarrahdale and embraces almost the whole of the Darling Range, and extends south past Collie.

An estimate of the amount of bauxite in the area has been made, and it is considered that it would be at least 600,000,000 tons. That is a vast quantity of ore.

On a number of occasions I have been in contact with representatives of the company. It already operates in the Jarrahdale area and I have been very pleased with the attitude of the company, and the cooperation, and public relations shown by it towards the farmers and the people people living there.

As can be imagined, there have been a number of problems which are usually associated with this type of development. Blasting is taking place and large quantities of bauxite are being removed from areas in close proximity to a number of farms—mostly orchard properties. As I

have said, due to the liaison and co-operation between the company and the farmers there has been a very good relationship.

Problems did occur with blasting and a number of houses developed cracks. There was also a problem with the run-off of water in areas where the ore body had been removed. The company, at its own expense, provided large drains, and has without any fuss made good all damage. It is watching the dust situation so far as it affects the orchards and it has agreed with the local branch of the fruit-growers' association that if any problems do occur the company will confer with the horticultural section of the Department of Agriculture.

The company has done all it possibly could and its relationship with the local people is very good indeed. I mention this because with a project the size of Western Aluminium going into a well-developed agricultural area like Pinjarra it is necessary and of assistance to know the type of company involved. Because of the very size and nature of the operation problems must arise, but I believe the company will be very understanding and co-operative.

Some properties have been purchased by the company and it has options on others, and the general feeling throughout the district is that it is a good company to deal with. Early in the year the Minister approached the local authority—the Murray Shire Council—and explained the situation. He pointed out that it was necessary for the company to feel that it would be welcome in such an area, and that there should be co-operation from the local people. The Minister was assured by the council that this would be so.

I can say, without doubt, that the project is welcomed by most people. When I say "most people" I think it is quite possible that there may be some farmers who would not like any industry at all near them. This is natural enough, but the value of this particular industry to the whole of the south-west more than compensates for that feeling.

It is rather exciting to think of what the introduction of this industry might mean. The town of Pinjarra, in conjunction with the co-ordinating committee, is preparing a new town planning scheme. The scheme will provide for a population of something like 20,000 people. This, in itself, is a very big project indeed and one must also realise the impact such development must have on a town like Dwellingup. The bauxite will be taken from the vicinity of Dwellingup and I can assure members that that town is welcoming the development. The residents feel that at long last the town will have an opportunity to go ahead.

Over the last few years Dwellingup, has suffered from a certain amount of bad luck. The town was practically burned to the ground. While it was being rebuilt the Banksiadale mill—which was one of the largest in the State—was also burned to the ground. The company concerned did not rebuild the mill at Banksiadale but contributed a great deal to the progress and development of Dwellingup. Nevertheless, it is a comparatively small town at the moment and the shopkeepers and the other business people in the town—and the residents—are looking forward to some worth-while development. With the conveyor system which will operate, and the drilling for bauxite as far back as Boddington, Dwellingup will profit considerably.

It is also realised that on the other side of Pinjarra the holiday town of Mandurah must develop considerably. This might also be said of other adjacent towns; and, of course, there will be great benefit to the Port of Bunbury. All in all this is a mighty good project for the south-west.

I know that for some time many farmers in the area have been wistfully reading about the development of the iron ore towns in the north, and hoping that something similar would happen in the south-west. Now that development is occuring and it will be of great advantage and much appreciated.

We have been aware that, over the past few years, the population of a number of south-west towns has been decreasing. I think that because of the development which will take place in the future the population will increase and many people will commute from other centres. I also believe that new industries will start up in other towns nearby.

Another question which was asked early in the negotiations referred to pollution. Not knowing exactly where the refinery was to be situated it was felt by some that the Murray River would be affected in some way. However, the industry is well away from the Murray River and I am quite sure—and I have been quite emphatic about this—that no pollution can be caused to any of the rivers in the area.

A careful study has been made of the underground water supplies. Although the residue, or mud, will be dealt with in sludge ponds, very careful consideration has been given to the nature of the soil to ensure that this type of sludge treatment does not affect the underground water supplies.

Not only the Government, but the company itself will be watching this situation very carefully. Quite an extensive feasibility study has been carried out in the area over the past few months. One of the main requirements of the company was to assess the amount of underground water which would be available.

Quite a number of bore holes have been drilled and I understand many of them have been very successsful. According to the agreement it will be necessary for this situation to be very carefully watched to see that the basin itself does not deteriorate over the years. It will be necessary to gauge the inflow into the artesian system to ensure it is not out of proportion with the amount of water which will be taken out. Also, provision is made that various creeks in the area could be dammed as another source of supply, if required.

Both the Murray Shire Council and the Mandurah Shire Council, which will be vitally affected in a development such as this, have very wisely decided to cooperate to the fullest with the co-ordination committee, which is headed by the former Director of Engineering (Mr. Parker) who has had wide experience in the development of towns in the north. The councils realise they have had no experience in such development and, quite rightly, have wisely decided to keep in close touch with him throughout and to be largely guided by him in the development of the area.

When the plan for the town's development is drawn up, it will be expected that the town will be extended. When this is done, I hope it will not be necessary for any resumption to take place. I also trust that there will be a minimum amount of friction over any development which may occur in the area. I am not aware of any friction at this moment. However, obviously a great number of changes will have to be made when one considers that a town with a population of 1,100 is to be developed to accommodate a future population of possibly 20,000.

With the advice of the local authority and the co-ordination committee, and the understanding of the company, I feel that many of these problems will be ironed out successfully.

It is pleasing, too, that the company will be responsible for all the housing and will, wherever possible, contribute to the development of the town in the interests of its employees. This will be welcomed by the present residents of the town, because it would be completely impossible for them to cope with such a great influx of people, which such an industry would bring about.

Pinjarra itself is well set up with public amenities. It has a senior high school, a regional hospital, and a civic centre which is really outstanding. The race club is possibly second to none in the country and it also has a trotting club which would be the envy of any other country town in the State, and has been built to provide for a very large number of people. I am quite certain that people who are interested in these kinds of projects will welcome the planned development with open arms.

I realise that improvements, by way of extension, will have to be made to the school and the hospital. However, the Education Department and the Public Health Department have already been looking into this aspect.

The project will also be of great benefit to the railways, locally, and to the building up of the railways, generally. The products which will be carted one way or the other will be a great asset to the Government. These products will include lime, caustic soda, oil, and a host of other commodities which are used to process and develop alumina.

I think it is very good that these products are to be carried by the railways. In fact, smaller businesses which have started in the area were anxious to cut out the railways and to use road transport. However, they have not been able to do this. I was wondering whether, when the company made its initial approaches, this attitude would apply; but I am very pleased that the company's efforts and the project will help to boost railway revenue for the area.

The situation is ideal in that it is almost equidistant from Kwinana and Bunbury. For the first years the company will be able to consign its product through Kwinana and later on through the Port of Bunbury. It is undeniable that this will have a major developmental effect on that town.

Again, I say that I welcome this project to the area. I consider the whole of the south-west will benefit from it, and I commend the Minister and the Government for their part in developing the project in this area.

MR. JONES (Collie) [8.56 p.m.]: This Bill is designed to ratify an agreement for the establishment of a refinery near Pinjarra to produce alumina and for incidental purposes. The announcement of the establishment of this project at Pinjarra has been well received throughout the State and especially by residents in the Pinjarra district and the lower south-west areas generally.

In my opinion it is a move directed towards a policy of decentralisation. Members will recall that during the debate on the wood chip industry I indicated how the population in the south-west, on an overall basis, has diminished over the last 11 years. I hope that the establishment of this plant at Pinjarra will certainly not be the last industry to be attracted to the southern portion of the State.

It would be true to say that we have witnessed tremendous progress in the northern part of the State in recent years,

but this is the biggest complex for many years that we have seen come to the south-west.

My leader has outlined that, under the agreement, the company is required to meet certain responsibilities. One of these responsibilities is to assist in the development of the Bunbury Harbour. I am certain this will eventually assist industry, generally, in the south-west of the State.

I know the coalmining industry in the area I represent has problems at the moment due to inadequate port facilities. The industry is unable to meet competition from the Queensland and other Eastern States coalfields. I am hopeful—as are other organisations—that the extension of the harbour facilities at Bunbury will be of great benefit not only to the coalmining industry but to the south-west as a whole.

The member for Murray mentioned the question of the railways. I would like to endorse his remarks in respect of this matter. We know the history of the railways and that there has been some recession within it for some years. It would be true to say that with the larger tonnages which are being transported on the system, the matter of advancement is very slow. This is causing great concern within the railways and especially to men who are employed in the locomotive section.

It would be equally true to say that at one stage the railways were looked upon as a career, and it was very hard to obtain employment within the Western Australian Government Railways system. It cannot be denied that today men are leaving the system because of the very slow advancement from, say, the position of fireman to driver.

I hope the establishment of this industry and the possible establishment of other industries associated with alumina will give some extra incentive to the railways and that they will provide for attractive careers instead of careers which men are apt to leave, as we have witnessed in recent years. At the moment the commission is experiencing difficulty in attracting men to the railways.

We, on this side of the House, are pleased that this industry is to be established. Whilst the Opposition supports the Bill, I mention that I am not happy with several matters in it, and it is my intention to refer to them during the time available to me.

It will be noted that several matters are defined in the Bill which indicate that the company will be required to meet certain obligations; but on the other hand a number of other matters are left to the discretion of the company and the Government. I think it would be true to say—I do not want to appear in a critical light when I say this—Parliament has been advised of what the Minister considered it should have been advised; but if one cares to study the Bill one will see that there are still matters to be negotiated between the Government and the company. So it could be that Parliament may never know of some of the points which will be finalised after the Bill has passed through Parliament.

On the question of port facilities, I noticed when investigating the Bill during the weekend that other industries will be able to use the loading facilities by permission of the company. The agreement in relation to the hire of land at the Port of Bunbury is identical with that contained in the wood chip Bill, and the rental is to be $200 per acre per year. We find that whereas a nominal wharfage charge of 30c a ton is made for general minerals, under this Bill—as in the wood chip agreement —the rate is to be 15c a ton.

The main matter exercising my mind is the question of the use of local material. Members will recall that following a question asked by the member for Warren it was found that with a north-west project imported timber was used for housing and for construction purposes generally. I hope we will not witness the same policy in relation to this industry because if we look at the Bill we will find that clause 4(10) of the agreement which deals with the use of local labour and materials, states—

> so far as reasonably and economically practicable use labour available within the State and give preference to *bone fide* Western Australia manufacturers and contractors . . .

I am not suggesting that the terms of the agreement will not be met, but knowing what happened previously I hope a concentrated effort will be made to use local labour and, where possible, local material, especially timber, in the construction of the homes and other buildings associated with the project.

