as this. I think Parliament should examine a departmental Bill for the purpose of ensuring it is reasonable—that is why we are here—but the extent of the "nitpicking" indulged in particularly by the present Minister for Local Government was quite unnecessary and unwarranted. He would want to know why every "t" was crossed and every "i" was dotted.

We do not intend to indulge in that practice. It is quite out of character with the function of the House when there is a necessity to update departmental legislation. So long as it is examined and proves to serve the public benefit we should support it. It is most important to ensure that underground water supplies are preserved for immediate and distant posterity. Far too many of our activities in the past have leaned towards pollution of the resources and it is desirable to update the legislation when we find any loopholes which will endanger the protection of future sources of supply.

The Bill deals with many other matters which have been covered by my colleague and which it is not necessary for me to canvass.

I believe the water board had a preliminary brochure prepared on the cover of which was depicted a rather voluptuous female in the form of a hose on a tap with the caption "Turn me on at night and I serve you better". It was said in no way could we get away with that if the Education Department could not get away with Clanger Molloy, so the board prepared the modified pamphlet referred to by my colleague. It is unfortunate in this day and age, when everybody is attracted to that kind of advertising, that departments have a fear of the Administration and adopt a mid-Victorian attitude towards advertising. However, that is just mentioned in passing.

I think the water board is serving us reasonably well and doing a good job in trying to keep us supplied with a necessary commodity. I can find no reason to complain about its actions.

I hope the House will give expeditious passage to this legislation—and to any future legislation which might be introduced when the tables are turned in Government, without the "nitpicking" and stupidity which were indulged in on past occasions.

SIR CHARLES COURT (Nedlands—Premier) [11.15 p.m.]: I thank the member for Avon and the Leader of the Opposition for their comments and support of the Bill. I will pass on to my colleague the comments of the member for Avon which have special reference to him. I do not think any comment is called for, other than to express appreciation for the speedy passage and support of the Bill.

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.

As to Third Reading

SIR CHARLES COURT (Nedlands—Premier) [11.17 p.m.]: I move—

That leave be granted to proceed forthwith to the third reading.

Question put and passed; leave granted.

Third Reading

Bill read a third time, on motion by Sir Charles Court (Premier), and transmitted to the Council.

House adjourned at 11.18 p.m.

Legislative Council

Wednesday, the 6th October, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

BAUXITE MINING

Darling Range: Ministerial Statement

THE HON. N. McNEILL (Lower West—Minister for Justice) [4.35 p.m.]: Mr President, I seek your permission to make a statement in conjunction with the tabled paper referring to bauxite mining in the Darling Range.

The PRESIDENT: The question is that leave be granted.

Question put and passed; leave granted.

The Hon. N. McNEILL: The following is a statement by the Premier on the tabling of the May, 1976, review of the Hunt steering committee—

> The mining of bauxite in the Darling Ranges and its conversion to alumina in refineries at Pinjarra and Kwinana is a major industry in the south-west of the State.
>
> Monitoring of this project by Government agencies has kept in step with the growth in capacity of this project as the area involved is a major water catchment. In 1973 it was decided to formalise monitoring of this project by the formation of a steering committee with Mr Harold Hunt, Chief Engineer of the Metropolitan Water Board, as chairman. The Metropolitan Water Board, geological surveys, CSIRO, University of W.A., and the Departments of Public Works, Agriculture, Forests, Conservation and Environment and Industrial Development are represented on the steering committee which has initiated and reviewed a series of projects designed to monitor the effect of bauxite mining and of rehabilitation after mining is

completed. These projects have included predictive modelling of stream salinities, monitoring of catchments, changes in the water table, rehabilitation studies, sampling of small streams and trials—with and without mining—of paired catchments.

Modelling studies have predicted that bauxite mining in the high rainfall areas currently being mined would have a negligible effect on the long-term salinity of local streams and that consequently effects on major catchments would be minimal. This has been confirmed in practice in that although groundwater levels in mined areas have risen, evidence has been found of a fall in the groundwater level with maturing of replanted forest in the mined pit. No salinity problems have been encountered in areas mined so far.

