

# Legislative Council

Wednesday, the 1st November, 1978

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

## PARLIAMENTARY COMMISSIONER'S REPORT

### Tabling

**THE PRESIDENT** (the Hon. Clive Griffiths): I wish to lay upon the Table of the House the report of the Parliamentary Commissioner for Administrative Investigations for the year ended the 30th June, 1978.

*The report was tabled (see paper No. 386).*

## QUESTIONS

Questions were taken at this stage.

## LEAVE OF ABSENCE

On motion by the Hon. G. E. Masters, leave of absence for 12 consecutive sittings of the House granted to the Hon. R. J. L. Williams (Metropolitan) on the ground of ill health.

## MEMBERS OF PARLIAMENT

### *Standard of Dress in Chamber: Statement by President*

**THE PRESIDENT** (the Hon. Clive Griffiths): Prior to the commencement of the sitting of the House today a question was directed to me asking whether I felt today was one of the days where the convention regarding members' dress could be altered to permit members to remove their coats. As members will be aware, the motion carried by the Legislative Council on Tuesday, the 27th March, 1973, authorises the President to alter that convention from time to time should he feel that the atmospheric conditions in the House warrant such a modification of it.

In answer to that question I should like to advise members that the temperature in the Chamber at the moment is 27°C or 80°F. As it is some time since the change from the previous system of determining how hot it was, I cannot recall whether 80°F was regarded as being hot. However, I know 27°C is hot. Therefore, I am prepared to agree that today the atmospheric conditions are such that members may remove their coats.

I add that this still means, of course, members are required to wear a tie and they must wear shirts with long sleeves.

## COUNTRY AREAS WATER SUPPLY ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 25th October.

**THE HON. R. HETHERINGTON** (East Metropolitan) [4.51 p.m.]: It might be argued that this Bill tends to lock the stable door after the horse has bolted. A friend of mine in Mandurah suggests that the effects of the Government processes of control do not matter very much in relation to areas which are left uncleared.

The Opposition does not intend to oppose the Bill. The Minister in another place said he intends to have the Bill proclaimed as soon as it is passed. Therefore, the Opposition supports the Bill and wishes it a speedy passage through the House in order that it may be proclaimed.

**THE HON. J. C. TOZER** (North) [4.52 p.m.]: I rise to support the Bill also. In his introductory speech the Minister outlined the Bill's four or five parts and it may be worth while outlining those parts now.

The Bill related firstly to extended control over catchment areas mainly in the south-west of this State on the recommendation of the Water Resources Council. Clearly it would be difficult to argue against this provision.

The second part of the Bill discusses the plans, specifications, and other details relating to works which were to be carried out in the country water areas.

The third section interested me most. It relates to the contributions by subdividers to the cost of headworks. When Mr Lewis was speaking the other day on the Estimates he referred to "the good old days". I am not sure that those are his exact words; but he referred to time in the past when subdivided land was sold without services being provided. People could buy land very cheaply. They could move onto the land initially without water or power being provided and even without a road passing the block. I do not know whether that was good or bad. People were able to buy cheap land all right; but there is no doubt that it created a great headache for the local authority. Within a few years, whether or not it wanted to, the local authority was forced to provide roads, footpaths, and drainage to service

allotments which had been built on. It followed automatically, of course, that the Public Works Department had to provide water supplies and the SEC had to provide power.

To illustrate the sort of predicament in which the shire council found itself, I should like to refer to a situation which occurred when I was Shire Clerk of the Shire of Harvey. The top executives from the embryo Laporte company announced to the delight of the president and councillors of the Harvey Shire Council that they intended building their factory out of Australind. The reason for the delight shown by the councillors was that they immediately saw the additional rate revenue they would receive as a direct result of this industry coming to the shire.

I found I had to pull up the councillors with something of a jolt by explaining to them that the development would, in the first instance, involve the shire council in a colossal amount of expenditure. Of course, that is the way in which it turned out.

Old subdivisions were involved. People wanted to build on the land immediately. No sooner had they built on the blocks than they were demanding roads, footpaths, playgrounds, toilets on the foreshore, recreational and social facilities, and so on. The local authority was involved automatically in huge expenditure, because the old unserviced subdivision had suddenly become an attractive place for people to live.

The Harvey Shire Council constituted the Harvey Water Board also; therefore, in the early days it had to supply water to the subdivision. The Shire of Harvey was a very rich local authority. It was able to sustain this heavy expenditure in one little corner of the shire without too much trouble and in the knowledge that, whilst the flow of expenditure for the first 10 years was in one direction only, the day would come when the flow would reverse and the rate income from the new area would eventually make its way into the general revenue of the council and would perhaps help to provide some of the self-same services in other parts of the shire.

With subsequent subdivisions the state of affairs changed. Local authorities became more perceptive and the Town Planning Board also started exerting a greater influence. New subdivisions were not approved unless they were serviced. In the early days the services were fairly basic, but as time went on the services became ever more expensive and covered an ever widening field. Initially roads were provided, then the roads had to have kerbs with footpaths along one side. Eventually the footpaths had to be provided along

both sides of the road. Street lighting, water supplies, drainage, and associated recreational and social facilities had to be provided.

In his second reading speech the Minister said the subdivider would pay for the services. Of course, the subdivider does not pay for them. The person who buys the land pays for them. Under the new system some local authorities imposed a condition that the subdivider had to contribute to parking areas in nearby shopping centres. All these services were loaded as a premium onto the purchase price of the block of land.

In the olden times of which Mr Lewis spoke and to which presumably he wants to return, land with no services was provided at minimum cost. Ultimately we swung back to the situation where all services had to be provided before the land could be released. Of course, this was a considerable saving to the local authority.

In the Bill before us dealing with country water supplies we are deliberately setting out to make it possible for the cost of headworks also to be loaded on the cost of subdividing land; that in time will load the cost on the purchase price of the land, and the purchaser will have to pay that added cost for his allotment. That is the person who buys a block of land on which to build his home.

In the first instance savings to local authorities were effected. Now we are stepping forward and we are introducing a Bill which will formalise an arrangement that will save the Government money. In this respect I wonder where we are heading. We can look at the extremes of the cases where the State will be freed of all costs relating to the provision of essential services.

We will have the new subdivision out at Wanneroo in the province represented by Mr Pike bearing the cost of Wungong Dam, and every allotment will bear part of the cost of that dam. That would be carrying the situation too far.

I believe the State should accept responsibility for the development of the nation, the city, and the country towns; and that means providing the essential major headworks.

I should not have introduced the subdivision at Wanneroo. I apologise for that, because clearly in this instance we are talking about country water supplies. The same thing relates to any urban area, irrespective of whether it is in the metropolitan area or in the outlying regions.

I support this Bill, because I believe there is no option but to provide country water supplies with the right to offload some of their costs on the subdivisions; the subdividers have to bear it in the

first instance, but the purchasers of the blocks have to bear in the ultimate.

We should strike a balance or a middle point—preferably as low a middle point as we can manage—where the State will provide most of the capital funds in respect of headworks, and where the cost of some essential and what I might describe as local headworks are charged to the subdividers.

I would like to refer to this situation as it applies to my province. Development takes place more slowly in the southern areas than in some centres in my province; I am thinking particularly of places like South Hedland and Karratha. Today these places have a population of between 7 000 and 8 000, whereas in 1970 they did not exist. They were merely spinifex plains.

When we look at the General Loan Fund Estimates we see there is a vote of \$7 million on the De Grey water supply this year, in a \$22 million project. Over the last several years we probably had a like sum, in excess of \$20 million, spent on the Millstream water supply in West Pilbara which provides water to Dampier, Karratha, Wickham and Point Samson. These are large undertakings. I doubt seriously that we could have achieved them at the time we did, without the major contributions by the mining companies to which the Minister referred—Hamersley Iron, Cliffs in the case of Millstream, and Newman Mining in relation to the De Grey project.

Today in the mail I received two notifications from the Department of Lands and Surveys. The first relates to the Roebourne townsite, and it indicates that on the 30th November a public auction of residential allotments will be conducted. I am sure that you, Sir, and other members will be interested to learn the upset prices on some of these allotments. The upset price on a lot in Lockyer Way, of 1 173 square metres, is \$11 775. The prices range down the scale to a block that is 764 square metres, which is the minimum and is slightly less than one-fifth of an acre; the upset price on this block is \$8 165.

I turn to the next notice which deals with blocks to be auctioned at Karratha. These are being auctioned also on the 30th November. The upset price for a block of 690 square metres is \$10 300. For what is described as a large single residential allotment of 921 square metres, the upset price is \$13 240. These figures are similar to the figures applying to South Hedland and Wickham which are also expanding rapidly, and where services have to be provided.