I think members know that recently many mills in the south-west portion of the State have been closed. Last week another closure occurred in Busselton. I understand two mills have been closed in that town, and other closures are contemplated in the south-west generally. I think it is necessary that emphasis be placed on the point that local material must be used wherever possible to aid our industries and the State generally.

I appreciate that the company involved is keen to enter into this project, but I think it would be true to say any company enters into such an agreement only for the express purpose of making a profit. I do not suggest that investors should not receive a reasonable return for their money. However, I think that on all occasions the Government of the day and the Parliament must ensure that the State

as a whole will receive sufficient from any venture negotiated, such as the one we are discussing tonight. I realise the matter of royalties has been covered, and there will be fringe benefits associated with the establishment of this refinery; but I hope consideration will be given to the factors I have mentioned.

Clause 5 of the agreement refers to the right of the company to use road transport, and this is another clause which causes me concern. I do not suggest that all industries should use rail transport, but knowing the financial position of our State railways, I think it is incumbent upon all of us to see that the greatest possible use is made of our railway system. Clause 5 of the agreement states—

> 5. The State covenants with the Company that the State shall—
>
> (1) (a) ensure that subject to the provisions of paragraphs (a) (b) (c) and (d) of subclause (9) of Clause 4 hereof and subject to the payment by the Company of appropriate fees, the Commissioner of Transport under the Road and Air Transport Commission Act, 1966 will not refuse to grant and issue to the Company (or suppliers to or contractors with the Company and subcontractors of such contractors approved by the State) a license to transport by road goods and materials required for the construction repair operation and maintenance of the Pinjarra refinery within the area bounded by a circle having a radius of fifty (50) miles from the Pinjarra refinery site;

That is quite clear, and I do not suggest that some road transport will not be necessary in the establishment of this project. However, I do suggest, having regard to the position of our railway system, the transport commission should not grant permits willy-nilly. I think it should not grant permits for the sake of granting them; there should be a thorough investigation. I do not like the wording of this clause where it states that the commission will not refuse to grant a license. I would rather see a different type of verbiage used wherein when a request was made for a road transport license, the matter would receive the consideration of the commission according to the circumstances.

Perhaps my views will not be supported, but I feel the clause is too open and I would much prefer to see it tightened up so that every request will be considered on its merits and according to the circumstances.

Turning now to the question of the railway system, it will be noted that this agreement is similar to the Alumina Refinery Agreement Act, which provided for the transport of bauxite from Jarrahdale to Kwinana.

Clause 4 (9) (e) of the agreement states that the company is required to—

> (e) advance to the State a sum or sums to be agreed between the parties towards the cost of upgrading the existing railway from Pinjarra to Bunbury and/or Kwinana according to a mutually acceptable programme. Any advances made pursuant to this paragraph shall be repaid on terms and conditions (including the rate of interest) to be agreed between the parties at the time;

You will recall, Mr. Speaker, that when I opened my remarks I referred to the fact that some of the provisions in the legislation are still to be determined, and this is one of them. It will be seen that the money involved in the upgrading of the railway line will be repayable to the company under the provisions of the paragraph I have just quoted. Paragraph (f) of the same subclause of the agreement states—

> (f) if required by the Railways Commission provide sufficient locomotives and rolling stock (to a design and specification approved by the Railways Commission) to carry all of the Company's rail freight and to lease such locomotives and rolling stock to the Railways Commission on such terms and in such form as may be agreed by the parties;

Here again, I refer to matters which are referred to in the Bill and which are still to be determined.

Turning now to the freight rates proposed to be charged to this company, I am not suggesting that, due to the volume of the material and the orderly transport, concessional rates should not be granted. However it is very interesting to note that in the schedule to the Bill the first 500,000 tons will be transported at 2.5c per ton mile, and as the tonnage is increased the freight rate per ton mile is reduced accordingly. I note that these freight rates are slightly less than those set out in the Bill dealing with the wood chipping industry, and that the Government has gone out of its way to assist this company in comparison with the treatment that has been given to other industries.

The point I wish to make is that considering the Government has to repay the amount involved for the upgrading of the line and for rolling stock, the freight rate of 2.5c for the first 500,000 tons is not excessive. Another comparison I wish to make is that the Government has

given this industry special consideration, because not so long ago another industry applied to the Commissioner of Railways for 500,000 tons of coal to be transported over a distance of 42 miles from Collie to Bunbury and the freight rate per ton mile was 4.75c.

I do not want to cross swords with the Minister on this point but I want to say now, as I have said previously in this House, that if the Government decides to make concessions for the upgrading of this line and charges the company a flat rate of 2.5c per ton mile, it should be good enough for the Government to grant coalmining companies a similar concession, or give them the same opportunity.

Mr. Court: The Government has offered the coalmining companies exactly the same opportunity.

Mr. JONES: This is the latest information I have, and the Minister will appreciate it is difficult to find out the latest moves that are being made in Government circles.

Mr. Court: This is not new; this was done ages ago.

Mr. JONES: So far as I am concerned I have made my point clear, for the sake of the record. If in the future the industry situated in the electorate I represent approaches the Government for concessional freight rates, I hope it will receive the same consideration as the company which is a party to this agreement.

It is also noticed that under the terms of the agreement not only alumina is to be transported at concessional freight rates, but also oil, starch, lime, and other commodities to be used in the manufacture of this product.

I now ask the Minister to give me his views on the question of power. He has mentioned a number of times in this House that there is a chance that power produced at Collie could be used in this proposed undertaking. However I notice that under the terms of the Bill, the company will produce its own power from fuel oil and, as I said a moment ago, freight on fuel oil is to be subsidised at a rate lower than that applying to coal used in the production of power in this State. I am wondering what the true position is.

I do not know what costs are involved, but I wonder what the Government has done in regard to the use of power produced at Collie for the working of this alumina treatment plant. In April, 1969, I asked the Minister for Industrial Development a question in regard to the use of power from Muja for these proposed alumina works to be established at Pinjarra. The question I asked, and the Minister's reply, are as follows:—

> Will he investigate the possibility of using Muja power for the proposed new alumina works to be erected in the Pinjarra area?

Mr. COURT replied:

> The question of power and its source is part of the complex studies being made by the Government, in conjunction with Western Aluminium N.L., of the south-west alumina project. In the studies all alternatives, including Muja, will be carefully considered.

My inquiries show that the largest company operating open-cut mining in Collie was not consulted on this question. If the Minister had said that all matters were to receive consideration, I would assume that he would have approached the Griffin Coal Mining Company for quotes on the open-cut coal supplied by it, or, if not the Griffin Coal Mining Company, at least he would have approached the other companies. This at least should have been done by the Government.

I realise it is essential for investors to establish new industries in this State, but as they have the opportunity to use our natural product for fuel, I think the State as a whole should be given some thought when considering such a matter. I am not aware of the cost factor in this instance, but if we look at America and other overseas countries, coal as a fuel is being used to produce power for large projects. It is still being preferred to the use of fuel oil, gas, and nuclear energy for the production of power. The Mohave project in America can be cited as an example of this, where power is transported 200 miles by wire. There may be some reason, of course, why coal, as a fuel, was not given the same consideration by the Government of this State. Therefore, I would like to hear the Minister's comments on this point, because his implications in the House that Collie would enjoy some benefit from this plan led us to hope that power from the Collie coalfield would have been used by these works. I do not know what investigations were made.

I have before me an article which is headed, "Comeback for coal in the fluidized burner." In this article the scientists in Britain consider that coal, as a fuel, will come into its own; that with the use of coal there will be "a saving of upwards of £500,000 a year on a 500 MW unit." This article appears in a publication called *New Scientist*—the February, 1969, issue.

The Minister, of course, will probably accuse me of being suspicious in this matter, because the Kwinana power house is still under a cloud. We do not know what the Government is paying for fuel oil and we do not know what the production costs will be. We cannot find out what the Government is paying for fuel oil to operate the East Perth power station or the South Fremantle power station. So no one can blame me, as the member representing the coalfield in this State, of being

suspicious of the Government's motives, and I would like to hear the Government state that all facts were considered.

Another question which exercises my mind is that a member in another place obtained the bulk power costs for industrial power in Australia. I have here the most recent figures I can find on bulk power costs. It is a table headed, "Bulk Block Comparison of Monthly Calculated Power Costs," and the figures were supplied to a member in another place. They are most recent and show that the cost of 500,000 units or kw hour per month in Queensland would be $7,606; in Western Australia, $8,433; South Australia, $9,087; Victoria, $11,693, and New South Wales, $11,954. If these figures are correct—and no doubt they are, because they were supplied to a member in another place, and compiled by a very competent engineer—I was wondering why power produced by coal is not competitive with power produced by oil or other energy.

So it will be seen that we are most concerned in Collie about this whole situation. We thought that Collie had a chance of obtaining an extension with a view to having power produced on more economic lines to serve this complex.

I trust the Minister will give me the information I seek when he closes the debate. As I mentioned initially, we are very pleased to see the establishment of this industry away from the metropolitan area and I hope it will lead to an extension of the programme of decentralisation. I have much pleasure in supporting the Bill.

MR. WILLIAMS (Bunbury) [9.21 p.m.]: I rise to support the Bill before the House which contains an agreement between the State and Western Aluminium No Liability for the establishment of a refinery in Pinjarra. As you are aware, Mr. Speaker, this has caused much excitement throughout the south-west for some considerable time—this together with the wood chipping industry agreement and probably later on the export of coal from the Port of Bunbury, has been received with great satisfaction. It has given the people in the south-west a great deal of confidence—probably far more confidence than they had prior to the drawing up of the agreement.

In recent years we have heard so much about the north-west and, as a result, the people of the south-west began to feel the north was getting far more favourable treatment than the southern areas. I have always thought that the south-west was doing quite well out of what was happening in the north-west.

Here we have a situation of two agreements being brought to this House in the last couple of weeks which refer specifically to the south-west. This news is very pleasing indeed to the people of Bunbury and particularly to those in Pinjarra.

From the point of view of Bunbury I would like to compliment the Minister for Industrial Development and his departmental officers on the way they handled the entire project. There has been a great deal of liaison between all the parties concerned inasmuch as the Minister promoted several meetings in Bunbury with his own departmental officers, with officers of other departments concerned in this project, and with the surrounding shires including the Shire of Pinjarra.

The entire project was explained to those who attended the meeting and some indication was given of the type of concept that was envisaged in regard to this particular project and others—and I refer to the wood chipping industry.

The implementation of this agreement will no doubt now ensure the development of the Port of Bunbury. As part of its contribution the wood chipping industry which is to be established will provide $2,900,000 and under the agreement before the House the company in question will contribute $1,500,000. Should the company wish to take the port to a depth greater than 36 feet, its contribution will be greater than that which is set out. It is believed a depth of 43 feet could be obtained in the Port of Bunbury but the determining factor will probably be the channel which will lead into the sheltered harbour and what are now the esturial waters.