In the low rainfall areas further east of the scarp, modelling of the effects of future bauxite mining suggests that considerable increases in salinity could occur. In these areas streams are already highly saline so that the effect of bauxite mining is likely to be small. In the intermediate rainfall areas, which are important sources of fresh water, measurable increases in the salinity of local streams are predicted, but the overall effect on a major catchment remains uncertain.

The current review is the result of a multi-disciplined approach to the monitoring of the development of a major natural resource to ensure that undesirable effects can be speedily recognised and corrective action taken where necessary. A high degree of co-operation has been forthcoming from the participating bodies represented on the committee and its working groups and from Alcoa.

The committee's work will proceed so as to ensure that multiple use of this important area of the State, including water supply, recreation, forestry and agriculture, can continue in the future.

QUESTIONS (4): ON NOTICE

1. GARDEN ISLAND

Access to Fishermen

The Hon. R. F. CLAUGHTON, to the Minister for Education, representing the Minister for Fisheries and Wildlife:

Will the Government make representations to the Australian Government with a view to obtaining permission for amateur fishing clubs to have access to Garden Island across the causeway?

The Hon. G. C. MacKINNON replied:

Yes.

2. BUILDING BLOCKS

Karratha Townsite

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

(1) (a) In recent residential land sales at Karratha, has there been any limitation on the number of allotments any one person or company has been able to purchase; and

(b) if this is so, why is such limitation considered necessary?

(2) As the prime objective of residential land sales in a place like Karratha must be the encouragement of private home ownership, and thus community stability, does the Minister recognise that speculative house builders can play an important part in the achievement of such an objective?

(3) Will the Minister authorise the sale of residential allotments, if available in reasonable numbers, to any entrepreneur who wishes to build on them subject always to the normal two year building condition?

The Hon. N. E. BAXTER replied:

(1) (a) Yes.

(b) In an attempt to curtail speculation.

(2) and (3) A limitation on the number of lots that can be obtained at public auction is considered to be in the interests of those members of the public desirous of obtaining serviced land for home building at as reasonable a price as possible. Unrestricted availability for speculative purposes would not be in the public interest. Subject to the availability of land after auction and public demand, applications received from speculative home builders could be considered.

3. ORD IRRIGATION SCHEME

Sugar Industry

The Hon. J. C. TOZER, to the Minister for Justice, representing the Minister for Agriculture:

(1) Has the Government considered the report on the viability of a sugar industry in the Ord valley prepared by CSR?

(2) When is it anticipated that a statement can be released on this report?

The Hon. N. McNEILL replied:

(1) and (2) The report is still under consideration by the Government.

4. ORD IRRIGATION SCHEME
Sugar Industry

The Hon. J. C. TOZER, to the Minister for Justice, representing the Minister for Agriculture:

(1) What methods were used to advertise for an experienced farm manager to control the pilot sugar farm on behalf of the State in the Ord Valley?

(2) What salary was offered?

(3) Were any other incentives offered to attract suitable applicants?

(4) How many applications have been received, and from what general areas did they come?

(5) When will an appointment be announced?

(6) When is it expected that the appointee will take up his post?

The Hon. N. McNEILL replied:

(1) Advertisements were placed in four provincial Queensland newspapers on September 3, and repeated on September 10. A similar advertisement was placed in the main Queensland daily paper on September 4.

(2) $18 000-$20 000.

(3) If a sugar industry develops on the Ord, and the operation of the pilot farm has been satisfactory, the Western Australian Government would give the manager the option of purchasing the pilot farm.

(4) (a) 99.

(b) All the major cane growing areas of Queensland.

(5) It is anticipated that an appointment will be announced in November.

(6) By February, 1977, at the latest.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

Consideration of Tabled Paper

THE HON. N. McNEILL (Lower West—Minister for Justice) [4.46 p.m.]: I move, without notice—

That, pursuant to Standing Order No. 151, the Council take note of tabled paper No. 399 "Consolidated Revenue Fund—Estimates of Revenue and Expenditure for the year ending 30th June, 1977" laid upon the Table of the House on 6th October, 1976.

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

BETTING CONTROL ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by the Hon. N. E. Baxter (Minister for Health), and passed.

PAINTERS' REGISTRATION ACT AMENDMENT BILL

Third Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [4.48 p.m.]: I move—

That the Bill be now read a third time.