When I talk of an upset price of \$13 000 for a residential allotment I am not referring to one with a wonderful view in Darling Range; I am not talking about a favoured site overlooking the river or close to the ocean. I am talking about land in harsh spinifex country. This was Crown land before the subdivisions were made; it was land resumed from pastoral leases. These blocks have absolutely nothing to recommend them physically; and yet people are asked to pay \$13 000 for a block.

Looking at the General Loan Fund Estimates I find the following items under "Country Areas and Town Water Supplies"—

Broome	\$78 000
Derby	\$306 000
Halls Creek	\$125 000

This relates to town reticulation. In respect of Karratha we find that the amount set aside for reticulation is \$163 000 this year; the amount last year was \$222 204. In tiny Point Samson the amount this year is \$136 000. We cannot find South Hedland in that list, because it does not come under the country water supplies heading; it comes under a different heading in the General Loan Fund Estimates.

At the bottom of the page where that paragraph appears we find the following notation—

Less: Financed from—  
State Development Fund  
Land Sales  
Internal Funds and Balances

They total \$8 million approximately.

These items in the capital works programme spent on town water reticulation by the Government are being recouped in this instance from the people who erect houses on that land.

It might be the major mining companies, the State Housing Commission, the Government Employees' Housing Authority, or private builders constructing the homes, but this capital expenditure is largely recouped.

It is a worry that a residential allotment costing \$13 200 in open spinifex plain, miles away from anywhere, should have to carry not only the cost of the engineering services and the reticulation services to the houses, but also a component of the headworks costs. I hope the Government is able to maintain a balance, and remove the costs of the major headworks from the burden which the buyers of land have to bear.

I can refer to the State Housing Commission and the funds provided to it, but only in general

terms. In the section of the General Loan Fund Estimates under the heading of "Housing Authorities" the amount shown for land acquisition by the State Housing Commission is \$3 million, and for land development \$12 455 000, making a total of almost \$15.5 million. At the bottom of the section we find the rather euphemistic item—

*Less: Financed from—*

*Internal Funds and Balances*

*\$13 174 000*

This is by way of contribution from somebody, and clearly that somebody is the purchaser and the user of the land.

Of the upset price of \$13 200 for a residential allotment at Karratha, it is my understanding that the cost of the land is only \$200; this is an administration charge placed on it by the Lands Department and is designed purely to cover the cost of processing, survey, drawing up of title, and transfer. In other words, the whole of that \$13 200, except for the \$200 I have mentioned, relates to engineering services.

The land is subdivided and sold on a non-profit basis. Naturally the land at Karratha, Roebourne, Wickham, Port Hedland, etc. is not being developed to make a profit. The selling price only recoups the cost of providing the services. I therefore hope that the proportion of the costs attributable to capital works included is not too great.

I do not argue that we have to have this Bill. In point of fact, members will glean from what I have been saying that the practice is well established; whether it is legal or whether it is because of the situation where some land developers want to carry out development by stages, I am not too sure.

Regarding these subdivisions and the costs involved, I will repeat what I have said to the Minister on a previous occasion: Let the State accept what is the State's proper function of providing the main headworks associated with all land subdivisions, as otherwise we will make it too expensive for the ordinary person to purchase a block of land on which to build a home.

The last section of the Bill relates to the ability of the Country Water Supply Branch to take over or to acquire existing water boards. I know that the Harvey, Bunbury, and Busselton Shire Councils are constituted as water boards. I do not know which other local authorities operate their own water supplies; but certainly the three I have mentioned do this.

When I was in Harvey I felt it was an excellent idea. The project was under local management; in other words, we could handle and sell the water as we wished. Naturally we did not allow it to become a burden on the ratepayers financed from its municipal revenue; it paid its way. By good economic management we provided water in that place at a minimum cost—far less than the Public Works Department would have been able to provide water at that time.

In addition, the operations of the Harvey Water Board had some very good aspects; for example, in a move to encourage street beautification, it used to give a rebate of £10 to a person who developed a lawn on the road verge, planted trees, and looked after them. We feel we were getting good value, because we could not have attained that standard without providing the incentive.

However, I know the problems now associated with these water supplies. Bunbury and Busselton are expanding quickly and are called on to provide ever more major capital works for bore fields, service tanks, and reticulation systems. Harvey is rather lucky in that its town water supply is drawn directly from Harvey Weir and, above that, Stirling Dam. Some water from the Wellington Dam goes to Bunbury but principally Bunbury's water supply comes out of the ground, and that is expensive in any man's language.

I believe the time may come—just as the time came when it was too big a burden for the local authorities in the north, say, to handle the electricity undertakings for the exploding populations there and it was necessary to appeal to the SEC to come in—when the Country Water Supply finds itself in the position where it needs to take over water supplies from the local authorities which still provide them. While I do not welcome it, I think it is necessary to provide the ability to do just that, as this Bill does.

I have pleasure in supporting the Bill.

**THE HON. W. M. PIESSE** (Lower Central)  
[5.16 p.m.]: I, too, support the Bill, and to some extent I am in accord with the remarks made by the Hon. John Tozer in relation to the cost of headworks.

The portion of the Bill on which I particularly wish to comment is the second schedule outlining the areas of land which may be affected by a further moratorium on clearing because of the danger of an increase in the salinity of water from those areas. Only the other day a petition was presented by the Hon. Norman Moore from citizens complaining about the amount of salt in the water they were using. It was stated in the

petition that the problem was causing the wearing out or corrosion of domestic appliances. This situation already exists in a large part of the Lower Central Province, caused by water from the Wellington catchment area. It is, in fact, carrying a very high degree of salinity, if the corrosion of domestic appliances is any guide. It is well known that washing machines, electric kettles, and various other appliances do not have a very long life.

The Hon. A. A. Lewis: Like the washing machine at the Dumbleyung Police Station.

The Hon. W. M. PIESSE: Salinity has nothing to do with the jumping about of the washing machine. It shortens the life of the washing machine.

I think the Government is doing the right thing in proposing the way for extending the area of the moratorium if the situation becomes urgent.

People who own land become very anxious about what will be the value of their land if they are no longer permitted to clear it. We have some hope of relief in these areas with the knowledge that has recently been acquired from the experiments carried out by various departments and people in relation to containing or reducing the salinity. The CSIRO is working on this project, and the WISALTS Committee is carrying out extensive experiments in this very matter, with some success.

Being an eternal optimist, I hope a way will be found to make it safe to clear this land eventually and that some of the moratoriums already existing will be lifted if these experiments are successful. Nevertheless, we must be very much aware that the areas mentioned in the second schedule—namely, the Warren area, the Wellington catchment area, the Kent River water reserve, and even the Mundaring Weir—are catchment areas likely to have to supply water to places which will have fairly steep population increases within the next 10 years. Simply putting a moratorium on clearing may not be the answer. I still feel, as I have said previously in this place, we really ought to be looking to caging up more of the water which falls on this land.

On the matter of the anxiety of the residents or owners of the land that may at some later time have a moratorium imposed upon it, I would say that their anxiety could be allayed by the fact that a moratorium will not be imposed frivolously. We already have the situation in the Collie area where the Government is purchasing back farms or land when people are no longer allowed to clear it. It is an expensive exercise, but nevertheless a very just one. If a moratorium is imposed and

farmers find their farms are not viable because they are no longer allowed to clear or use the land included in these areas, I believe some kind of compensation must be given, and the preferable one is the firm offer to purchase back the land so that the farmer concerned may have a sum of money with which to purchase land elsewhere and continue his activities.

I support the Bill, but I wanted to comment on it because a large portion of this land is in the Lower Central Province.

**THE HON. NEIL McNEILL** (Lower West) [5.22 p.m.]: When he introduced this Bill and several others along similar lines, the Minister made the comment that there were to be significant amendments to the Act. I think we ought to realise the significance of those particular words.

I indicate at the outset that I intend to support the Bill. I will not canvass each of the amendments contained in it, other than to make a passing reference to some of them, and firstly that to which the Hon. Win. Piesse has just referred; namely, the authority for the creation of reserves and the placing of a moratorium on clearing in water supply areas.

I cannot help making the observation that an amendment such as that contained in this Bill does not seem to have attracted a great deal of attention, whereas other legislation we have had before this House in recent months which in effect provided for something similar—in other words, it affected the clearing of land, the availability of water supply catchment areas, and the salinity of water—attracted a tremendous amount of attention, not only in this House but also State-wide.