The agreement also gives an incentive to Western Aluminium No Liability to obtain a third party to help and to become established as a shipper from the Port of Bunbury. If this happens, of course, the cost of deepening the port will be contributed to by the third party and there will be an added incentive as a result of slightly lower wharfage rates being charged through the Port of Bunbury.

Accordingly as I said Bunbury will gain a great deal from this project, primarily from the port development; though it also has much to gain in an indirect manner inasmuch as there has been a great affinity between it and the areas south, from Collie to Manjimup. To the north Bunbury has mainly had an affinity with Harvey and Waroona, and with the establishment of this industry in Pinjarra there will be a greater affinity between Pinjarra, Bunbury, and the towns in between, because when we have the produce being shipped through Bunbury from Pinjarra and the surrounding towns the people will no doubt begin to think more in terms of Bunbury than perhaps they do at the moment in regard to Kwinana and Fremantle.

When I say this I do not mean any disrespect at all to the members who represent those areas. It will probably be a great deal easier for people to travel to Bunbury from the surrounding areas

and there will certainly be no parking or other problems in this area as there would be in the case of Fremantle and Kwinana.

This agreement will no doubt provide innumerable benefits to commerce and business in Bunbury and one of the side effects will be the servicing of industry by the port, because as larger ships come in the requirements will probably be greater as the port develops and this in itself will help establish more service industries and increase the population in that area.

There is no doubt that the type of development which is likely to take place in Bunbury as a result of this agreement and others will place a fair strain on the resources of the town—I refer now to the resources of the local authority.

Early discussions held between the Bunbury Town Council, the Minister for Industrial Development, his officers, the officers of the Main Roads Department, the Town Planning Department, the Western Australian Government Railways, the State Housing Commission, and the surrounding local authorities, augurs well, I think, for the future of, and the assistance that will be given to, the town in many and varied ways; no doubt through technical advice in the planning of roads and, of course, in connection with the town planning scheme for the town of Bunbury itself.

I hope the Minister for Main Roads will be able to ensure that some special grant might be made to the town of Bunbury for the developmental problems which will undoubtedly arise in this area.

Mr. Davies: Do they still have trucks roaring down the main street?

Mr. WILLIAMS: Yes. There is a street called Blair Street which has been a street of fame for many years. It is now nearing completion and no doubt this in itself will to some degree and over a period of time, alleviate the amount of traffic that will go through the town itself.

Mr. Davies: What about the mosquitoes in Bunbury?

Mr. WILLIAMS: I daresay it will probably be a few years before all this eventuates but I hope that when consideration is being given to connecting the railway line from Picton Junction to the Port of Bunbury, and consequently to the power station, plenty of notice will be given to the land owners through whose properties the railway is likely to run.

When a development like this is contemplated in an area there is always a great deal of speculation as to where the connecting railway line—and, of course, everyone knows there will be one—is likely to be placed. As soon as it is possible, therefore, I would like the Minister for Industrial Development and his colleague, the Minister for Railways, to make it quite clear to the people in Bunbury and those on the north-eastern side of Bunbury what the position will be.

This was done a few years ago by the present Minister for Industrial Development—who was then also Minister for Railways—in connection with the resumption that was carried out in Bunbury on the northern side of the town. At that time plenty of notice was given to the people concerned and though there was a considerable number of properties involved I did not hear a murmur of discontent from the people whose properties were resumed. The whole project was carried out very well and I have no doubt that these particular resumptions will also be carried out in the same efficient manner.

When consideration is being given to the lay-by railway yard at Picton Junction, which will eventually have to be built, I hope the Railways Department will also take into account the need to acquire sufficient land to establish a decent sized marshalling yard in that area, and as a consequence avoid a lot of the double handling of traffic to Bunbury and back again. Admittedly some of this double handling will have to go on indefinitely.

At this stage, while we still have the bulk facilities at the Port of Bunbury, I believe that the railways, by showing some foresight, could acquire an area of land at Picton, or further east perhaps, towards Waterloo, to establish a reasonable sized marshalling yard, because it is my belief that as the years go by this will be a most necessary requirement for the whole of the south-west area—a centre to which rail traffic will come to be remarshalled and sent off in various directions, either to Bunbury, further inland, or north towards Perth.

As I mentioned earlier, the local authority's resources will be subjected to some pressure, but I believe there is a way out. There are the surrounding shires to which loan money can be made available but is not used. Taking it on a purely regional basis, perhaps the Bunbury Town Council could be permitted to make use of some of the loan money which some shires, like the Dardanup Shire and the Capel Shire, have not used up to the present time. I mean that this loan money could be used by the Bunbury Town Council and serviced by that council and the people of Bunbury to enable them to overcome some of the problems which they will have to face as a result of the added cost of providing some of these facilities. I look forward to all this happening in Bunbury, and once again I compliment the Minister and his officers on the way in which they have handled this agreement.

MR. H. D. EVANS (Warren) [9.32 p.m.]: I feel that the second reading debate on the Alumina Refinery (Pinjarra) Agreement Bill is the appropriate stage to raise what must be regarded as a serious problem associated with mining in the south-west. I refer to the devastation of the natural forests and the environmental surroundings which must necessarily accompany mining operations of this type.

At the outset I would like to get one point clear, particularly with the Minister for Industrial Development. I would like to establish that we on this side of the House recognise the desirability and the urgent need to establish industry in the south-west, with the prospect of a complex centred on Bunbury involving the mining of bauxite at Pinjarra to the north, and the wood chipping industry at Manjimup in the south, and perhaps the possibility of the use of Collie coal. I think the member for Murray described that prospect as exciting, and I would be inclined to agree with him. We are desirous that the industry, the subject of the Bill before us, should come about, and we know the value that it will be to the State.

We do feel that the implementation of this and any other industry should be carried out with the full knowledge of the long-term involvements which will accompany it. If mining on this scale is to be commenced, there should be a full investigation into the ultimate results which could eventuate; but as far as I know this has not been undertaken—not by the University of Western Australia, the C.S.I.R.O., the Forests Department, or any other body of which I am aware. The type of operation we come up against in the mining of bauxite, of ilmenite, of tin, and to a less extent of coal, is the mining carried on in the south-west, involving relatively large areas of land.

This sort of mining could, perhaps, be regarded as a type of quarrying whereby much of the indigenous forests in these areas is destroyed. I know that reforestation and restoration of forests are part and parcel of the agreement. They are included very prominently in the Bill. Compensation is to be paid for forests which are destroyed, and this money will be paid to the Forests Department to be used on reclamation work.

There is no suggestion that Western Aluminium is not fulfilling its obligations. I understand the degree of co-operation which this company has shown is commendable, but there are limits which this company and other companies can achieve in respect of restoration of this kind.

What happens to an area is that the top soil is pushed to one side. There follows then the excavation of the bauxite bearing material, and this is removed to a depth of 10 or 12 feet. The top soil is replaced as well as possible, but obviously this cannot be done to the degree that the area becomes equal to its former state. That area becomes the bed in which the seedlings are planted. The sides of the quarry are broken in previously, and then comes the reforestation, which is the responsibility of the Forests Department and the company.

Unfortunately the richest bauxite deposits coincide with the prime jarrah forests that are found on the higher ridges of the Darling scarp; and it is also unfortunate that the prime jarrah forests at this level are the ones which are relatively free of *phytophthora* or die-back—the disease which is currently infesting certain areas of the jarrah forests. In this circumstance the replanted trees may not thrive. As a matter of fact, it is too early to tell whether or not they will succeed to any marked degree. One thing is certain: they will not equal the indigenous forests that they are supposed to replace.

The mining operations commenced six or seven years ago. I think the company commenced in the Jarrahdale area in 1963, but there has not been sufficient time to gauge whether the reforestation of the land which has been mined and the replacement of commercial forests will be a success. It must be remembered that although the top soil is replaced as well as can be expected, it is the top 10 feet on which the forest depends for its growth capacity. If the soil to that depth is removed and the area is almost down to bare clay it is reasonable to expect that in some instances the forest growth will not be as successful as we would like. At any rate it will take many years to establish anything like a satisfactory cover.

Mr. Graham: What is the approximate depth of the overburden?

Mr. H. D. EVANS: That is just the top surface layer.

Mr. Graham: Would it be two or three feet?

Mr. H. D. EVANS: I would think that would be the maximum. The actual area to be mined is difficult to ascertain. We do know that the refinery at Kwinana has increased its operations so that by 1970 it will reach its capacity. It can also be reasonably expected that the operations at Pinjarra will increase at something like the same pace.

In due course operations will probably reach at least a similar size to those at Kwinana. It is for reasons of pure economics and viability on the part of the company itself, if for no others, that its rate of progress is probably constant with the demand of the world markets for aluminium, which seems to be about 7 per

cent per annum. This would roughly coincide with the expansion the company has shown in the past.

It can be seen that approximately double the area which is being mined now will be mined when the second unit at Pinjarra gets into full production. As I said, it is rather difficult to ascertain the exact area which is being mined, but with the full capacity of Kwinana next year the area would be something of the order of 200 acres. I hope the Minister will correct me if my figure is astray to any marked degree. However, I would say it would be something of that order.

There will be an additional area for roads, the placing of plant, such as crushers, and other things, when operations at Kwinana are in full production. We can see that somewhere between 400 and 500 acres can be mined each year and I feel the area will be nearer 500 acres than 400 acres. This is a considerable piece of prime jarrah forest and something of which we must take cognisance.

There was equal difficulty in ascertaining figures applicable to the entire State forest, which is part and parcel of the same problem. On the 10th September I asked the Minister for Mines to provide me with the figures of State forest already under mining lease, mining claim, or temporary reserve, and his reply showed that approximately 20 per cent. of State forest had been taken up in this way over the previous two years.

When I asked on the 17th September for the figures covering the whole of our State forests, I was informed that the information was not available as it would entail too much work for the staff. I then asked the Minister for Forests if he could provide a map showing the area of State forest currently held in some way by mining concerns and the percentage of State forest so held. Tonight, for the second time, he deferred the answer, to which I had hoped to make reference this evening. So, although I am unable to quote with any exactitude the percentage of State forest currently held in this way, I can only hazard through surmising deduction that it is something of the order of 70 per cent., or approaching that figure.

If 20 per cent. has been taken up by mining concerns in this manner over a period of two years, I should imagine that in its entirety the area held in this way would be of the order of 60 per cent. or 70 per cent. This is a considerable area and one which I think would be staggering to most members who have given the matter any thought at all.

It would appear that the time has come —it might even be a little late—when some authority should be set up to examine the whole situation of conservation of forests and land utilisation in the south-west. I would just draw attention to several figures in connection with forests in Western Australia, having due regard to the fact that Australia is the least forested continent of all.

The SPEAKER: Order! I trust the honourable member will relate this to the Bill. He seems to be a long way from it.

Mr. Graham: No, right on the ball.