THE HON. T. KNIGHT (South) [4.49 p.m.]: I wish to say something about this Bill. I support it in principle, but I thought something should be said regarding different aspects of it. I can see the reason for the Bill, and I believe it is fairly justified.

The PRESIDENT: The question before the House is that the Bill be now read a third time. The honourable member cannot make a second reading speech at this stage; he can make remarks on the debate which took place on the Bill, but he cannot make a second reading speech at this stage.

Question put and passed.

Bill read a third time and passed.

BILLS (2): THIRD READING

1. Transport Commission Act Amendment Bill (No. 2).

2. Irrigation (Dunham River) Agreement Act Amendment Bill.

Bills read a third time, on motions by the Hon. N. E. Baxter (Minister for Health), and passed.

HIRE-PURCHASE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 5th October.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [4.51 p.m.]: This is a simple procedural Bill which provides that the people concerned need not necessarily appear before the tribunal when they have made application to the tribunal for a licence which needs renewing; nor need they appear before the tribunal on an initial application where there is no evidence to be adduced. It does not remove the necessity for people to appear, because if the case demands it they must still appear before the court.

As it stands now, the Bill has caused people considerable loss of time by their having to appear before the court, particularly where renewals are involved. I think there were some 100 licence renewals after the first year of operation of this legislation.

The Bill simply seeks to streamline the operation of the Act, and the Opposition supports it.

The Hon. G. C. MacKinnon: Thank you, Mr Dans.

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.

The PRESIDENT: I will leave the Chair until the ringing of the bells.

Sitting suspended from 4.55 to 4.59 p.m.

ARTIFICIAL BREEDING OF STOCK ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [5.01 p.m.]: I move—

That the Bill be now read a second time.

This Bill has as its basic aim the updating of the provisions of the Artificial Breeding of Stock Act in relation to changing circumstances and current technology in artificial breeding.

The principal Act dates back to 1965, being a sequel to the commencement of the initial artificial breeding scheme in Western Australia. This was operated by the Department of Agriculture at Wokalup Research Station. Semen was collected daily and made available through a number of subcentres, and by 1966 the number of cows inseminated had amounted to more than 17 000, which represented 14 per cent of the then dairy cow population. A decision was then taken to form an artificial breeding board to take over the service from the department, the board coming into existence in November, 1966.

By this time the deep freezing technique for semen, which extended its life indefinitely, had been perfected, and semen from production proven bulls became available from the Eastern States. By contrast, due to the small cattle population in Western Australia, it was very difficult to prove bulls on the basis on their progeny. The board subsequently disbanded the bull centre, and has since functioned by importing semen and providing an insemination service.

Whereas the terms of the principal Act have the major aim of ensuring that semen utilised is not affected with disease, the proposed legislation seeks to provide a basis to protect livestock owners who use semen or ova, by ensuring that the semen or ova to which they seek access has met acceptable criteria, not only in freedom from disease, but in relation to production standards and freedom from inherited defects.

This is an important concept, since artificial insemination, using bulls of known superior production merit, provides the best means of achieving rapid genetic gains to the industry.

The Bill provides for certain new definitions and, by defining "artificial insemination" separately from "artificial breeding", a clearer understanding of the two operations is achieved.

Definitions are also set out for persons who inseminate stock, such as herdsman inseminator, which will mean a person who has obtained basic training to inseminate stock, and an authorised inseminator, which will include persons who, by virtue of more intensive and on-going experience, are permitted to inseminate stock generally.

It will be noted, however, that the Bill protects the rights of owners who wish to inseminate their own stock.

No restriction is placed on an owner who wishes to inseminate his own stock, either with semen produced from animals on the property or with semen obtained from licensed premises, nor does an owner require to obtain any certificate of competency to carry out such inseminations.

Because of the technique in recent years of the custom collection of semen, a definition of "custom collector of semen" is set out, and such a person will require to be able to show his competency before he is able to be certified as such.

An important definition is that of "owner". This goes beyond the usual concept of "owner" in that it includes not more than four persons who may own the particular animal. The intention of this is to limit the general use of semen from such an animal where no evidence is available of its production background.