We have in this Bill the proposal that some care will now be exercised in relation to further clearing on water reserves or catchment areas which either exist now or may be required in the future. It also provides that the plans, when introduced, will be treated as regulations and therefore be subject to examination or disallowance in this House and in another place. I state that simply for the purpose of emphasis and remind members of the significance of what is happening compared with other matters.

A further matter to which I want to refer is the amendment relating to the contributions for the provision of water supplies under the Country Water Supply Branch. The Hon. John Tozer has given a very interesting recapitulation of the historical background to this particular move. I must say I approach this amendment with somewhat mixed feelings. I am sure Mr Tozer

will not mind—and I hope you, Mr Deputy President, will not mind—if I very briefly recap along similar lines for the purpose of making my point.

I cannot help reflecting on what I might call “those good old days” when money was cheap. I do not mean money was cheap because it was not worth much; quite the reverse. We might say money is not worth much now, but it is not cheap; it is dear money. In the days to which I am referring money was considered to be cheap, and it was relatively easy and of little significance for local authorities, governmental authorities, or the Government itself to raise money by loan.

The Hon. G. W. Berry interjected.

The Hon. NEIL McNEILL: It seems there must have been proportionately or relatively more money available then than there is now, because certainly not the same premium was put on repayment and interest; nor was it necessary in those days to amend this and other Acts as we are doing at the moment. In other words, money was available and it was not a great burden on the taxpaying public to bear the necessary loans to provide these water and other services.

I am also somewhat fascinated—to quote an expression often used by the Hon. Sandy Lewis—to read these words in the Minister's second reading speech—

However, recently the department was approached for assistance with the provision of water to a proposed subdivision involving staged development over a number of years. This project, if it proceeds, could require the department to outlay a considerable sum in headworks which it has been proposed would be a charge against land and recouped as individual lots are sold.

In another Bill we will debate, the wording is even more specific. In other words, the department will be authorised to negotiate; it will be enabled to enter into some arrangements.

In the period of history to which I am referring, when anybody who wanted water provided asked for it, it almost became an injunction or instruction to the department to supply that water. The wording used in this instance means the department will have the authority to negotiate—but what this really boils down to is not that the department will have the authority only to negotiate but that it will impose conditions before water is supplied.

Be that as it may, it is one of the consequences of, first of all, the increasing demand for money. The ever-increasing cost of that money has placed the supplying authority in such a position that it

could not ask the general taxpayer to bear that great cost. So the opportunity was provided for cash negotiations to take place whereby companies would provide a proportion of the infrastructure cost.

Now we are to go one step further, where the subdivider will be able to make arrangements with the supplying authority in regard to the sum being made available and then recouped as the individual lots are sold.

I make particular reference to this point, because I believe the area most concerned with this provision is in my province; it is one of the most rapidly developing centres in the State. I refer to the Murray region and particularly to Mandurah, where a great deal of subdivision is taking place and where subdividing costs are very great.

I am also aware that in recent years there has been a stalemate in land subdivisions and in the housing field. This has been due, firstly, to the fact that land has not been available and, secondly, to the conditions laid down on most subdivisions relating to the provision of certain facilities such as water, sewerage, and the like.

Clearly, if the cost of providing water is too great or is of such a burden that the department cannot bear it unless it negotiates with the subdivider, it is equally true that cost will be a great burden on the subdivider if he attempts to carry it himself. In the ultimate, of course, as Mr Tozer pointed out, this cost will be borne by the people buying the individual lots.

That is the big difference between the situation which applies today and that which applied during the period of time to which I referred earlier. In those days, such additional costs essentially were borne by the taxpayers at large; today they must be borne by the individual. It is on this point I express some misgivings because, quite frankly, I have never been quite sure whether this is a desirable trend.

Certainly, in the future, the costs to the individual purchasers are going to be very much greater; in fact, it almost seems as though there is a lessening of the absolute obligation of the supplying authority to provide these services. That is the first point I wish to make.

The second point relates to another question asked by Mr Tozer; namely, how far back along this supplying line shall this contribution be expected? In other words, to what extent shall this contribution apply?

I hope this provision will not extend to the Rights in Water and Irrigation Act Amendment Bill which currently is before this House. At the

moment, the costs of those headworks are borne by the taxpayers as a whole; they are not borne by the individual to whom the water is supplied. The individual consumer bears the cost of supplying the water but does not pay a proportion of the cost of the headworks.

In this Bill and in others which are to follow there will be the opportunity for the department to demand that the capital cost of supplying the headworks be borne, firstly, by the subdivider and ultimately by the individual purchasers.

I impress upon Ministers the need for a limit to be placed on how far back this charge may be made—in other words, it should not go right back to the building of the water supply dam and the ancillary works involved with that project. Quite clearly, a line must be drawn as to what should be the individual purchaser's responsibility and what proportion of that cost should be borne by the general taxpayer.

Let me refer particularly to the situation at Mandurah. It is true, of course, that individuals will benefit by purchasing a block and building a house in that area. Nevertheless, by being one of thousands of individuals who undertakes development within this area, he also serves the tremendous purpose of advancing the prospects of the district, prospects which are shared by every ratepayer of the district.

Collectively, that type of development and those contributions by the various individual purchasers have a very real and direct benefit—because of the multiplier factor—not only upon the Mandurah region but also upon a large proportion of the population of Western Australia and perhaps even the entire population.

The very essence of my argument is contained in a question on notice directed by the Leader of the Opposition to the Leader of the House today. The Leader of the Opposition wanted to know whether a bypass road was to be constructed through or around Mandurah. That is a clear illustration of the sort of development taking place in the area, and with that development comes increased trade and tourist traffic and, consequently, a greatly increased demand for the provision of certain other services and facilities.

All these points are related. Therefore, one needs to exercise care to ensure that, in demanding that individual purchasers meet the total costs of development, one does not invade the area which more traditionally and correctly is the responsibility of the taxpayers as a whole.

Debate adjourned until a later stage of the sitting, on motion by the Hon. G. C. MacKinnon (Leader of the House).

(Continued on page 4393)

## **TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL (No. 2)**

### *Assembly's Message*

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

## **GOVERNMENT RAILWAYS ACT AMENDMENT BILL**

### *In Committee*

The Deputy Chairman of Committees (the Hon. D. W. Cooley) in the Chair; the Hon. V. J. Ferry in charge of the Bill.

Clause 1: Short title and citation—

The Hon. V. J. FERRY: I take this opportunity to reply to some queries raised by the Hon. H. W. Gayfer during the second reading debate last night. He made particular reference to the servicing of any loans taken out by the railways. The figure mentioned in the Bill is \$14.5 million for the upgrading of the Kwinana-Koolyanobbing section of the railway. Mr Gayfer was concerned that in servicing a loan of that magnitude—bearing in mind that any borrowings very likely would be at a higher rate of interest than that imposed on current and previous borrowings by Westrail—a direct charge would be made by way of increased freight rates on commodities railed over that section of line.

I am advised that the cost of servicing a loan for this section of the railway will become a charge on the railways Consolidated Revenue Fund vote. Therefore, it will not be considered in isolation. In so doing, the interest on such a loan will become part of the total Westrail costs; there will be no question of apportioning it between different commodities or, particularly, users of the Kwinana-Koolyanobbing section of line. It will be spread over Westrail's entire activities throughout the State.

Mr Gayfer suggested in this context that the Government might care to cover this cost. I believe I have answered that point. The Government is looking for a different source of funds in these instances. The impact on users of rail services will not vary significantly from the situation where funds are borrowed through the

Loan Council. Therefore, there is to be no change in the concept.

Mr Gayfer raised the matter of special agreements between Westrail and the Government and other users. In such circumstances, the freight rates on commodities covered by these special agreements are varied from time to time in line with agreed escalation formulae, and would not be affected by any variation in interest rates.

The State's involvement is quite clear: The Government is standing behind Westrail in the financing of its operations in the traditional manner and under this new proposal. In any case, the interest rates on public loan raisings by Westrail are unlikely to vary significantly from those charged on moneys advanced from Commonwealth loan raisings.

Although Westrail incorporates interest at average rates in its accounts, higher rates of interest on later borrowings are reflected in the average charge on all borrowings.

The Hon. H. W. GAYFER: I am relieved to hear there is to be no significant increase in the cost to the users of this line. Mr Ferry pointed out the cost will be spread over the entire railway system of Western Australia. On the one hand, he gives me some comfort in the fact that whatever increase comes about will be insignificant, and on the other hand he gives rise to concern on my part that in fact there will be an increase.

For the life of me, I cannot see how we can inject large sums of money into the rail system of this State without increasing costs to consumers. I consider \$14.5 million to be a large sum of money; in addition, the Minister made it clear in his second reading speech that more money is likely to be attracted into this type of borrowing.