Mr. H. D. EVANS: I am drawing attention to what has been highlighted by bauxite mining on a scale hitherto unknown. We have struck similar circumstances of denudation of forest in the Greenbushes area and other places; and for this reason I suggest some authority be set up in regard to land utilisation and forest conservation. It should be noted that we can ill afford to use 500 acres of prime jarrah forest, because Australia is a net importer of forest products of the order of $200,000,000 per annum. Furthermore, the consumption of forest products in Australia has more than doubled over the past 25 years and we can expect a further increase, and a further necessity to husband all the forest resources we do have.

It has been variously suggested that by the year 2000, some 20,000,000 to 23,000,000 of population can be expected to inhabit Australia; and it seems that the annual consumption of timber will be 50 cubic feet per head. Therefore Australia needs to think carefully about its forest resources.

I know, too, that since 1965, the pine planting rate has been stepped up very considerably from 2,000 acres—

The SPEAKER: Order! It is enough to draw out attention to the point you have made, but to deliver what is nothing else but an Address-in-Reply speech on forestry is foreign to the Bill before the Chair.

Mr. H. D. EVANS: This brings me back to the point I was making—as to what precisely should be the fate of forest areas of this State: whether or not they should be devoted to mining; whether or not they should be devoted to forestry; or whether or not it may be in the national interest to wipe out the entire forest and take the readily available royalties we have and leave posterity to look after itself. I feel the need has arisen for an examination to be made of the situation at Pinjarra and other places.

The SPEAKER: Order! There is such a thing as repeating yourself; you have said that three times.

Mr. H. D. EVANS: Through repetition—

The SPEAKER: Order! You will kindly read Standing Orders which deal with repetition. You are not entitled to deal with endless repetition in this Chamber.

Mr. H. D. EVANS: If it is endless repetition, then Mr. Speaker I would apologise to you. However, I hope the point has been

made. I can only ask the Minister in his reply to indicate whether anything in the nature of a survey has been undertaken, as I have not been able to ascertain whether this is so. If a survey has been carried out I hope he will indicate its nature.

MR. JAMIESON (Belmont) [9.49 p.m.]: There are several aspects of this agreement with which I wish to deal. One of them concerns what the Minister chooses to call the aquifer of the surrounding area of the proposed refinery. This is rather important because of where this refinery is to be situated by comparison with the Kwinana refinery, the residue of which—that is, the red mud—is, I understand, pumped, for drying out purposes, into swamps that were of little use, but which could then be reclaimed and put to some use.

We must understand the understructure of the swamps in this particular area. Most of them are in impervious coffee rock or limestone which is calcified on the surface. This has caused a saucer-like formation to occur and, ultimately, swamp conditions to prevail. From this there can be very little natural leakage and, as a consequence, this might be an effective way of disposing of the residue.

However, in the case of the proposed refinery at Pinjarra, the situation might not be as easy as the Minister would indicate. As I understand the situation, most of the soil there has a clay understructure with a viable surface of possibly 18 inches to two feet, with very little power of absorption. Consequently there will be a movement of any residue which is allowed to escape to this area, unlike the situation I mentioned at Kwinana. Where will this residue go then?

If the area is to be drained deeply, then the aquifers mentioned by the Minister will be effected; but if it is not to be drained deeply then the streams running into the Murray River, and ultimately the whole of the Peel Inlet estuary system, will be affected by pollution.

This cannot be stressed too much at this stage because if the situation is allowed to deteriorate in any way, and pollution begins, it will be a terrific job to curb it. We do not want to create any monster we cannot control at a later stage.

The Minister seems to think that there is every reasonable guarantee against this occurring, but unless he can demonstrate that the surface fluid residue will be effectively filtered before it finds its way into the stream formation, great difficulties will arise. One of these would concern the fish. In this regard we must bear in mind what has occurred in other parts of Australia. We know the situation at Captains Flat, which is some distance above the tributary of the Molonglo River. Residue from the lead mines trickles through causing pollution of the Molonglo River, and others, killing all the fish and tadpoles. It certainly kills all the fish and causes considerable bother. It has even been necessary to erect a dam to prevent any small amount of pollution escaping from the residue dumps in that area.

So I say we cannot be too careful. The agreement does not provide for adequate safeguards to cover the situation. The Minister will hasten to say that it does, but I reiterate that it does not. Time will possibly decide which one of us is right. Some other means of overcoming the problem should be found and, indeed, if it is necessary, the residue should be pumped into swamps far distant from Pinjarra. This would be more desirable than allowing the residue to escape into the watercourses. That is one means of pollution.

We turn now to the situation at Bunbury. Having had quite a long experience with dust nuisance, I would like to get in very early regarding this feature and explain the situation. I would like to warn the people of Bunbury. I do not want to throw cold water on the scheme, but I want to make sure that everything possible is done to prevent any unsavoury occurrence at Bunbury.

As I understand the situation at Kwinana, the company has overcome the dust problem involved with stacks and so on; but the problem regarding loading has yet to be overcome. The situation was so acute at Naval Base, where the hotel and some homes were covered with dust, and the residents were at choking point, that many of them had to shift. This dust was mainly caused by the loading of the ships.

The proposed harbour for the ships involved in the project under discussion will be somewhat north-east of Bunbury. The normal prevailing winds for the greater part of the time in Western Australia are south-westerly, and with these winds the town would not be greatly affected. However, if the same prevailing winds occur in that town, as we have had for the last fortnight around the metropolitan area and, indeed, right down the south coast—that is, east to north-east winds—then, of course, the alumina dust will be something which will have to be seen to be believed, if steps are not taken to obviate a repetition of what has occurred at Kwinana.

Actually the situation could be even worse because we must bear in mind that at Kwinana the alumina is taken by a conveyor belt system from the holding bins straightout to the loading ramp, and then into the holds; whereas in Bunbury the alumina must be unloaded from the railway wagons. Members will be aware of how the heavy dust of iron ore blows from Finucane Island across to Port Hedland where it causes considerable distress. It is not hard to imagine how

much easier it will be for the lighter alumina dust to be blown into the big town of Bunbury where it would create very serious problems.

This is a possibility which must be realised early and we must find a remedy for it. It must be prevented. Nothing in the Minister's speech indicates that any great attention was given to this aspect. If winds similar to those which have prevailed during the past fortnight occur in Bunbury, even those who have lived there for a long time will want to get out very quickly.

This is the problem we must face when industries are established in residential areas. I have already mentioned many times in this House my own experience in Belmont where industrial centres are being placed in certain positions to the detriment of the residents when, although we generally have south-west winds, easterlies often prevail.

Mr. Williams: With this particular type of product, it would be in the interests of the company to overcome this problem, because all that dust would represent money going down the drain.

Mr. JAMIESON: The member for Bunbury had better discuss that situation with the member for Cockburn to see if he agrees with him! I suggest that it would be less costly for the company to lose a small amount of dust, but be able to load quickly, than it would be to take steps to overcome the problem.

The situation must be dealt with now. It will be of no use studying it at a later stage, because it will then be too late and much damage will be done in the meantime.

I come now to another matter, one with which my leader has already dealt. I refer to a third party being involved in the establishment of a smelter in this State, and the provision in the agreement which precludes a State instrumentality being involved. I do not know whether this has been a request of the company, or whether it is a product of the Minister's brain, but, whichever it is, I would say that the situation has not been studied very closely. At some later date and stage in the government of this State other alumina works might be established. We must bear in mind that the Hanwright organisation has been jumping the gun all over the place in an endeavour to establish itself, with its resources, to deal with the bauxite deposits it has under surveillance north of the city. It may be opportune for some State instrumentality to enter into a partnership with a company which is producing alumina in this State.

Then, of course, the company which is in occupation, and which already has signed the agreement, is at a complete disadvantage as compared with its competitors. It seems to me to be rather a stupid provision to write into an agreement. The company is writing in something to cut its own throat. Surely it should be the desire that if there is to be another agreement then the pioneering firm which set up the industry in this State should have equal opportunity with others. However, because of this agreement the pioneers certainly will not have that opportunity but will be debarred from being involved.

Bearing in mind that Governments come and Governments go this could be a point which would have to receive very keen consideration. If it is the Minister's brainchild then I hope he has made the company well aware of this situation, and of the fact that it could be disadvantaged by entering into an agreement such as this. Together with the points on pollution, I think that is about all that needs to be mentioned.

The Bill has been widely debated. The State needs to take advantage of its reserves and it needs to decentralise. My only regret is that the decentralisation in this case is merely an extension of the metropolitan area. I hoped we could have had such a set-up at Esperance, or in the Kimberley. Maybe that will come at some time in the future because those are widely diversified areas in which we require industries to be established. However, half a loaf is better than no bread and, as the member for Collie said, it is a beginning.

The very large tracts of land known to be taken up for exploitation within the next few years, between Perth and Bunbury —and particularly between Perth and Mandurah—mean that there will be very little left which will not eventually become part of the greater metropolitan area. This area will merge into the Perth metropolitan scheme, possibly within the next 40 or 50 years.

So this diversification of industry is not as wide as would probably be desirable. However, that is a problem which we face. Perhaps we may be able to encourage people to come to this State to establish additional refineries in more distant places where deposits are available.

It seems that there is a never-ending demand for alumina. The Minister has not been inclined to try to frighten us by saying that the company might go somewhere else if we object too much. That has usually been his catchcry when we raise objections to the iron ore agreements. However, with alumina there seems to be a heavy demand and a limited number of countries in the world in which this product can be procured and where there is a reasonably stable Government. Such matters have to be taken into consideration by the people who advance the huge sums of money involved in the capital cost. As a consequence, we in this country are fairly fortunate.

Firstly, facilities are reasonably close to a supply of labour for the construction of the plants; and, secondly, amenities are available within a reasonable distance so that the work force can be easily retained. One of the big problems with decentralisation of industry is to be able to induce the work force to stay in an area. I feel this will not be a problem with the Pinjarra refinery. One could live pleasantly at Mandurah or Pinjarra and readily be associated with the amenities available in the city, and also enjoy the facilities of the open country.

I support the Bill, but I do feel that the Minister needs to clarify how the rivers will be protected, and how Bunbury is to be protected from the dust nuisance. In the first place, there will be a dust problem with the discharge of the alumina from the trucks; and, secondly, from the loading ramp. This will apply particularly when an easterly wind is blowing in the summertime. The dust could affect the caravan park and areas on the peninsula side of Bunbury which has now been joined to the mainland by the closure of the river. That area is a happy playground for many people and quite a considerable sum has been invested there. Whether those people will be blighted by this menace remains to be seen. I hope they will not be affected but while there is a possibility of a dust nuisance we in this Parliament should take every opportunity to see that precautions are taken to minimise the damage to people's investments.

We should make sure we do not have an occurrence similar to that with the loading of ships at Kwinana, and the problem which had to be faced. With those reservations I support the Bill.