The proposed legislation will not affect the business operations of any person or company now holding a "limited licence" under the provisions of the Act; nor are the amendments designed in any way to have this effect. Similarly, persons who have undertaken a recognised and reputable course of training in artificial insemination methods will be able, on application, to obtain certificates of competency, either as a "herdsman inseminator" or "authorised inseminator".

It is pointed out that the obligation placed on the responsible Minister under this legislation to have regard to production standards would not mean that arbitrary action would be taken to place a restriction or embargo on the use of semen or ova which do not currently have background production data. The intention would be, however, to make persons who desire to market semen or ova on an unrestricted basis, aware that they would be required to initiate steps to obtain such data by means of approved recording mechanisms.

The Bill provides the necessary framework to enable long-term programmes to be implemented, in collaboration with breeders, to identify stock of superior production merit, the use of whose semen

or ova will ensure the maximum possible genetic improvement in the livestock industry of Western Australia.

I commend these proposals to the House.

Debate adjourned, on motion by the Hon. Grace Vaughan.

COUNTRY AREAS WATER SUPPLY ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [5.06 p.m.]: I move—

That the Bill be now read a second time.

This Bill is to amend the Country Areas Water Supply Act to permit control to be exercised over the clearing of land within the Wellington Dam catchment area.

It has been recognised from the earliest periods of the State's history that clearing for agricultural and other purposes has been followed by an increase in stream salinity. The rivers worst affected are those with their headwaters in relatively low rainfall areas—for example, Avon, Frankland, Blackwood and Murray.

In more recent years, the salinity of rivers having their headwaters in areas of medium rainfall is showing signs of increasing. The Collie River is in this category.

The clearing of the catchment behind Wellington Dam has resulted in an increase of salinity in the streams and consequently the water impounded in the reservoir.

Wellington Dam provides the second biggest reservoir in the south-west, and assured supplies of water for irrigation and domestic use.

When Wellington Dam was constructed only a small proportion of the catchment was alienated, and very little was cleared. By 1945 only 5 per cent of the total catchment was cleared, and by 1960 this had increased to approximately 9 per cent, although approximately 35 per cent of the catchment had been alienated.

By that time there were already clear indications that salinity was becoming a problem, and it was determined that no further Crown land, except within townsites, would be released. Although no further land has been released, clearing on existing farmlands has continued at a high rate, so that at the present time approximately 25 per cent of the catchment has now been cleared. This leaves approximately 70 000 acres of alienated land which is still uncleared within the catchment area.

Water sampling from Wellington Reservoir has been carried out regularly since 1941, when the mean annual salinity was approximately 200 milligrams of total dissolved salts per litre of water. This year, as at the end of winter, the average salinity is over 700 milligrams of total dissolved salts per litre of water.

The salinity of the water in the reservoir is influenced quite significantly by seasonal factors. Nevertheless, the long-term trend is upwards. The dry winter just experienced has caused a substantial deterioration in the water quality and, to reduce the effect of this, some 10 million cubic metres of high salinity water will be scoured to waste.

Recent studies of the catchment area and of stream flow indicate that the heavy clearing during the late 1960s has not yet had its full effect. On this basis, even without further clearing, the salinity is expected to increase and, if all the alienated land is cleared, the water could become too brackish for irrigation and domestic use.

The seriousness of the problem has been recognised by both the Public Works Department and the Department of Agriculture for some time, and a great deal of technical research has been carried out to obtain a fuller understanding of this complex problem. Results from these studies are now becoming available and are being evaluated.

Some of the studies undertaken have looked at the effect of clearing on salinity, the potential of agro-forestry, the effect of saline water on pasture growth, possible catchment management techniques, and the salinity layering of water in the reservoir and its possible use as an operational tool. The studies are being carried out by the Public Works Department, the University of Western Australia, and the CSIRO.

There is no single solution to the problem. Control and eventual reduction in the salinity content of the streams feeding Wellington reservoir will take many years to achieve and require the uses of many techniques.

With the benefit of this background, members will no doubt appreciate the need for control over clearing, which will be provided by requiring a person who wishes to clear land within defined areas of the catchment to obtain a licence. The licence may be issued by the Public Works Department, subject to conditions. Once issued, the conditions may be varied, or the licence cancelled. When a licence is

refused or revoked, or includes a condition unacceptable to the applicant, an appeal against the department's decision may be made to the Minister.