The Hon. F. E. McKenzie: The total cost to restore that line is \$70 million. This is only the start of it.

The Hon. H. W. GAYFER: I agree. Mr Ferry pointed out the cost of servicing this loan will become a charge on the railways Consolidated Revenue Fund vote rather than directly on the users of that line. So, we have a grandfather provision which will accept the cost rather than have it offloaded against users.

I find it a very unusual business arrangement. I would have thought the proposition would have a direct influence on the cost and the usage of the railways. Seeing that it will not make any great difference in respect of rail freight costs, I take it we can expect in future only minimal increases with the passing of this Bill.

I take to task the member handling this Bill for not making available more of this information in his second reading speech. I do not think any businesslike organisation should put forward a scheme to borrow \$14.5 million without explaining how it would be repaid and what would be done to attract better transport in order to attract more money to and usage of the railway line.

The matter of the repayment factors has been mentioned and the member handling the Bill has cleared up the queries I raised. Therefore, I accept and will remember what Mr Ferry has said on behalf of Westrail.

The Hon. V. J. FERRY: I want to emphasise that the borrowing to serve this particular line will obviously be at a higher rate than some of the previous borrowings. The significant feature of the interest rating is that the present-day market for borrowing dictates that the borrowing to service this loan will be only marginally different from what would normally be available through Commonwealth loan sources. Although it is a new method of obtaining funds for such capital works, the interest rate is only marginally different from what we could normally expect under the customary procedures.

There will be some increases in interest rates and in the long term some consideration will have to be given to freight rates. However, as I have pointed out, they will be only minimal increases.

Clause put and passed.

Clauses 2 to 5 put and passed.

Title put and passed.

#### *Report*

Bill reported, without amendment, and the report adopted.

#### *Third Reading*

Bill read a third time, on motion by the Hon. V. J. Ferry, and passed.

### **COLLEGES BILL**

#### *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) [5.53 p.m.]: I move—

That the Bill be now read a second time.



As foreshadowed when introducing the Teacher Education Act Amendment Bill in this chamber on the 5th October, 1978, this is a Bill to repeal the Teacher Education Act, 1972-1978, and to provide for the continuing development of post-secondary education.

In June this year, the Government announced that the teachers' colleges, presently constituted under the Teacher Education Act of 1972, would become self-governing institutions and the Western Australian Teacher Education Authority would be disbanded. Subsequently, the Government also indicated that self-governing post-secondary education colleges would be established in the Pilbara, and the legislation now presented provides the framework for these developments.

The Bill will also enable the Government to create other similar colleges when such action is required, or to amalgamate or close colleges where considered necessary. The closure of the Graylands Teachers' College, previously announced, will be carried out using powers under the proposed legislation.

This Bill empowers the Minister for Education to establish and maintain such colleges as are necessary for post-secondary education. These colleges may be created as entirely new institutions, or may be based on an existing institution. In addition, the Minister will be able to close a college.

Colleges established under this Act will be corporate bodies and, subject to ministerial approval, will be able to provide such courses in advanced education and/or technical and further education as may be required and approved from time to time. By arrangement with other institutions, they may also provide additional courses.

The governing council of a college will comprise a maximum of 15 members, seven of these being appointed by the Governor and being representative of education, the professions, industrial, commercial or other community interests; one who is the person for the time being appointed by the chief executive officer of the college; two persons who are members of the full-time academic staff of each college, and who are elected by members of that staff in such a manner as is prescribed by statute; one person who is a member of the full-time salaried staff; one member elected by students to represent the student body; and two other members appointed from time to time by the Minister on the recommendation of other members of the council.

The Governor will appoint the first chairman of a council for a period not exceeding three years, and will also appoint the chairman of any interim council establishment to enable the development of any new college. The chairman must come from those who are not members of the staff of a college.

The council's functions and duties will be similar to those of other tertiary and higher education institutions, and will be able to make statutes and by-laws to regulate the affairs of the colleges. Each college council will employ its own staff and, subject to the Act and any relevant award and agreement in force under the Industrial Arbitration Act, 1912, the terms and conditions of employment of staff of the college shall be such terms and conditions as the Minister, on the recommendation of the council, approves. This provision will ensure that there is uniformity in conditions of employment between the colleges, as the Government, in company with the Academic Staff Association and the colleges, seeks to ensure that competition between the colleges for the recruitment of staff based on the offering of more generous allowances or conditions of salary, shall not be allowed to occur.

In extraordinary circumstances, and on the advice of the Western Australian Post-Secondary Education Commission, the Minister may transfer staff from one college to another.

Provisions for superannuation are similar to those provided in the present Teacher Education Act, with the modification to provide that the Minister may establish and administer a scheme to continue the present Western Australian Teacher Education Authority superannuation scheme to which many teachers' college staff belong. A board of trustees, which includes staff members who are members of the scheme, will be established to administer the operations of the superannuation scheme.

Financial provisions are similar to those previously provided in the Teacher Education Act.

The Bill proposes that each college may have its own academic and its own salaried staff associations. Membership of student associations will not be compulsory, and provisions relating to student funds are as presently exist.

Transitional provisions re-establish the present teachers' colleges under this Act and provide for transfer of staff, preservation of rights of staff, and general continuity of operation of the teachers' colleges. These provisions also provide for the existing colleges to be identified by name within the Statutes, and also provide that, from

the date of proclamation, the Western Australian Secondary Teachers' College will become known as Nedlands college.

The Bill is a landmark in post-secondary education legislation within Australia, and will provide the vehicle by which all aspects of post-secondary education, including technical and further education, may be developed and extended to the regional areas of Western Australia.

As indicated, the Bill provides for the disbanding of the Western Australian Teacher Education Authority. No doubt members of the House will join with me in recording thanks and appreciation for the work of the chairman (Mr H. W. Dettman), the chief executive officer (Mr Durston), and the members and staff of the authority. Since its inception, the authority has played a significant role in the development of the various constituent colleges, and has extended to each college an increasing degree of autonomy which has prepared college administrations for the next stage of their development which is achieved within the legislation now being presented.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. Hetherington.

## PRISONS ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 26th October.

**THE HON. LYLA ELLIOTT** (North-East Metropolitan) [5.57 p.m.]: The Opposition supports the Bill with some reservations. As the Minister has said, it contains procedural and machinery changes to the Act. We can certainly applaud some of the changes, especially those to sections 34 and 36 of the present Act which will remove the archaic and inhuman punishments such as bread and water diets, confinement in irons, and corporal punishment. It seems outrageous that such things are still in the Act in 1978 and only now in the process of being changed.

The Opposition supports the principle of redefining certain of the aggravated offences to minor offences. There has been a change in attitude towards certain aggravated offences and some of them having been redefined minor offences will now entail lighter punishment.

However, I am concerned at the way in which each type of offence is treated and the

punishment meted out. If a person is charged and convicted for an aggravated offence he is entitled to appeal to the Supreme Court. However, if he is charged and convicted for a minor offence he appears before a Justice of the Peace who summarily dispenses the punishment. According to my reading of the legislation and second reading speech, a prisoner in this circumstance would have no right of appeal or representation.

The Minister has referred to the High Court decision, concerning the two different kinds of offences, which established the right of appeal for one and not the other. The High Court was bringing down a decision based on Statute law; and, of course, Statute law can be amended by the Government of the day at any time.

I would ask Miss McAleer to inform me whether consideration has been given to this basic human right of representation and appeal where punishment—particularly punishment which could prove prejudicial to a prisoner's future inside and outside the prison—is involved.

*Sitting suspended from 6.01 to 7.30 p.m.*

**The Hon. LYLA ELLIOTT:** Before the tea suspension I was dealing with the finding of the High Court which ruled on the appeal rights of prisoners convicted of an aggravated offence as against a minor offence and I pointed out that the ruling was based on Statute law which can be amended by the Government when it so desires.

According to the Minister's second reading speech the Prisons Act is presently the subject of a detailed review by a committee, so perhaps the Government could ask that committee to consider the questions I have raised. No doubt more legislation will be introduced next year to correct further anomalies in the Act.

I would ask Miss McAleer to define a punishment cell which is referred to in clause 5 which amends section 34. I am not quite sure what constitutes a punishment cell and I would like to know a little bit more about the subject.

The Opposition does not find the other provisions in the Bill unreasonable and so, with those few words, we support the legislation.

**THE HON. M. McALEER** (Upper West) [7.32 p.m.]: I thank the Opposition for its support of the Bill and Miss Elliott for her contribution and the queries she has raised. The support the Opposition has expressed contained some reservations and I hope that with some clarification it will be possible to remove them.