MR. COURT (Nedlands—Minister for Industrial Development) [10.7 p.m.]: I thank members for the detailed consideration they have given to the agreement. In the past I have felt that some agreements which will have a very long life have not received the amount of detailed study and discussion they should have received. That is probably an unusual statement for a Minister to make because as a rule he is anxious to get the agreements out of the way as quickly as possible. However, it has always been my belief that when agreements have far-reaching community effects it is very important that the Parliament, at least, should know what is contained in them. I think it is fair to say that on this occasion we have had a more detailed and convincing examination of the provisions of the agreement than on any previous occasion. This is a good thing.

Firstly, I want to thank the Leader of the Opposition for his co-operation. Normally he would have been entitled to a week's adjournment on an agreement of this nature. However, in view of the fact that I want to get this Bill through Parliament, if possible, before I go abroad on Friday week he readily agreed to its being brought forward tonight. I appreciate that gesture.

I also want to refer to the other point made by the Leader of the Opposition, and to advise the House that the *modus operandi* to be used when the Bill has passed through the second reading—and from what has been said I presume it will be—is that I will then move an appropriate motion so that we can take the schedule before we consider clause 2. I mention this to warn members of the unusual procedure which will be followed. The reason for this procedure is that the motion has to be considered while we are still in the House as a whole, and not in Committee.

I want to make this point at the start: when we consider an agreement such as the one before us, it is important to consider it in its total concept. It is never possible to get all one wants, in every detail, when negotiations go on for weeks and even months. One has certain objects and the company also has certain objects, and there are manageable areas between the two divergent interests. Somewhere along the line a decision has to be reached, and one has to give a little and take a little.

Eventually the details come down in the form of an agreement and some things are better than we might have expected, in some respects, and the company may have gained something better than it originally hoped for. However, it is a combination of the two which produces either a good or a bad agreement, as distinct from individual detail.

Whilst I do not criticise members for picking out parts which do not appeal to them, I would ask them, in the final analysis, to think of this as a total concept.

The most difficult problem we faced was the fact that we were asking the company to establish itself in a brand new area with all the basic costs involved, which I mentioned to the House the other day. The first two units will cost $40,000,000 more than if they had been built alongside the existing industry at Kwinana. It does not take any clever arithmetic to determine why. Admittedly, over the extension programme, when production reaches five, six, and, I hope one day, eight units, the basic cost of establishing at Pinjarra will be absorbed and the overall cost per unit will be manageable.

However, it is in the early stages that the real rub occurs and it is not easy to negotiate with people when one is not only competing within Australia but also competing internationally on the project. For instance, there was a suggestion whereby the company could have taken bauxite

from another part of Australia to another plant in the world and produced cheaper alumina temporarily.

It is our job to argue all these pros and cons to try eventually to get the company to go along with a logical development programme in our State and substantially in our time.

There is another problem connected with going to a place like Pinjarra in that a very substantial community will be superimposed onto a very small community. The Government simply does not have the sort of money to put in the headworks so far as water is concerned, nor the main sewerage plants, and things of this nature. Neither has the Government the money to build the necessary houses to accommodate people who are brought into an area quickly and not in accordance with the normal percentage progressions that take place over the whole State. Here again the Government has to be prepared to give sometimes in order to get the industry off the ground in our time, having regard for the overall economics.

Another factor which made it difficult was the problem of transporting the basic requirements of the industry from the coast to Pinjarra instead of having everything right alongside the refinery. At Kwinana it is only a matter of a very short pipeline to take fuel oil to the refinery. The starch works of N. B. Love are just around the corner and, also, the lime works are just around the corner. Caustic comes *via* the port and, therefore, the transport costs are minimal. With this project it will be necessary to pick up huge quantities of fuel oil, caustic, lime and limestone and take them down to the works.

Mr. Fletcher: Is the caustic in liquid or granulated form?

Mr. COURT: In this case it would be in liquid form for ease of transportation. The agreement does foreshadow the day, however, when the caustic need will be so great that a pipeline will be an economic feasibility. Certainly it would suit the Government and everyone concerned to go into this type of transportation.

Having stated the broad background from which the Government had to negotiate, I would like to deal with some of the more specific points which have been raised by members.

The Leader of the Opposition was critical of the rental for the land backing onto the wharf. Of course, if the company did not have to help to dredge, to build its own wharf, and to pay wharfage on top of this, perhaps it could pay a higher rental for the land. Here again, it is necessary for members to look at it as a package deal. The company has to make a contribution to the first part of the harbour deepening. If the company wants the harbour to be deepened to the further depth of 43 feet, which it will need for its operations, it will have to make a much bigger contribution and supply all its own wharf facilities. To my mind the fact that the company is paying rent at all, on top of the wharfage fees and other charges, is not a bad bit of negotiating. Fortunately, the wood chipping industry had agreed to pay the same figure and, consequently, we used this fact as a bargaining lever.

Of course, many agreements have been written in which this provision would not have been included at all. I would have thought that the fact that the company will contribute generously to the deepening of the first stage of the harbour and more generously to the second stage coupled with the wharf facilities, wharfage charges, and tonnage dues would be regarded as sufficient, instead of criticising the amount. I do not think the Government has done too badly.

The Leader of the Opposition was critical of the resumption provisions. Let me come back to comments I have made on previous occasions when resumption provisions have been included in agreements. These provisions are not included lightly.

The company went in by arrangement with the Government and endeavoured to negotiate options for all the area it would require for the refinery. It did this, and I understand the company paid more than normal farm values, but it was anxious to acquire land on a negotiated basis rather than on a resumption basis. It is now common knowledge that the company would have liked Fairbridge Farm. However, as soon as the company found that the people concerned had certain reservations it dropped the idea and told the committee, both here and in London, that it was no longer interested in wanting to negotiate with Fairbridge Farm, because the company wanted to be neighbourly. The last thing it wanted to do was to go in and have, say, the village part left alongside the works and the people in Fairbridge feeling uncomfortable about it. Consequently the company abandoned the whole idea of acquiring that property and has adjusted itself in another area.

I think the company has acquired all of the land it needs at this point of time for its refinery site and for all the things which go with it, including red mud disposal. The company and the Government will have to undertake some very considerable development in the area. It may be—although I hope it will not—that we could run into the same sort of trouble as we have had in other places.

There is sometimes the odd character who thinks he is smart and can hold up the community. He is not holding the company up so much as the community. I would like members to consider the resumption provisions in the knowledge that they would not be used by any Government unless the situation demanded it in the overall interest of the State. Members should bear in mind that it is the community which is involved. Say, for instance, that we want to build a great many houses in the area. It will not only be the company which has employees, but many other people, who will be attracted to the area as part and parcel of the development. I would like to think that most people negotiating acquisition would go along and say, "What is a fair thing?" This has been done already and a fair price negotiated. However, the situation can arise whereby somebody is prepared to hold the whole of the project to ransom. He is not holding the company to ransom so much as the people who want to work there and the community generally.

Surely we have had enough criticism levelled against land values. This is one way of making sure that land could be acquired in a place like this on a reasonable and suitable basis. We have already seen comments about speculators who moved into the area whilst the Government was negotiating the final stages of the agreement. It may be necessary to use this power if we want to do things which are vital to have a good, solid, long-term, economic, efficient, and secure industry.

I can only repeat it would be the exception if the power was used. In my experience of all the agreements with which I have been concerned I can remember very few cases where the Government has used resumption powers. It is quite remarkable how remote the instances have been; but most people are prepared to sit down and negotiate a fair thing. This case should be no exception.

It must be realised that if the price of land is forced up because an individual tries to indulge in the type of speculation which has been so roundly criticised from both sides of the House, the effect of this price goes on to the person who lives in the house and not so much on to the company. It is reflected in values and rents.

Therefore, I hope members will look at this on a broader basis having regard to the fact that the company has shown itself to be responsible and reasonable in its attitude towards all these factors, not only in the Pinjarra area but also in the Kwinana area.

The Leader of the Opposition asked why the Government had not used the Industrial Development (Resumption of Land) Act for acquiring land. However, that Act is completely useless for this purpose. The purpose of that Act is quite different altogether. The value of the Industrial Development (Resumption of Land) Act is that a restriction is put on the land to the extent that the land cannot be sold, mortgaged, or leased without the permission of the Minister and, therefore, it takes it right out of the hands of the speculator.

Bona fide industrialists never object to these provisions, because they do not want to be buyers and sellers of land, but users of land. The company at Pinjarra would be no exception. Consequently, as a medium of resumption, the Industrial Development (Resumption of Land) Act is completely ineffective and if the Leader of the Opposition refreshes his memory—

Mr. Tonkin: Did you come to that conclusion from your own study, or from what the company has told you?

Mr. COURT: I have come to that conclusion as the result of two experiences, one of which occurred before I entered Parliament, when I tried to use it on behalf of a client and found how effective it was, and again when I tried to resist it on behalf of someone else. If the Leader of the Opposition will refresh his memory he will recall the problems that were faced by his party's previous leader in respect of this particular legislation.

The provisions in the Bill are not new and I emphasise that the company cannot act of its own volition. It has to reach agreement with the Government on the necessity for this before action can be used.

The next point is the possibility of a smelter being erected in this State. Naturally the Government would like to have just as firm a commitment for a smelter as it has for a refinery, but this has been found to be impracticable. I am firmly of the opinion that a smelter will be established in this State in the 1970s. I invite the attention of members to a letter that was sent by the Company to the Government in regard to this matter and recorded in *Hansard* when I introduced an earlier amendment. The company has every intention of sticking to what is contained in it. However, we come face to face with the question of power, and the member for Collie has raised the question of the price at which it will be supplied.

In the course of my speech when I introduced the second reading of the Bill I said that if we are able to have power supplied at .5c (or 5 mills) we have a reasonable chance of getting a smelter fairly quickly. At the moment we have no power station under the administration of the State Electricity Commission that can generate power at that price. In Victoria the company has an arrangement with the State Electricity Commission to generate

its own power. We have canvassed not one, but a dozen alternative schemes in an endeavour to bring this power question into balance and so obtain a price that will be manageable. The company has had offers of power from Governments in other States at a price as low as .3c and .4c, but how such low costs will be achieved, I do not know.

Even with a 95 per cent. load factor, I do not know how they will keep the cost of power down to such a figure. The authorities might be prepared to allow the cost of power in the city to remain high and so keep it low to industry in the form of a subsidy. This is what occurs in other countries. In New Zealand power is being offered at 2.5 mills.

Mr. Jamieson: Tasmania has had a great loss in industrial power.

Mr. COURT: Tasmania, of course, made a feature of cheap power, and power is produced fairly cheaply by the hydroelectric system. But trouble was experienced during the dry spell, and that State had to rely on alternative forms of power until it was able to get back to the use of hydroelectric power. This is being expanded.