Provision is made in the Bill for compensation to be paid to owners adversely affected by a refusal to grant a licence, or cancellation of a licence, or the imposition of unacceptable conditions. The Bill also provides that, in lieu of paying compensation, the land affected may be purchased or resumed.

Legislation to control clearing of the Collie catchment is a first necessary step if we are to prevent deterioration of the water quality of Wellington Dam to the extent that it will be unsuitable for irrigation. However, there are other rivers in the south-west which could go the same way as the Collie, if clearing is left uncontrolled, and careful consideration will need to be given in the not-too-distant future as to whether there is a need to extend the controls to other catchments and water reserves.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. S. J. Dellar.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 5)

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Attorney-General), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [5.12 p.m.]: I move—

That the Bill be now read a second time.

This Bill introduces some new proposals to the Local Government Act, and also provides measures intended to overcome problems or remove anomalies which have come to light from the application of the present provisions of the Act.

In regard to the new proposals, the Bill seeks to give councils some control over their officers engaging in employment or business outside their official council duties.

It is desirable that councils be able to exercise this control to ensure that their officers do not become involved in activities which might conflict with or hinder their duties as council officers.

This position will be very similar to that applying in the State Public Service, where officers are not allowed to have a second field of employment, or become involved in business, except with the Governor's approval.

Another important provision contained in this Bill is that the Minister will be able to impose conditions relating to the attainment of local government qualifications when approving the appointment of unqualified officers to certain offices at councils.

In effect, the Minister will be able to approve appointments on a probationary basis, subject to the officer obtaining the necessary qualification within a reasonable period.

The present provisions of the Local Government Act allow regulations to be made prescribing the academic qualifications required by persons occupying the offices of clerk, engineer, town planner, building surveyor, or treasurer of a council. A council cannot appoint a person who does not hold the required qualifications to one of these offices, except with the Minister's approval.

The object of these provisions is to ensure that senior local government officers are suitably qualified at what might be regarded as a minimum standard. Over the years, many local government officers have obtained the prescribed qualifications, and it is generally accepted by junior officers who aspire to more senior positions that they will have to undertake the relevant course of study.

The stage has not yet been reached where an adequate number of qualified officers apply for each vacancy, and the Minister, because of this, has approved unqualified appointments.

In some ways, these unqualified appointments tend to act as a disincentive to other officers who are pursuing their studies and are not in keeping with the principle of ensuring that occupants of the particular offices concerned should have reached a minimum academic standard.

Whilst Ministers have consistently followed a policy, when approving unqualified appointments, of making the approval subject to the officer concerned obtaining the required qualification, this has not always had the desired effect, because there is nothing in the legislation which allows the Minister to enforce such a condition. This Bill proposes to remove this deficiency.

Section 37 of the Local Government Act disqualifies a person from being elected or acting as a member of a council if he has a direct or indirect pecuniary interest in an agreement to which the municipality is a party. A person is not so disqualified if he has entered into an agreement with the council in the ordinary course of business.

These provisions are intended to preclude the possibility of council members from entering into special contractual arrangements with their councils. However,

they have reacted in an unfortunate way for a number of council members.

Many councils promote the development of recreational and leisure facilities in their districts by raising loans for the construction of buildings and other works for local organisations—for example, bowling clubs, golf clubs, or community clubs.

Standard practice is for the councils to require the organisation concerned to recoup the council for the annual amount required to service the relevant loans and frequently councils insist on guarantors to safeguard against the possibility of the organisation being unable to meet its annual commitment.

In these circumstances, guarantors have nothing to gain financially. Indeed, their only prospect of becoming financially involved is that they may have to make good any amount which the organisation concerned is unable to meet.

In several cases, a number of councillors have unfortunately disqualified themselves from council membership because of their public-spirited gesture in acting as guarantors for loan agreements between their council and local community organisations.

Whilst there is no argument with the principle behind the prohibition of special agreements between councillors and their councils, the events to which I have referred demonstrate that some flexibility is required.

The Bill therefore proposes to authorise the Minister to exempt a councillor from disqualification in respect of a particular agreement.

Members will no doubt be aware of the fairly stringent by-laws made under the Local Government Act, and administered by councils, which require fencing and other safety measures for a private swimming pool.