First of all it is important to remember the chief purpose of the Bill which is to balance a prisoner's right of appeal against a prompt

determination of breaches of prison discipline. Until the decision of the High Court in the Stratton case, to which Miss Elliott referred, the punishment for offences against prison discipline was regarded as an administrative matter and was so treated within the system. The High Court decided that aggravated prison offences should be subject to a judicial process and, as Miss Elliott said, it was pointed out that this finding was based on a statutory interpretation of the Justices Act which refers to the words "in a summary manner" which, in turn, is reflected in the Prisons Act in the words in a summary way. The High Court said this means "to be determined by a Court of Petty Sessions".

The High Court indicated that perhaps the Legislature had intended that all matters concerning prison discipline were to be dealt with administratively, but the court could find only in accordance with the words as they were written and it did so. As Miss Elliott indicated, it is probably open to the Government to change the legislation in such a way that all offences would be removed from the judicial process. However, in fact the Government has not done this. It has simply redefined the aggravated offences which are subject to judicial review and, in doing so, it has taken the opportunity to discriminate against those which were of a lesser degree, but which were incurring heavy penalties. In addition, as the Act is an old one the Government is removing offences which are no longer considered to be offences in our present day and age.

Miss Elliott has said that while it is a good thing for prisoners who are being tried for aggravated offences to be subject to judicial process, those who are tried for minor offences are being dealt with in an administrative way and have no right of representation or right of appeal; and she expresses this as a basic human right. I believe the question is one of discipline. In a prison situation there must be discipline and breaches of it must be promptly dealt with, otherwise the situation would soon get out of hand. There is certainly a great responsibility on a Government dealing with institutions of this sort to preserve not only the safety of the prisoners themselves, but also the safety of those who look after them; that is, the men and women who comprise the staff.

All the offences now defined as minor offences incur small penalties, and the Government has been at pains to add to the list in such a way that the penalties have been ameliorated. For instance, under the legislation it will be possible for a caution to be issued.

It is true that it may be thought that the prisoners are still at the mercy of those dealing with them in an administrative manner, but it must be remembered this is not being dealt with simply within the prison itself by the superintendent or the officers. The process is administered by the visitors who are Justices of the Peace. A single justice may deal with the facts laid before him; but, in fact, generally two justices or a magistrate deal with the offenders. In this way an outsider is involved and there is less likelihood of any bias being shown towards any prisoner.

Miss Elliott referred to punishment cells. A punishment cell is one which is separate from other cells and in no way differs from them. Section 25 defines such a cell as follows—

(2) Every cell used for the separate confinement of prisoners shall be of such a size and so ventilated and lighted that a prisoner may be confined therein without injury to health, and every prisoner so confined shall have the means of taking air and exercise at such times as the medical officer thinks necessary.

In some country situations such cells might not exist, in which case the visitors would be precluded from inflicting that particular penalty which is available in ordinary circumstances.

I hope I have laid to rest some of the fears of the Opposition. I would like to stress again that a committee of review is at present engaged in studying the Act and it is the Government's intention to make further important amendments. These are only small amendments and it would be inappropriate to ask for too much on this particular occasion.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by Miss McAleer, and passed.

## COUNTRY AREAS WATER SUPPLY ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from an earlier stage of the sitting.

**THE HON. G. C. MacKINNON** (South-West—Leader of the House) [7.45 p.m.]: I thank members for their comments on the Bill and their support of it. On behalf of the Opposition, Mr Hetherington indicated that he had no objection to it; indeed, neither did anyone else.

I feel I ought to comment on one or two matters. In regard to the headworks charges, as I understand it, the department is not under an absolute legal obligation to supply water whenever a request for it is made. Obviously this is a matter of economics allied to engineering and any physical difficulties that might be apparent.

Where it has been possible to supply water, water has been supplied. However, where the supply of water incorporates a charge which is considered to be "unreasonable" in terms of a charge to be borne by the taxpayers of the State as a whole, and where that same cost, translated into terms of the supply of water to an area, has been considered to be sufficiently advantageous to a group undertaking a development, then the Country Water Supply, or indeed, whoever is in charge of the water supply for the local area, has the right to negotiate an agreement, as does any other business organisation. Such an agreement does not necessarily have to be written into legislation; it is an inherent right.

This is what happened in Mr Tozer's area. A number of mining companies entered into such agreements as part and parcel of the total agreement or a subsidiary agreement to the main agreement. Certainly it is open to a developer to seek such an agreement.

A few weeks ago I was approached by a gentleman who had undertaken a subdivision in a country town which is expanding at the present time. He wanted water supplied to approximately eight or nine blocks because the blocks were selling and the buyers wanted to build on them. He approached the Country Water Supply and he was given a price for the supply of the water. This gentleman negotiated an agreement, he paid the price, and the Country Water Supply undertook the engineering work. That is a straight-out ordinary agreement, and it has been the practice for a long time. There is no need to ratify such an agreement.

Mr Neil McNeill touched on this matter, and quite correctly he referred to a difficulty that had

arisen in the Lower West Province. Everyone is aware that the town of Mandurah is growing very rapidly indeed, and a development in this area looks like taking a number of years before it is completed. The subdividers are anxious that water supplies should be made available to the blocks, but they do not wish to do the work themselves. The project will require the construction of extra bores, and a great deal of other work. The subdividers are anxious for the Public Works Department to do the work, but they want it done progressively.

In this case we are not speaking of a project of supplying water to half a dozen blocks which could probably be accomplished in as many days, but rather we are talking of a programme that could well run over 20 years. Naturally enough the syndicate is not anxious to enter into a firm agreement with the Country Water Supply that the project will cost \$X, and then pay that amount at the present time. In any case, it would be extremely difficult to assess the total cost, because in many cases the water supply will not be wanted for some years.

As the scheme progresses, the syndicate wishes to add the cost of supplying water to the price of the blocks. So a perfectly amicable agreement has been worked out between the syndicate and the Public Works Department. Of course the department is not anxious to undertake the work more quickly than is necessary, and the syndicate is anxious that it should be accomplished progressively. However, such an arrangement is difficult to express in an agreement and, indeed, it would be difficult to do it other than by an amendment to the Act.

So the legislation before us is not to ratify anything that has been done, but it is to make it possible to enter into a new phase of the type of development we are talking about.

The matter of the charges being "reasonable" has been raised. In a situation such as I have referred to, the total cost would probably be prohibitive. I believe one or two of the speakers were a little confused about the differing roles of the Metropolitan Water Board and the Country Water Supply. Mr Tozer mentioned a development in Wanneroo, but then he said, "I should not really be talking about that now."

The pay-for-use scheme in the metropolitan area is designed to encompass some of the capital works costs involved, and to a major extent the scheme is expected to look after itself; if members read the legislation they will see that. However, the situation in relation to the Country Water Supply is quite different. This body runs at a

considerable loss. Members may or may not be aware that when Sir David Brand became Premier of this State a move was made to ensure that water supplies were extended to the majority of country towns. The first town to be supplied under this scheme happened to be Augusta. This is not so long ago incidentally—about 1959 or 1960—but it is interesting to realise that at that stage no engineering firm in the State had the experience to undertake a reticulation job of that size, small and all as the Augusta reticulation system was.

At that time there were no consulting engineers in the State who were experienced in that sort of work, and encouragement had to be given for the setting up of such organisations. That was the commencement of a type of private enterprise move into this field in Western Australia, and members will be well aware that quite a few communities are now establishing water supply schemes. The Rocky Gully scheme will be opened sometime in November.

Another matter raised by members was that of the salt content in the water, and the corrosion of the pipes. Corrosion is an extremely interesting subject, and when discussing the supply of pipes the other day I was surprised to find out that asbestos fibrous cement pipes are not favoured in Melbourne, because they corrode very quickly with the water there.

The Melbourne water is almost pure, and really contains no salt at all I am told. What happens is that the water takes the salts out of the cement and in no time at all the cement is rendered useless. On the other hand apparently in this State fibrous cement pipes are eminently satisfactory, because the water already has a salt content. Our water then does not take any of the salts out of the pipes. Just to illustrate this a little further, if one wishes to wash dirty salt, one uses a saturated solution of brine so that the salt does not take up any other salt. So corrosion is not always the result of water being salty, but rather it is caused by the relationship between the water and the pipes.

It may be of interest to members to know, although it did not appear in the Press, the Prime Minister made a statement yesterday in the Eastern States and I released a statement in conjunction with his. Yesterday I met Senator J. J. Webster (the Federal Minister for Science) at Mirrabooka, and we looked at the Sirofloc process for taking the colour and dirt out of water. This process was developed by CSIRO in conjunction with Amtil, a mining company, and some other companies. It is considered to be quite a breakthrough, and the Commonwealth

Government is building a full-scale plant at that treatment works in order to process what is considered to be very difficult groundwater. This project will be funded from the Commonwealth Government's industrial promotion fund.