There are no two sets of circumstances the same, but we have sufficient faith in the formula we have laid down to be assured that the company will conscientiously face up to the situation. It knows what we want. The company has agreed it will go to the nth degree to assist us achieve our objective and the Government's right to deal with a third party is, in itself, rather salutary, because a firm of the size and importance of Alcoa would not like to feel it failed where someone else had succeeded, bearing in mind it is the largest and the oldest in this particular industry.

The question of an instrumentality of the State being excluded was also raised. This provision was inserted for a very good reason. The point advanced by the member for Belmont was quite a fair argument. I do not question the fact that it could be to the company's detriment to say, "no State instrumentality," but the real reason it was necessary was to avoid a sense of irresponsibility that might be created without regard for cost or the world situation. A State instrumentality, if it did come in, might create an unrealistic situation. This is the risk the company takes. But if a situation developed and a good case was made out for a Government instrumentality to come in, there would be nothing to stop the company negotiating such an arrangement.

However, if another project is developed —and I have not overlooked the fact that a socialistic Government might want to establish another bauxite project with a view to its going right through to the manufacture of aluminium—there is nothing in the Bill to prevent such a Government from doing so. This is clearly understood. I laid this right on the line with the company, and it is thoroughly understood by it that if the Government of the day considered going right through from go to whoa in this matter it would be entirely its own affair and outside this agreement and its leases.

The question of effluent disposal and the contamination of the aquifer was raised by several members. I can assure them that our best engineering and chemical brains, in conjunction with the professional men employed by the company, are being applied to this exercise. The company has no desire to pollute the aquifer because it has to use it. It is convinced, and our officers are convinced, that these works can be so constructed with the type of walls and base proposed that they can contain the effluent and prevent its getting into creeks, streams, the main river, or the aquifer.

Mr. Fletcher: How will it make it impervious to the water filtering through?

Mr. COURT: There are techniques. For instance, I answered a question not so long ago in regard to the Western Mining Corporation. A plan for making the company's ponds impervious beyond reasonable doubt is being studied by scientists as well as engineers with a view to ascertaining whether a polyethylene base—which would be completely foolproof—should be put down in lieu of other material.

Perhaps I should explain that the last thing the company wants to do is to leave liquid in the red mud area, because it is loaded with caustic. The company is anxious to have the water brought back into the plant to reduce the water demand, and the Government wants it back into the plant to reduce the demand on the community water supplies. Further, the company wants to reuse the caustic in it. So, quite obviously, the company will not leave any more liquid in the settling ponds than it has to.

Mr. Brady: It would need a great deal of polyethylene.

Mr. COURT: That material is produced by the mile these days, and it is fantastic the area that can be covered with it.

I would now like to refer to the comments made by the member for Murray. He is the member for the district in which these works are to be established and could be excused, being a good Liberal supporter and having a good Liberal seat, if he looked at this project a little askance and said, "This might not be in my best interest." However, I want to say that from the moment this project was mooted, and the company started to centralise its studies at Pinjarra, because it considered it to be the best area in which

to start, the member for Murray has, at all stages, been in favour of the establishment of the industry. He was adamant that if the area was right as far as techniques and economy were concerned, Pinjarra was the place where it should be situated.

I thank the member for Murray for the work he has done among the members of the Pinjarra community, and the interest he has taken in the pollution question, because members can well imagine that his constituents have been hammering him about what might happen as a result of the effects of pollution. I believe the permanent residents of the Pinjarra district have less fear than those who only spend the weekends there. The latter seem to be the ones most concerned. The residents of the area, following discussions with representatives of the company, seem to be convinced that the company will take care of the problem.

The member for Collie, as would be expected, again mounted his old hobby-horse, but I can assure him that the whole question of power was thoroughly thrashed out. There are two distinct operations; there is alumina and aluminium. In the alumina phase outside power cannot be used, because it would be so uneconomical that no-one would be able to produce alumina. In the course of reducing bauxite to alumina a great deal of heat is generated. This heat is captured and converted to steam, and that becomes the power generating source of energy.

It roughly balances out their needs. So the company, as will be found in all alumina plants I know of, is to be allowed to generate its own power, otherwise it would have to dissipate the heat which would be a gross economic waste from the national point of view.

When we go into aluminium smelting the reverse obtains, because huge quantities of power must be brought in. As I explained the other afternoon, two-thirds of the cost of producing alumina is straight power. This is where we hoped that eventually the people of Collie would come into it, quite apart from the fact that the Premier made it clear that when the demand increases in the south we would want to put in more power generating plants in the area. This development will bring a general increase in the demand.

Mr. Jones: If it is economic, coal could be used instead of fuel oil.

Mr. COURT: I can assure the honourable member that the company had a good look at this. It may, of course, be using natural gas. It will be seen in the agreement that subject to the proposed pipeline legislation provision is made for the company to have natural gas piped into its works. This would be one of the best uses for natural gas that we have. We get two uses out of it—the use for reduction purposes and the surplus heat for power generating purposes. In fact this is the ideal use.

The whole question of fuel has been thoroughly studied. The company will certainly have a very good idea as to what price will be involved for coal and a fair idea as to what the Government is paying for coal for the State Electricity Commission, apart from allowing for extra concessions on the question of higher tonnage.

I want to put the honourable member's mind at rest with regard to the question of road transport, because road transport permits can only be used for things outside obligatory rail freights. When I say, "freights" I mean commodities: the commodities that have to be taken by rail. So there is no major road concession. After all, a 50-mile radius is the same as that used for super, and this is only for a small part of the company's operations.

Mr. Jones: I meant more than concession.

Mr. COURT: The company must use the railways for the specified commodities of fuel oil, bauxite, alumina, caustic, and starch. Others which are not specified, would be comparatively small. This was mainly put in to deal with breakdown situations where it is necessary to rush parts from one workshop or engineering shop to another. It also has relevance during the construction.

On the question of freights, I was not surprised that the honourable member—and I certainly do not blame him—trotted out his problem about coal freights as against wood chip freights and bauxite freights. I can assure him, however, that my colleague, the Minister for Railways, has offered the coal companies like for like. If they come up with a proposition that is similar so far as the economics of the other commodities are concerned, they will get the same freight rates. It is not always possible however to compare the commodities and the two railway routes. For instance, the wood chipping industry has to operate over a railway with a much worse grade than is the case with the alumina and the bauxite industry. Wood chips have a different density from that of alumina and alumina is different from bauxite.

I would draw the attention of the honourable member to the fact that when we fixed freight rates we fixed composite rates, and this was the first time this had been done. In the past the rates were fixed for bauxite, iron ore, and things like that.

Mr. Davies: Is there any formula?

Mr. COURT: This has been the result of plain hard work on the part of the railways commercial and accounting staff. They considered the separate rates for fuel

oil, caustic, starch, alumina, and bauxite, and they devised this composite formula. This is the first time it will have been used, and it accounts for the fact that we will have such a critical turnaround time, after which there will have to be recompense to the railways.

I thank the member for Bunbury for his comments. I noted what he had to say about railway resumptions and at a later date no doubt my colleague, the Minister for Railways, will follow this up. The member for Bunbury has been a great disciple of regional development.

The member for Warren also made a contribution to the debate and approached the matter on the basis of fear and trepidation that the mining industry would engulf his timber industry. We must make up our minds as to what we want. I believe we can have the best of both worlds. If we do not want mining, let us say so. But I invite the attention of the honourable member to the fact that every precaution has been taken. For instance the company must give the Conservator of Forests six months' notice before it can enter the forest, in order that he might retrieve the marketable timber. It also has to handle remaining timber so as to ensure that it will not endanger the forest with fire, etc. The company must preserve the overburden, replace it and do all that might be reasonably required by the Conservator of Forests.

The member for Warren was worried about the cutting of jarrah. I do not know much about forestry, but I think very little jarrah will be replanted because it is such a slow-growing timber and goodness knows how long it takes to reach maturity. I feel, however, that with modern techniques and timber processes such as slicing and peeling, the making of chipboard products out of virtual forest waste would be the order of the day in future. I understand that even where eucalypts are replanted in these areas the faster growing type of eucalypt considered better suited to the area by the conservator and his staff is being introduced.

I also want to say that I would not like the honourable member to feel that the conservator has been inactive in the matter. He was the first person consulted when the original agreement was drawn up and he has been consulted again in respect of this agreement. He believes that the company's attitude towards forestry practices and the situation which will inevitably develop in respect of the forest in due course is such as to make the whole position quite manageable. I think that over a period of 50 years we will probably finish, because of faster growing species, with more marketable timber than we have now, even if we do cut much of the jarrah.

The member for Warren also put forward some acreage figures. I would not challenge these without doing a little more homework, but even these are infinitesimal when compared with the acreage we will clear per year when we get going with wood chipping in the marri country. I did not hear the honourable member complain about that. In that area we will be ripping through about 4,000 acres per annum.

The officers of the Forests Department are jumping for joy because they will have their forests thinned and, in some instances, cleared. They are getting something for nothing. It also means that they can plant with other species, such as pines.

Having been on the receiving end of representations from the Conservator of Forests—the former conservator, and his successor—I have every confidence in our foresters and I have a tremendous regard for them.

Mr. Jamieson: We did not do too well with the Forests Department in connection with Kewdale.

Mr. COURT: We did our best.

Mr. Tonkin: It is difficult to get an acre of land for farming from the Conservator of Forests.

Mr. COURT: The conservator will reforest the area and will put it back to work with species which will grow quicker than those which are there at the moment. In the meantime, the compensation provided is in theory to compensate the conservator for the ungrown value of the trees.

Mr. H. D. Evans: The economics might be better.

Mr. COURT: If the honourable member does not want any mining of bauxite to take place, why does he not stand up and say so?

Mr. Tonkin: He is entitled to raise these objections.

Mr. COURT: I am not objecting to that at all, but he cannot sit on the fence in respect of this agreement.

Mr. Jamieson: He did say the economics might be better.

Mr. COURT: He implied that the Conservator of Forests, including the research staff, has been inactive in the matter. I want to assure him that neither the conservator nor the research staff has been inactive.

Mr. Tonkin: Did they protest.

Mr. COURT: They did not protest in the sense that the Leader of the Opposition would protest. They represented the position, and they wanted to know what conditions would be written into the agreement. They are satisfied with the conditions, because they wrote the original ones. What more could we do? Before

his retirement the conservator at my request reported to his Minister that he was satisfied with the progress being made, and with the attitude of the company. We could not have done any more.

I want to impress on members that we are not treating this with indifference. I can appreciate the concern in respect of effluent, pollution, dust, and forestry. This is one case where we have all tried to do our best in the matter.

To touch on the last point, the member for Belmont raised the question of dust at Bunbury. We have asked the Director of Engineering to pay particular attention to this matter. It may be that the original site set aside for the alumina wharf will have to be changed because of any fine dust that may come off the stockpile or the conveyor belts onto the switch yard of the power station. Therefore, he is looking at this on the technical level to determine whether the problem is a real one and to ascertain where is the best location for the wharf not only as it affects the power station but also the populace.