These by-laws are well known and accepted by the public. It is considered that an unprotected swimming pool can be a very hazardous enticement to young children.

The provisions of this Bill will allow necessary action to be taken where a pool presents a particular danger to the public because it does not comply with the safety provisions of the by-laws.

Council officers will be able to make inspections and, where danger is apparent, direct the owner or occupier to rectify the problem. If the owner or occupier fails to take the necessary steps, then the council will be able to take such measures as may be necessary to remove the danger.

The Bill also proposes to rewrite the present provisions of the Act relating to modified penalties—sometimes referred to as "on-the-spot-fines"—in respect of offences associated with the driving or parking of vehicles. More particularly, it amends the present "owner onus" provisions.

These provisions of the Bill are modelled on those contained in the Road Traffic Act whilst, at the same time, they provide a measure of consistency with the City of Perth Parking Facilities Act.

Other matters covered by this Bill are:—

Section 538 of the Local Government Act is to be amended to remove the ambiguity in the method of councils making charges, in lieu of rates, for gas and electricity installations in their districts.

The timing of a "case stated" from a valuation appeal court to the Supreme Court will be clarified.

A person presiding at a council meeting will be given the same opportunity to have his pecuniary interest in a matter declared as a trivial interest, as is already given to other members of the council.

The voting rights of a chairman of a council committee will be clarified as will the voting entitlement of a deputy mayor or deputy president when presiding at meetings.

The eligibility of persons for appointment as referees to consider building disputes will be extended to include engineers.

Provision is made for the annual meeting of electors to be held, with the Minister's approval, prior to the receipt of the audit report.

The provisions relating to the service of notices by councils will be amended to permit a notice to be left at a person's usual or last known place of residence.

Provision is made to permit councils to obtain advances from permanent building societies for the purpose of town planning schemes for the development of residential sites.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. S. J. Dellar.

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [5.21 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains four main proposals involving amendments to the Metropolitan Water Supply, Sewerage, and Drainage Act; possibly the most significant of these being to establish a framework procedure which will enable headworks subdivisional costs of alienated land for water supply services to be spread equitably.

Such action is along the lines of the Premier's announced policy at the last State election to lessen the level of charge on the pioneer developer. However, before expanding on that proposal, I will endeavour to outline each of the main provisions in the Bill in turn.

The first item concerns underground water and, in this regard, there are three matters relating to water reserves and catchment areas which require attention.

In considering the proposed amendment to section 16 of the Act, it is important to understand the difference between water reserves, catchment areas, and public water supply areas.

Water reserves are created when the results of investigations establish that an area has water potential that can be exploited for public water supply purposes in the future.

A catchment area is described as "all land over, through or under which any water flows, runs or percolates directly or indirectly into any reservoir erected or used by the board in connection with any water supply."

A public water supply area is a part of the board area which, after the consent of both Houses, is proclaimed by the Governor to protect an underground source and provide the board with authority to control the extraction therefrom.

Although the parent Act provides the board with the authority to control extraction of underground water from a public water supply area, the board currently has no authority to control such extraction from a water reserve or catchment area. The amendment proposed will provide the board with the same control over the extraction of underground water in catchments and water reserves as it has with surface water.

A further amendment in this area is designed to extend to the board the equivalent power in respect to underground water as is now provided for surface water for prevention of pollution within a water reserve or catchment area.

In addition, the Bill provides an authorisation for the board to make by-laws for the prevention of the pollution of underground waters additionally to that already available to it for surface water.

The final matter dealing with underground water arises from the amendments to the Act of 1972. The board was then authorised to develop underground water supplies and to control extractions in declared public water supply areas in the public interest. Subsequently, legal advice has indicated that there is some doubt as to whether the board itself is authorised by the legislation to extract underground water. An amendment is proposed to make certain that it has this power.

The second proposal is one affecting the provision of minor works. The board is required, as a preliminary to the construction of works, to make its proposal available for public inspection, and to consider any objections received before forwarding its recommendation for the consideration of the Governor. If he approves, the Governor may authorise construction. The present legislation, however provides an exception to this procedure for such reticulation and minor works as the Governor exempts. This exemption presently applies broadly to reticulation pipes of 225 millimetres diameter or less. However, most works are comprised of a mix of pipe size, only some of which are subject to the exemption. The proposed amendment clarifies the procedures to be followed. It remains within the current philosophy and explicitly provides for the board making alterations to exempt works only. This avoids the situation of requiring projects to be initially advertised and then readvertised when a proposed work is varied to accommodate an objection received which applies to an exempt work only.