At the present time the pilot plant is processing extremely turbid water to a crystal clear state without the necessity of filtration. It appears that this endeavour will be successful, and it will certainly save money if it obviates the whole process of filtration.

I am aware that this salt content in our water is of interest to Mrs Piesse and to many other people. CSIRO has developed another programme known as the Sirotherm process. This is an exchange system for reducing the brackish element in the water using resin beads. It looks as though we will be able to establish the same sort of relationship with the CSIRO as that enjoyed by the Federal Government, and we may be able to use this process to deal with some of the moderately brackish water in this State so that its salt content can be reduced to well below the acceptable level. This water can then be added to other water to achieve an overall good standard. The process has its limitations in that it will not be a suitable process for salt water, but apparently it is an excellent process for brackish water; and members would be aware that some of our stream water and some of our underground water is almost good enough. So, that is very encouraging.

Indeed, as so often happens when one becomes involved in a new situation, one is surprised at the extent of knowledge in that field. When I took over the Water Supplies portfolio, I was surprised at the knowledge of our waters and the extent of the work that is being carried out. I assure members that I will endeavour to make available to them the opportunity to see this work, because I believe it is very interesting.

The last matter to which I wish to refer is the moratorium on clearing. The majority of the land to which this measure refers is forestry land, and it has not been alienated. So the same problem does not exist here as existed in the Wellington catchment area in regard to compensation.

The Hon. W. M. Piesse: There are some farms though.

The Hon. G. C. MacKINNON: Yes there are some farms, and indeed it is estimated that total compensation, if demanded over the years, could run into millions of dollars. A rough estimate of the figure has been made, and it will be a large amount. However, the problem is not as grave as that experienced in the Wellington catchment

area where the bulk of the land had been alienated. Mrs Piesse would know all about this, because the Wellington catchment area is in her province. If members look at the map they will see that the area nominated in this legislation is predominantly agricultural and unalienated land. Therefore, the problem is not as great as the problem experienced in the Wellington catchment area.

In the main the debate on this measure has probably covered the succeeding two measures also, and for that reason possibly the debate on this Bill has been more extensive than some members might have expected.

I thank members for their support of and interest in the Bill.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Deputy Chairman of Committees (the Hon. I. G. Pratt) in the Chair; the Hon. G. C. MacKinnon (Leader of the House) in charge of the Bill.

Clauses 1 to 13 put and passed.

Clause 14: Section 35A added—

The Hon. NEIL McNEILL: I wish to acknowledge the remarks of the Minister in reply to the second reading debate, and in particular the observations he made on the points I raised. I would like to make an observation on a specific comment made by the Minister in his reply. He made a comparison between the pay-for-use system in the metropolitan area and the country system. He indicated under the pay-for-use system provision is made for some of the cost of supplying headworks and so on. That is all we have ever had in country areas water supplies—a pay-for-use system.

The Hon. G. C. MacKinnon: That is right.

The Hon. NEIL McNEILL: Therefore, one might use that argument to say, if that is the case, as we have always had that system in the country the charges we have been paying should have been providing some of the cost of the headworks for supply purposes.

The other point I wish to make is that in the second reading debate I referred mainly to a matter of principle; that is, the use by the department of contributions by subdividers and ultimately the individual purchasers of the blocks to provide services now. I am sure it is recognised that one of the greatest problems facing us is cost; that is what inflation is all about. Increasing costs are incurred of necessity by the conditions to

which I referred in the second reading debate; that is, the necessity to pay now.

That is the way the situation has developed. At one time much more of the capital works finance was provided from loan funds when they were more readily available and at a cheaper rate than now. At present these things must be paid for now, and so the cost is built in now and paid now by the individual purchasers. Needless to say, that imposes a severe individual cost.

The point of principle that I make—and I confess I am in sympathy with the theory—is that the cost of this sort of work should be spread over a number of years so that the actual cash burden is not as great. In fact, posterity should pay its share, because posterity will derive tremendous benefit from the capital works being undertaken now. It is not only morally right but also economically right that posterity should be expected to contribute. At the same time, if posterity does bear its share the immediate cost of capital works will not be as great now. If that were possible it would be one of the ways costs could be kept down. Unfortunately that somewhat theoretical dream is not possible simply because loan funds are not available to the extent necessary to carry out the work.

The Hon. G. C. MacKINNON: As soon as the honourable member rose to his feet I realised I had not answered the point he made. He asked how far back this goes. Again, the comparison is that in respect of the metropolitan water supply the Act is fairly specific and must stand on its own. The rate has amortised the debt and, indeed, it has now been made possible for the Metropolitan Water Board to raise its own loans in very much the same way as the State Energy Commission does.

The country areas water supply does not operate on that system and, as the member would be aware, it incurs a considerable loss. We are trying to bridge the gap. The point I was trying to make previously, when I referred to Sir David Brand originally introducing the idea of trying to spread water supplies to country areas, is that it has been proven that people have retired to their local towns where Governments have been successful in supplying water, power, and good roads. An excellent example is Corrigin, the home town of the Hon. H. W. Gayfer. Mr Gayfer is well aware of the impact on that town of the arrival of power and water. I visited many such towns when I was Minister for Health.

In the country we are trying to bridge the gap, and it is accepted this debt should occur. This is one of the things which perhaps country people do

not offset against the disadvantages of living in the country. Nevertheless, having lived in the country all my life I realise the tremendous advantage of this sort of water supply.

There are some occasions when developers are prepared to meet the cost of headworks. The subdivision at Mandurah which involves the sinking of bores is one example, and the syndicate involved is perfectly happy to meet the cost of headworks.

The cost of water supplies varies. Tanks collecting roof water are the cheapest source; then we have dams; and then it goes on until we get to desalination which is prohibitively expensive.

I thank the honourable member for his comments.

Clause put and passed.

Clauses 15 to 17 put and passed.

Title put and passed.

#### *Report*

Bill reported, without amendment, and the report adopted.

#### *Third Reading*

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Leader of the House), and passed.

### **COUNTRY TOWNS SEWERAGE ACT AMENDMENT BILL**

#### *Second Reading*

Debate resumed from the 25th October.

**THE HON. R. HETHERINGTON** (East Metropolitan) [8.13 p.m.]: As the Leader of the House has indicated, this Bill is supplementary to the measure we have just considered. The Opposition has examined the Bill and finds it reasonable. We raise no objection at all to it.

**THE HON. J. C. TOZER** (North) [8.14 p.m.]: If the Leader of the House was indicating that we should not speak on this Bill and the Hon. Robert Hetherington took the hint, I certainly am not going to follow suit.

The Hon. G. C. MacKinnon: I would never make such a suggestion. I never have and I never will. You have every right to speak.

The Hon. R. Hetherington: I don't take hints. I do what I think I should do.

The Hon. J. C. TOZER: The Whip indicated that we might need some people to discuss this Bill because the Minister might be late back from

a dinner appointment, but here we are right on time. I support the Bill.

I must say that the comments I will make are parallel to those I made when speaking to the Country Areas Water Supply Act Amendment Bill. The reference to the acquisition by the department of sewerage installations is rather strange. I wonder how many local authorities would, in fact, conduct sewerage installations of this type. The town of Wickham is specifically referred to in the second reading speech of the Minister. That was an exceptional case where a complete sewerage installation was made by Cliffs Robe River Iron Associates under the terms of the Iron Ore (Cleveland-Cliff) Agreement Act.

In that Act, there was a reference to the fact that this installation in time would be taken over by the Public Works Department. It is that transaction to which the Minister has referred. That is part of the ongoing "normalisation" process that is taking place and will continue to take place in respect of our so-called closed mining towns.

We have the same story in the case of headworks. If we use the term "headworks" in respect of water supply, I suppose we should use the term "tailworks" in referring to sewerage, because clearly the system starts in the residence, and any additional works have to be at the tail end.

The Hon. G. C. MacKinnon: Are you trying to make a pun? I am not sure.

The Hon. R. Hetherington: He is punishing us!

The Hon. J. C. TOZER: The Minister made a comment which included the following—

the right to negotiate with the owners of land to be subdivided for a contribution towards the cost of works such as treatment plants, rising mains, and pumping stations.

The point I wish to make is that it is still terribly difficult for anyone, including Ministers of the Crown, to understand that in certain areas of our State we are subdividing Crown land. We are not dealing with land owned by someone. I do not believe that changes the state of affairs one iota; but we do not negotiate with owners. We just utilise the vacant Crown land for the development of our new residential areas.