The other aspect is that if we establish a coal wharf it could have some contaminating effect on the alumina. These are the factors which will be taken into account by the engineers in the final determination. I thank members for their interest in the Bill.

Question put and passed.

Bill read a second time.

Committee Stage: Procedure

MR. COURT (Nedlands—Minister for Industrial Development) [10.43 p.m.]: I move—

> That the House orders that the following order be observed on this Bill in lieu of the order specified in Standing Order 272:—
>
> 1. Clause 1.
> 2. The schedule as printed.
> 3. Clause 2.
> 4. Postponed clauses.
> 5. Proposed new clauses.
> 6. Proposed new schedules.
> 7. Title.

The SPEAKER: I would draw the honourable member's attention to the fact that Standing Order 272 permits the House to otherwise order, and therefore directs the Committee on the order in which it will deal with the matter.

Question put and passed.

In Committee

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

Clause 1 put and passed.

Schedule—

The CHAIRMAN: Acting under the authority of the House, I now call the schedule.

Mr. TONKIN: I need your guidance, Mr. Chairman, to help me through this new procedure. There are a number of matters which I wish to raise as we go through the agreement, which consists of a number of clauses and subclauses. If we are to take it that this shall be the schedule, it will make my position very difficult. I was wondering whether you could call the clauses of the schedule to expedite discussion and to save the time of the Committee. The first matter with which I wish to deal appears in clause 2 (3) on page 4.

The CHAIRMAN: The schedule will be treated as one clause. The Leader of the Opposition can deal with it in any order he desires.

Mr. TONKIN: I would like to ask the Minister the reason for providing on page 4—

> On the said Bill commencing to operate as an Act all the provisions of this Agreement shall operate and take effect notwithstanding the provisions of any Act or law.

Will that mean that the provisions of the Health Act, the Clean Air Act, and the Town Planning and Development Act can be overridden completely, and that notwithstanding the provisions of those Acts which other people have to abide by, so far as the agreement before us is concerned they can be completely disregarded? Is that the intention? Is that the effect? If so, what is the reason?

Mr. COURT: I can assure the Leader of the Opposition that is neither the intention nor the effect. I draw his attention to clause 30 of the 1961 agreement which states—

> This agreement shall be interpreted according to the laws for the time being in force in the said State.

That in itself is complete, except that the provision to which the Leader of the Opposition refers is intended to mean that so far as the provisions of the agreement before us are concerned they can be given effect to even if they are at variance with an existing Statute, otherwise the ratification becomes quite unnecessary and, in fact, of no value. Therefore it is included to make sure that effect can be given to Parliament's intention when it ratified the agreement.

There are, for instance in the 1961 agreement, special provisions relating to pollution and effluent. At that time the State had not introduced the clean air legislation and the company was made responsible to observe world standards. If the Leader of the Opposition refers to clause 4 (1) (b) and clause 4 (2) of the 1961 agreement he

will find the answer he seeks. We endeavoured to spell out that the company would be tied to world standards in respect of pollution, dust nuisance, and the like. There was no intention to bypass the matter. However, for the sake of practical results, where matters in any agreement are at variance with existing Statutes, the agreement has to be ratified; otherwise it would not have to be ratified. Where an agreement is silent then the Statutes as existing or as amended in the future will prevail.

The CHAIRMAN: I have no idea how many points the Leader of the Opposition wishes to raise, but in view of the fact that he spoke for such a short time I wonder whether he is aware that under the Standing Orders he can make only three speeches in Committee.

Mr. TONKIN: I can easily get over that, because I will raise the whole lot at once.

The CHAIRMAN: That is why I have given you notice.

Mr. TONKIN: Thank you very much. Whilst I appreciate the position of Standing Orders, I think it would have been more satisfactory to deal with each point as it arose.

The CHAIRMAN: In view of the fact that the Leader of the Opposition spoke for only about one minute on the first point, I think it is only right to allow him to speak for a quarter-of an hour on this occasion.

Mr. TONKIN: I do not think I will require that length of time. I refer to page 5 of the Bill, subclause (c), with the marginal note, "Dredging Contribution." It reads—

> pay to the State the sum of one million five hundred thousand dollars ($1,500,000) being the Company's agreed contribution under a contract to be entered into by the State . . .

I would like to know if any estimate has been made of the total cost of this work so that I can form some opinion as to whether the company is making a reasonable contribution. If any estimate has been made of the cost of the whole work, what is that estimated cost?

The Minister has answered my point with regard to the low rental being charged. I can appreciate the argument and do not wish to continue that any further.

I now refer to page 7, subclause (g) with the marginal note, "Use of berth and facilities by third parties." I have firmly fixed in my mind the difficulty we had with regard to Hamersley at Dampier where people were refused the opportunity of going in and getting fuel oil because it did not suit the company.

If the company decides that what someone else requires will interfere with its own requirements, that will be the end of it. If the company says, "We are not going to allow X or Y to use our installations because it will interfere with our work" what will happen? That will be the end of it. There will be no room for any discussion or for anyone to say that the company is adopting an unreasonable attitude. It seems that this will be at the discretion of the company. The company will be the judge as to whether the proposed use of the berth by a third party will or will not interfere with the company's own requirements.

Mr. Williams: Look further down where it refers to the Bunbury Port Authority.

Mr. TONKIN: As I read it, there is a proviso.

Mr. Court: I will explain this. There is a distinction between berth and loading.

Mr. TONKIN: Page 8 deals with a matter raised by my colleague, the member for Warren, and is in reference to forests. The agreement states—

> as may be reasonably required by the Conservator from time to time, take adequate measures at the Company's expense for the progressive restoration and re-afforestation of the forest destroyed . . . .

The word "reasonable" crops up quite often. I can recall many years ago when the late F. C. L. Smith was a Minister and had this provision in a Bill. He was asked, "What is reasonable?" He said, "Reasonable, of course." Who decides what is reasonable in this connection? What one person may consider to be reasonable another may think is unreasonable. How will this operate in practice? Does the company say that it is unreasonable, and the matter stops there; or does the conservator have the final say? Does he say, "What I am asking is reasonable and has to be done"? That is what I would like to be explained?

The same thing crops up again on page 10 in subclause (10) of clause 4 in regard to the use of local labour and materials. Who decides whether it is reasonably and economically practicable? Is it left to the company to say, "We have not used any more labour because it is not reasonably and economically practicable to do so"? If the company adopts that attitude, is that the end of it? It seems to me that it is. So it comes back all the time to the company in what others consider might be the right thing. Unfortunately I have been long under the impression that Hamersley at Dampier has considered something in certain circumstances to be unreasonable which I believe to be reasonable, but nobody has been able to do anything about it.

The same thing crops up on page 14, clause 6 (2). It reads as follows:—

> The parties recognise that as a consequence in part of the progressive development of the Pinjarra refinery and related facilities at the Pinjarra refinery site the need will progressively develop at Pinjarra for additional housing accommodation services and works, including sewerage treatment works, water supply head works, main drains, education, hospital and police services. The Company accepts the principle of fair and reasonable sharing by it of the costs of establishing such services and works having regard to the benefits flowing to the State, the community, the Company and others therefrom.

The company accepts the principle! I have often seen where somebody agrees in principle. For a long time the Government agreed to the principle of equal pay for equal work, but that is as far as it got. The company may accept the principle, but how does it put it into operation? What is a fair and reasonable sharing of the cost? Who is to be the judge?

Mr. Court: I do not want to butt in on your time, but there is a legal reason for the use of the word "reasonable." The reason is that where this word is used, it is arbitrable. Sometimes we have not used the word as we want to leave complete discretion with the Minister.

Mr. TONKIN: I now refer to page 15, subclause (4) of clause 8, which deals with electricity. Which Minister is it to be, the Minister for Electricity, or the Minister for Industrial Development? I think that ought to be made clear, because in my view if it is a matter regarding electricity it ought to be the Minister for Electricity who makes the determination. If I were the Minister for Electricity and had some other Minister telling me what I should do, I would not be in the Government very long. I think this point needs to be looked at.

I assume it refers to the Minister for Industrial Development, but I would like to know because this is a case where the company is authorised to generate electricity for its own use, and certain conditions are set out under which it will construct, operate, and maintain transmission lines, motors, and so on. Then it provides for disputes which could arise between the company and the commission in respect of any of the matters referred to in the clause.

In the event of a dispute between the company and the State Electricity Commission, it must be referred to the Minister for determination. Which Minister? It would put the Minister for Electricity in a very invidious position if some other Minister told the State Electricity Commission what it was to do, if the Minister in charge of that commission was on the side of the commission. I can visualise a very pretty situation under those circumstances; and I would like the position clarified regarding which Minister it is intended to mean.

I referred earlier to the resumption provision, and the Minister made some attempt to answer me, but not to my satisfaction. I think it is wrong that the Public Works Act should be utilised to take away from people the right to their land in order to give it to a private company. We generally accept that if land is required for a public work then, whilst we might not like to take a person's land away, we must do so because it is required for a school, hospital, or road. However, the same argument does not apply when a man's land is required for the erection of a house for someone else; and that is what this provision proposes. The Government might want to build a house for an employee of the company, despite the fact that the present owner of that land already has on it a home and a farm or orchard. We will use the Public Works Act to force him from that home and farm or orchard in order that we might build a house for someone else who will work at the refinery.

To me that is a most unreasonable proposition and I would far rather make the Government use the Industrial Development (Resumption of Land) Act for the purpose, because under that Act there are adequate safeguards for the interests of the individual who feels he should not be dispossessed under those circumstances.

So I am very much opposed to clause 10 and I would like to move for its deletion. I take it that you, Mr. Chairman, would rule that as I have spoken only twice, if I sit down and allow the Minister to answer the points I have raised, it is still open to me to rise again to move an amendment.

The CHAIRMAN: The Leader of the Opposition's time has expired on this quarter of an hour. Before we go any further I should explain that no amendment can be made to the schedule itself. Any amendment must be included in clause 2 of the Bill.

Mr. COURT: Dealing with the points *seriatim*, the page 5 amendment to which the Leader of the Opposition referred deals with dredging costs. From memory I just cannot give the exact figure for the total cost of harbour development to the first stage as distinct from straightout dredging. A number of items are involved. There are the preparatory works, the dredging, and then the State and port authority's contributions in respect of the overall

development. However, I know that the proportion eventually agreed on for the company is, from our point of view, a highly satisfactory one.

Although I would not like this to be taken as gospel, I would say that in round terms, from a straightout dredging point of view, $4,000,000 for the actual dredging down to the first depth of 36 feet would be a fairly reliable figure on which the Leader of the Opposition could base his assessment; but that is only for the dredging of the approach channels and loading basin, and the necessary preparation of the inner harbour to allow the ships to come in riding high while empty before turning around into the loading basin. As that is being done primarily for the wood chipping industry, the contribution we received from Western Aluminium was purely an acknowledgment by it that it wanted to be in the proposition.