The third proposal relates to alterations to streets. When a local authority changes the width or level of a street from that existing or previously advised to the board prior to the construction of its works, the board may relocate its works to accommodate such change. Presently the legislation provides for lowering any pipe, sewer, drain, etc., and the raising or lowering of fittings, with the cost of so doing being to the account of the local authority. The amendment proposed extends that liability to the other alterations that may be necessary; for example, relocation because of the widening of a street.

The last and most important proposal is that dealing with levels of contributions required of developers of alienated land for the provision of water supply, sewerage, and drainage services at subdivision.

Up to the last decade it was traditional for water authorities to provide capital works and to fund capital borrowings from revenues derived. The board, in common with other Australian authorities, has, over a number of years, found itself unable to provide the extensions and the improvements to satisfy the demands for its services from within the funding and the revenue available to it. For some years contributions have been forthcoming from developers to assist the funding of water services in developing areas.

Such contributions for water services have been derived from a planning condition for subdivisional approval under the Town Planning and Development Act. These have been applied by the board as a water servicing authority, yet the board has been working under legislation with a differing phliosophy. Inevitably, inequities have developed, particularly in the area of the so-called pioneer developer, and finally to the purchaser of the home building lot.

The proposed amending legislation is designed to match the respective town planning and water servicing legislation comprehensively in respect of planning conditions applied by the Town Planning Board for water servicing and met by the subdivider by arrangement with the board.

The proposed mode of operation is to require a subdivider, who has to meet a planning condition for water services, to enter into an agreement with the board regarding development costs. An appeal is open to the subdivider under the Town Planning and Development Act in respect of planning matters, and in respect of the quantum of contributions required under an agreement with the board, to the Minister.

It is envisaged that the terms of agreements will vary considerably, particularly as it is proposed that they may be made to apply to land outside of the board's area as development extends progressively in the four planning corridors. By providing flexibility in the manner proposed, it can be expected that agreements can be negotiated to reflect equity between the purchaser of a housing lot, the pioneer, and later developers, and the ratepayers of the board generally.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. S. J. Dellar.

House adjourned at 5.28 p.m.

Legislative Assembly

Wednesday, the 6th October, 1976

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

NORTHCLIFFE-PEMBERTON ROAD
Upgrading: Petition

MR H. D. EVANS (Warren—Deputy Leader of the Opposition) [4.31 p.m.]: I present a petition from 639 residents of the Northcliffe-Pemberton area, reading as follows—

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, request that highest priority be given to the upgrading of the Northcliffe-Pemberton Road because of its dangerous condition.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

This petition bears 639 signatures and I certify that it conforms with the Standing Orders of the Legislative Assembly.

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

The petition was tabled (see paper No. 466.)

QUESTIONS (19): ON NOTICE

1. JUSTICES ACT
Appeals System: Review

Mr HARTREY, to the Minister representing the Attorney-General:

(1) Was the Attorney-General correctly reported in *The West Australian* of 30th September, 1976 as having—
   (a) asked the Crown Law Department to make an urgent report on alleged flaws in the appeal procedure prescribed under the Justices Act and regulations;
   (b) stated an intention to ask the Law Reform Commission to review the system of appeals under the Justices Act as a matter of high priority?

(2) If the answer to (1) (a) is affirmative, will he ask the Crown Prosecutor's branch of the department why did it not in the instances complained of by the judges—
   (a) ascertain from the complainant in each case whether the order *nisi* to review had been timeously served on such complainant according to the exigencies thereof; and
   (b) inquire from the Registrar of the Supreme Court whether the appellant had taken any steps to "prosecute his appeal without delay", as required by the terms of his recognisance and the provisions of section 200 of the Justices Act?

(3) If the answer to (1) (b) above is affirmative, will he ask the Law Reform Commission to give special attention to recommending a much simpler method of appealing from the judgments, decrees, orders and sentences of courts of petty sessions, so as to eliminate the tedium and expense involved