The point that the Hon. Neil McNeill made in dealing with the Country Areas Water Supply Act Amendment Bill is valid. He wanted to define a dividing line between what should be regarded as the responsibility of the State in the development of the nation—what I might call major headworks—and those local headworks

which can be directly attributable to and connected with a subdivision. We can probably understand that division more clearly in the case of sewerage.

Obviously the sewerage reticulation through a subdivision should be the responsibility of the subdivider. There are certain works associated with that reticulation system. There is the pumping station; there is the rising main from that pumping station which may well be directly attributable to a particular subdivided area. Then there are the treatment works—in a country area, that would probably involve Imhoff tanks and settling ponds—and the outfall works from those treatment works. There is a point where there would be a principal rising main carrying all the sewage from the various sections of a townsite from a collector pumping station. To my mind, that would be included in my major tailworks. That would be the responsibility of the State.

There are some tailworks that could be directly associated with the subdivision. This I concede. That loads the cost of the blocks, but it should be attributable or it may be attributable to a particular subdivision.

I think this overcomes Mr Neil McNeill's objection in the case of water supply, where major headworks which will exist for ever and a day may well be constructed at cost to the subdividers. In the case of sewerage, there is a division and that need not necessarily happen.

As additional subdivisions are opened up, there is a need for an extra Imhoff tank and an extra settling pond. Therefore, there is not a colossal capital outlay in the first instance; it is a growing capital outlay, which increases as further areas are subdivided.

It is becoming prevalent for vigorous and expanding local authorities to use the effluent from sewerage treatment plants for the watering of their recreational areas. This is something that should be encouraged. I instance the Shire of Port Hedland. It has beautiful and extensive recreational areas in old Port Hedland and also in South Hedland. Water is recycled from the sewerage treatment plant. This I applaud.

In the Shire of Roebourne there are similar installations at Karratha, Dampier, Roebourne, and Wickham. In the case of Dampier, the scheme is operated by Hamersley Iron Pty Ltd. In the case of Wickham, to date the scheme has been operated by Cliffs Robe River Iron Associates, but these also ultimately will be the responsibility of the local authority.

Mr MacKinnon will recall that when I was employed by the State I had to browbeat him and

some of his officers into jointly vesting in the Shire of Roebourne and the Minister for Education a piece of land in Karratha for recreational use. Sewerage effluent is used on that recreation ground at Karratha, and the cost of that is met jointly by the Shire of Roebourne and the Education Department. It is a very good and satisfactory scheme.

There is a new scheme we wish to see brought on stream in Karratha. That is a recreation field associated with the brand new Pegs Creek School. We hope to see the sewerage effluent used for this facility, jointly financed and jointly maintained by the Education Department and the local authority. Obviously the cost of the duplicated pumping main—returning the effluent to the area from which the sewage originally came—is met by the local authority and/or the Education Department if the department is using some of the treated water.

This relationship of Government works and local authority works in my electorate is most satisfactory and most pleasing to me. This is a scheme which is well established.

In conclusion, I would like to refer to the General Loan Fund Estimates—the capital works programme. There are figures associated with country water supply and sewerage for Derby, \$259 000, following \$123 000 last year and \$156 000 for Kununurra; in the Pilbara, we see Karratha, \$530 000, following on last year's expenditure of \$355 000; Roebourne, \$240 000; Wickham, \$160 000. Under those figures, we find a heading, "Less: Financed from Land Sales, \$790 000". Once again we have a good illustration of the fact that although it appears in the State's capital works programme as money expended, in fact, it is recouped from people who are buying residential land in our towns. That is what is making the costs of those blocks to which I referred in the earlier debate as much as \$13 200, which is the price for a small residential allotment in Roebourne.

It is desirable legislation to have on the Statute Book. Again I counsel caution on the part of the Minister for Works. If he can squeeze as much as possible out of the Government for those headworks or tailworks, and he places the minimum burden onto the people buying land in the subdivision, I will be pleased.

I support the Bill.

**THE HON. G. W. BERRY** (Lower North) [8.26 p.m.]: I rise to support the Bill.

I take this opportunity to make a comment about what I consider to be inequitable charges made for sewerage services in country sewerage



schemes. I have raised this matter before. When the first country sewerage scheme was commenced in Carnarvon, it was estimated that the sewerage charges on a block for sale would be in the vicinity of \$50 per annum. Of course the charges were never \$50. They ranged from \$50 per annum to \$150 per annum. It is difficult to see that we should not have more equitable charges for sewerage services in country sewerage schemes.

Everybody receives the same service. It is a convenient scheme. Everyone in the area of an installation is served by it. I ask the Government to investigate these country sewerage schemes to see whether there cannot be a more equitable distribution of the cost.

**THE HON. G. C. MacKINNON** (South-West—Leader of the House) [8.27 p.m.]: I thank members for their comments on this Bill. I will deal firstly with the comments made by Mr Berry.

Mr Berry referred to making matters more equitable. The definition of "equitable" is "fair and just and valid in equity as opposed to law"—a very short definition. I sincerely hope that the Government continues to do quite the opposite of what Mr Berry is saying it ought to do. Sewerage schemes, particularly in country area, are so costly that the cost is almost impossible for the consumer to bear. This is of great concern to the Government. The cost of installation of sewerage schemes in built-up areas is particularly high. Most of the areas with a need for sewerage are low-lying areas that have to be dewatered and pumped out. When there are areas of impermeable clay and rock, the costs become positively astronomical.

I sincerely hope that the reverse applies and the Government is able to subsidise sewerage to an even greater extent than it does now. The biggest single problem facing Governments at the present time is the provision of sewerage and the cost of sewerage.

**The Hon. G. W. Berry:** Why do they not all pay the same rates?

**The Hon. G. C. MacKINNON:** Because the rates would have to be so high.

**The Hon. G. W. Berry:** Everyone should have to pay the same rates. Some are high and some are low at the moment.

**The Hon. G. C. MacKINNON:** It would be rather hard on someone who does not have sewerage.

**The Hon. G. W. Berry:** When they have all got sewerage.

**The Hon. G. C. MacKINNON:** Such a situation could be a little different. However, I am told—I do not know whether it is true—in some areas in Sydney where the houses are built on solid rock very old fashioned methods must be used, because it is impossible to put the pipes through the rock at a reasonable cost. It would be unreasonable to ask those people to pay for sewerage.

I attended the opening of a sewerage plant today at Rottnest Island. I went overseas for the morning! These plants are no longer called sewerage disposal plants; they are called "waste water treatment plants". May I hazard a guess that within a year or two I will be introducing an amendment in the House, along with other amendments, to change the name of these plants to "waste water treatment plants". That idea is quite fair, because we treat a great deal of industrial waste and other fluids. I was trying to highlight the fact that this is a very costly item.

**The Hon. G. W. Berry:** I am aware of that; but where they are seweraged, the difference between the two services is almost double.

**The Hon. G. E. Masters:** In the same area?

**The Hon. G. W. Berry:** In the same area.

**The Hon. G. C. MacKINNON:** There are a variety of reasons that this might take place. I had an idea Mr Tozer was asking me about the purchase of existing sewerage works.

**The Hon. J. C. Tozer:** I was just questioning where they were.

**The Hon. G. C. MacKINNON:** As I said in my original speech, it is purely a provision which was contained in the parent Act. It was a clumsy measure. I am referring to subsection (3) of section 11 on page 7 of the Act. The amendment will bring it into order. It may be necessary to use such a provision in places such as Wickham. We try to cover these sorts of eventualities. I thank members for their interest.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Leader of the House), and passed.

# **WATER BOARDS ACT AMENDMENT BILL (No. 2)**

## *Second Reading*

Debate resumed from the 25th October.

**THE HON. D. W. COOLEY** (North-East Metropolitan) [8.35 p.m.]: The principles contained in the Bill are somewhat similar to those contained in the previous two measures we have been discussing. For that reason and for the sake of consistency the Opposition supports 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.

## *Third Reading*

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Leader of the House), and passed.

# **RIGHTS IN WATER AND IRRIGATION ACT AMENDMENT BILL**

## *Second Reading*

Debate resumed from the 25th October.

**THE HON. D. W. COOLEY** (North-East Metropolitan) [8.37 p.m.]: The Opposition opposes this Bill. A large number of country people will be affected adversely by the provisions contained in it.

I hope the House will excuse the pun when I say the Bill as originally drafted has been watered down to the point where it does not have much effect on metropolitan consumers. We oppose the Bill, because it does not appear to have been researched properly; there appears to be no reason for it and it has met with a great deal of opposition from people in the country, particularly in the south-west area.