When it comes to dredging below that depth, where the company's greatest interest arises, it will make a greater contribution. However, I could get a more accurate estimate of the total harbour costs at that stage.

The Leader of the Opposition then referred to page 7 and the use of the berth and loading facilities by other parties. The clause refers to two specific matters—the berth on the one hand, and the loading facilities on the other. We were prepared to go along with the fact that it would be unreasonable to have any powers to direct the use of loading facilities which are of a specialised nature for alumina. If the company is agreeable for them to be used for material of that type of consistency and density then there would be nothing to stop their being used.

As far as the berth is concerned, we wanted a situation whereby if, for instance, a ship had to be tied up, and it could be handled at that berth—it would be rather unusual if it could be because of the type of loading device structure—we would have the right to direct that the ship be tied up if it did not interfere with the company's operations. I am not, of course, referring to an emergency because in those circumstances the harbour master would be supreme, anyhow.

It was intended that this would be a matter of arrangement between the Bunbury Port Authority and the company; but we did agree that the bulk loading facilities being of a highly specialised nature, it was fair enough to adopt roughly the same conditions as at Kwinana whereby the use of the facilities is at the discretion of the company.

The reference to "reasonable" or "reasonably" in a number of clauses, I explained by interjection. We were advised by our legal people that once either of these words was used it was arbitrable and this was the only way we could find of overcoming the situation.

The Leader of the Opposition will find that we have extended the arbitration clause to make it clear that under certain conditions where the Minister's descretion is involved, it is not arbitrable. It was always felt it would not be arbitrable when expressed in terms of the Minister's discretion. The situation was tidied up on this occasion.

With regard to clause 5 (4) on page 15, regarding which Minister is involved, taken literally it would be the Minister in charge of the agreement. If we go back to the 1961 definition, because *mutatis mutandis* the two agreements have to be read together, the Minister for Industrial Development, or such Minister as the Premier of the day deputes to administer the Act, is the Minister concerned. Therefore it might not necessarily be the same Minister all the time.

However, we have a Cabinet arrangement or direction that when any other Ministers are involved, directly or indirectly, the Minister administering the agreement must consult with those other Ministers before making any decision. That policy seems to work extremely well in practice.

There are other occasions though, the significance of which the Leader of the Opposition will appreciate, when the word "State" is used. On those occasions the only person who can sign anything or make a decision is the Premier himself because the agreement is entered into by the Premier acting on behalf of the State.

I think I have covered the points raised by the Leader of the Opposition with the exception of resumption, and I have explained my position there. After considering the situation which could arise, bearing in mind that this virtually becomes a community project with a townsite and all the facilities that go with it, the Government felt that the Government of the day should have this power in times of emergency.

Mr. RUNCIMAN: I am wondering how the conveyor system will work. I understand it will extend a long way back and will, of necessity, require the clearing of land. In some cases it may be necessary for the conveyor system to pass across some of the small orchard properties in the Dwellingup area.

Referring to water, the main dam in the area will not be completed until 1974 when the damming of the South Dandalup River will be completed. There is a small dam in the area which supplies Pinjarra, but I am wondering what the company intends to do about water in the meantime. The company must have had some success with regard to its search for water, but I

am wondering whether the aquifers in this area are connected to the aquifers on the other side of Pinjarra, which are supplying Mandurah with water. If the aquifers are the same, has full recognition been given to the requirements of Mandurah?

Mr. COURT: First of all, dealing with the question of the system of conveyors, it is the intention to cause the minimum inconvenience to property owners. Obviously, it would be better to follow some existing route, but with a conveyor system it is better to proceed as far as possible in one direction. However, there is no reason why it should not change direction. There are techniques for this.

The company is reasonably satisfied with the water results it has obtained up to date. Any extension into other schemes would be undertaken only after agreement with the Government. The question of interconnecting aquifers is covered in the agreement. There is provision for an amendment to the license if it is found that the aquifer does not perform as originally expected, when the amount of water authorised for use by the company can be reduced. On the other hand, if the performance is better than expected the amount can be increased. To avoid the situation where there could be an interconnection of aquifers over a wide area, it is provided that the company will have water rights only with respect to aquifers within its area.

Schedule put and passed.

Clause 2: Ratification of agreement—

Mr. TONKIN: When speaking earlier I raised my objection to the provision in the schedule which deals with the power of resumption. I tried to amend the schedule but, subject to your direction, Mr. Chairman, I now propose to achieve what I sought to do by adding to clause 2 the words, "Subject to the deletion of paragraph 10 of the schedule."

We will then ratify the agreement subject to the deletion of that paragraph. The Minister said that the Industrial Development (Resumption of Land) Act was useless, and that he gained that impression from his own experience. I cannot follow his reasoning because section 6 of the Industrial Development (Resumption of Land) Act would apply if this provision were deleted from the schedule to the present Bill. Section 6 (1) reads as follows:—

> (1) Subject to this Act, any person engaged in or about to engage in any industry within the State who requires land to establish or carry on his business in such industry may make application in writing on the prescribed form to the Minister for the acquisition of such land.

So there is the legal right for the Minister, if he wants land for an industrial purpose, to make application to get it.

Mr. Court: That is as far as he gets.

Mr. TONKIN: That is what the Minister says, but that is not what the Act says. The Act then goes on—

> (2) Every application shall be accompanied by a statement in writing, verified by the statutory declaration of the applicant, furnishing full particulars of the land required, and establishing the following facts, . . .

There is nothing unreasonable about that. To continue—

> (a) It is in the interests of the industrial development of the State that he shall be enabled to establish or carry on his said business; and
>
> (b) that after he acquires the said land he will be able to establish or carry on the said business; and
>
> (c) the acquisition and use by him of such land is essential to the establishment or carrying on of his said business; and
>
> (d) the locality in which he proposes to establish or carry on his said business is, in relation to the industrial development of the State, the most suitable locality for the establishment or carrying on of his said business; and
>
> (e) (i) he is unable to purchase land in the said locality which he requires as aforesaid for the reason that the owner of such land is unwilling to sell or to sell at a reasonable price the said land; or
>
> (ii) the use of the land (if acquired by such person) for the purposes of establishing or carrying on his said business is limited or prohibited by the provisions of a town planning scheme or by a by-law of the local authority made with respect to any of the matters prescribed in the Second Schedule to the Town Planning Act.

It appears to me that all the necessary provisions are there if an application for land to be obtained is genuine. I know the Minister does not like delays or safeguards; he likes to be able to go straight through, just as he did when he found the door of his office was locked and he could not find the key. He put his foot through the glass. I know the Minister is impatient in that respect and he would not want this irksome delay. He wants to take a man's land before the man realises he has lost it. That has happened under the Public Works Act, but I do not think it is reasonable, even in the circumstances of a public work. It is certainly not justified when taking land for industry.

I am not denying the company or the Government the right to resume land if it becomes absolutely necessary to do so.

However, I am not prepared to have it resumed under this provision in the legislation. Other people do not have this power to resume land if they want it for industry. Therefore, why should this particular company be clothed with this authority? I think the company should be obliged to use the existing legislative provisions in the Industrial Development (Resumption of Land) Act.

I remind the Committee of the fact that some years ago the State Housing Commission had powers of its own to resume land for housing. The argument was used that it was not justifiable to permit a Government instrumentality compulsorily to take from the owner of a dwelling the land upon which that dwelling stood in order to provide dwellings for other people to live in. Because of that argument the power was taken out of the State Housing Act and the State housing authority can no longer resume land under its own authority for the purpose of housing. It has to use the powers of the Public Works Act, and the Public Works Department will resume land, if necessary, which can then be used for the various purposes.

If that was sound reasoning—and apparently it was, because it resulted in an amendment to the law—there is no justification for permitting the Government to use, on behalf of the company, the power of the Public Works Act to dispossess owners of their land in order to make that land available for houses to be built for other people to live in. Therefore, I move an amendment—

> Page 1, line 10—Insert after the word "ratified" the words "subject to the deletion of clause 10 of the schedule on pages 16 and 17."

Mr. COURT: I oppose the amendment. I have given my reasons for the necessity of the Government of the day—whatever colour it might be—to have this power in cases like this. Also, it would be unthinkable to start playing around with schedules once they have been entered into in good faith. If the Parliament does not agree to the schedule it has the right to throw it out completely.

At some time in our lives I suppose we have all made the points which the Leader of the Opposition has made. However when I weighed up all factors in the light of community interest and our experience in recent times I came down in favour of the present situation and recommended to the Government accordingly. The Government accepted that recommendation.

I will briefly mention the Industrial Development (Resumption of Land) Act. The parts which the Leader of the Opposition read out are quite magnificent. I have been through them on two occasions and taken every step specified in the Act. One builds up the high hope that the industry, which genuinely needs the land, will get it. In most cases when the Act has been used the people concerned have found themselves being squeezed. Theirs is a genuine industry. The people concerned may own, say, blocks on two sides but the person in the middle decides he will hold the industry—and a *bona fide* industry—to ransom. It would appear that this legislation was intended to deal with the case of the man in the middle in order to make the land available on reasonable terms to a *bona fide* industry.

If the Leader of the Opposition wants some frustrating experiences, I suggest he should "give it a go" some time, because the crucial words he read out are "subject to this Act." When the processes are put in motion, one finishes up before a magistrate and it is not necessary to be a clever lawyer to keep it going for so long that the need for the land has long since disappeared by the time a decision, if any, is reached. Three years later one could still be trying to get the land and going through the processes of the law.

If the Leader of the Opposition were to refer the matter to his former leader, I am sure he would support what I am saying. The Act is not effective as a piece of legislation for the purposes to which the Leader of the Opposition is referring.

Amendment put and a division taken with the following result:—

Ayes—19	
Mr. Bateman	Mr. Jones
Mr. Bertram	Mr. Lapham
Mr. Brady	Mr. Moir
Mr. Burke	Mr. Norton
Mr. H. D. Evans	Mr. Sewell
Mr. T. D. Evans	Mr. Taylor
Mr. Fletcher	Mr. Toms
Mr. Graham	Mr. Tonkin
Mr. Harman	Mr. Davies
Mr. Jamieson	*(Teller)*

Noes—22	
Mr. Bovell	Mr. Mensaros
Sir David Brand	Mr. Mitchell
Mr. Cash	Mr. Nalder
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. Ridge
Mr. Grayden	Mr. Runciman
Dr. Henn	Mr Rushton
Mr. Hutchinson	Mr. Stewart
Mr. Kitney	Mr. Williams
Mr. Lewis	Mr. Young
Mr. McPharlin	Mr. Dunn
	(Teller)

Pairs	
Ayes	Noes
Mr. May	Mr. Burt
Mr. Hall	Mr. O'Neil
Mr. McIver	Mr. Gayfer
Mr. Bickerton	Mr. I. W. Manning

Amendment thus negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 11.30 p.m.