Although I have not been associated with them, I believe several public meetings have taken place in the south-west. At these meetings strong opposition to the Bill has been expressed. I understand also from research of speeches made in another place—I do not like to do that, but I did so on this occasion because it is essentially a Bill which affects country people—that no consultation has taken place with any of the principal organisations likely to be affected by the impact of the Bill. In particular, the Farmers'

Union and the Country Shire Councils' Association were not consulted. In fact I do not believe even the Department of Agriculture was consulted when the Bill was brought down.

Some provisions in the Bill will impose a financial burden on people in the south-west. At the present time these people are not equipped to cope with such a financial burden, as a result of the ravages of cyclone "Alby" and the poor conditions experienced in that area in the past year.

If a farmer wants to build a dam of a certain size he will have to pay inspection and engineering charges. I am told these charges could amount to thousands of dollars. I do not believe the farmers in the south-west are in a position to pay such charges now.

One of the meetings to which I referred was held at Donnybrook on the 11th October, 1978.

**The Hon. A. A. Lewis:** It was held at 2.00 p.m. Would you like a copy of the minutes?

**The Hon. D. W. COOLEY:** I have a copy of the minutes. I understand Mr Lewis was in attendance at the meeting. He made some outrageous promises on the part of the Government which he could not fulfil.

**The Hon. A. A. Lewis:** Would you clarify that?

**The Hon. D. W. COOLEY:** Mr Lewis told the meeting he would see that the measure was not introduced in Parliament for another three weeks. The meeting was held on the 11th October.

**The Hon. A. A. Lewis:** What is today?

**The Hon. D. W. COOLEY:** I believe the Bill was introduced in the Legislative Assembly on the 19th October. That is a rather short three-week period.

**The Hon. A. A. Lewis:** I think the member should read what I said.

**The Hon. D. W. COOLEY:** Mr Jones attended the meeting.

**The Hon. H. W. Gayfer:** Mr Peter Jones?

**The Hon. D. W. COOLEY:** I am referring to Mr Tom Jones. He made a very worth-while contribution to the meeting, as he usually does. Mr Tom Jones is the real member for the district who is supposed to tremble every time he sees Mr Lewis. He trembles with laughter sometimes when he is in Collie and Mr Lewis thinks he will gain some extra votes.

General opposition has been expressed to the Bill. The Government is troubled by the question of safety. My information is that the last time a dam broke and caused damage was in 1929 in Tasmania. But here we have the Government

introducing legislation to make dams referable on grounds of safety.

The Hon. G. E. Masters: What would you do? Would you wait until dams broke?

The Hon. A. A. Lewis: Do the people in the area think the safety aspects are good?

The Hon. D. W. COOLEY: They do not. The Bill is designed, I believe, to protect life and property. The representative of the Public Works Department, Mr Webster, who attended the meeting said a dam had not broken and caused loss of life since 1929 when one broke in Tasmania.

All of a sudden the Government wants to make dams safer. That is one of the matters contained in the Bill which is not acceptable. I am not an expert in this field.

The Hon. A. A. Lewis: He is not a dam expert.

The Hon. D. W. COOLEY: A total of 80 farmers attended the Donnybrook meeting.

The Hon. A. A. Lewis: Farmer Jones was there.

The Hon. D. W. COOLEY: When I refer to farmers I am referring to fruitgrowers also. A representative of the Farmers' Union, a shire clerk, and a host of other people attended the meeting.

They did not make any firm decision; they did not rush into the matter as the Government sometimes does. They decided to set up a committee to examine the Bill and report back. They believed the Bill was not to be introduced, but it was debated on the very night the committee reported back to the Donnybrook-Balingup Shire.

A number of amendments were proposed in respect of the Bill. It is not my responsibility to move those amendments, or to say whether they are right or wrong, but I expect Mr Lewis and other members who represent south-west areas to come forward with some amendments in accord with the wishes of the farmers.

A matter which has some impact for the Labor Party is that I can see three instances where there is no provision in the Bill for appeal in the event of people being aggrieved as a result of the legislation.

A number of questions were asked in another place in respect of the number of referable dams in the south-west. The Minister handling the Bill could not indicate how many referable dams there were in the State at the present time; yet, here we are passing legislation which will make it obligatory for dams to be built in a certain manner to ensure they are safe. We have no idea

of how many dams are likely to be unsafe, but we are introducing legislation to control them.

It is our view that this ill-timed legislation ought to be looked at again. It was looked at comprehensively with regard to metropolitan people, and certain provisions were withdrawn. It is quite possible there might be some repercussions in the south-west.

I will be interested to know the response from Mr Lewis, because he did attend a meeting. I understand Mrs Piesse also has a copy of the minutes of that meeting. Mr Tom Jones, Mr Lewis, and the Minister for Works have been supplied with a copy of the minutes submitted to the Donnybrook Shire by the committee.

That is our attitude towards the Bill. Without knowing all the ramifications and technicalities of the Bill, I believe it is ill-timed. It has some of the aspects of the Mining Bill. Everybody is starting to get worried. The off-road vehicle legislation was introduced and held back. That legislation was emasculated and is now before the Parliament again.

It would be in the best interests of the Government and the members representing the area concerned in the south-west if we deferred the passage of this Bill.

**THE HON. A. A. LEWIS** (Lower Central) [8.50 p.m.]: It is a pity that Mr Cooley did not verify his facts before he started to speak. I will deal firstly with his assertion about the Mining Bill, and the deletion of portions of it. Mr Cooley started to make a big thing of this Bill, the Mining Bill, and other Bills. At the meeting to which Mr Cooley referred, and about which he made a lot of fuss, a voice came from the back of the hall which indicated that the Government will listen to the people. The voice said, "Your mob would not do it, Tom."

Quite honestly, this Government tries to get the views of the people, look at them, and then make amendments if the legislation is not in accord with what the Government and the people in the community think it ought to be. This Government at least looks at the legislation and is prepared to amend it.

The Hon. D. W. Cooley: One voice at the back of the hall!

The Hon. A. A. LEWIS: The whole meeting cheered, because they believed it was a sign of good government. A few people were prepared to give the Government the benefit of their advice, and the Government was prepared to listen.

I was in Donnybrook on Sunday talking to the Chairman of the Fruit Growers' Association, and

the shire president. Both of those gentlemen reiterated how pleased they were with the response they got from the Minister for Works who is the Leader of the House. They were very happy that the Minister had listened to some of their problems and that he had indicated he would try to do something about them.

Unlike Mr Cooley, I have some knowledge of the subject, and the safety provisions which the Government wants to introduce are sane and are such that nobody in the south-west at this time has questioned them. Everybody believes in them. Unfortunately, Mr Cooley has not got a complete set of the minutes, but if he had he would see that at the Manjimup meeting it was agreed that safety is a factor with the dams.

The Hon. D. W. Cooley: They cannot find an unsafe dam.

The Hon. A. A. LEWIS: Quite frankly this is a problem for the Government and for the public. When the referable dams are noted the Government and the general public will know the location of those dams which may cause loss. The minutes of the Manjimup Rights in Water and Irrigation Advisory Committee meeting held on the 26th September, 1978, indicated that the people there had not altered their view. The minutes state "The meeting discussed the philosophical approach to the Bill regarding the need for some control of dams. All present agreed with that need. The Minister wanted some guidelines on amendments to the Bill."

It is a pity that when the Opposition opposed this measure it did not have a look at this sort of thing. I cannot imagine why Mr Cooley said the Bill was ill-timed. He said it was ill-timed because it was introduced after cyclone "Alby". I think the stress which was placed on watercourses and dams and many other things in the south-west during cyclone "Alby" would be one reason that we should be looking at the safety aspects of dams in the south-west. As far as being ill-timed, I think we can dismiss that claim completely.

Now we get to the consultation part. Last Thursday morning, with Mr Skinner, the Vice-President of the Farmers' Union who is in charge of water, Mr Airey from Manjimup, Mr Eric Phillips from Manjimup, and Mr Fowler, the Deputy President of the Donnybrook Shire, I led a deputation to the Minister. Mrs Piesse and I took the deputation to the Minister to see whether we could sort out some of the difficulties.

The Hon. D. W. Cooley: When was the deputation?

The Hon. A. A. LEWIS: On Thursday last. Despite what certain members opposite said—and

I do not know where the National Party classes itself—I gave an assurance which seemed to make me the big bogeyman of the lower House. I gave an assurance that the Bill would not pass within three weeks. That was three weeks ago.

Here we are discussing the Bill tonight and Mr Cooley has fallen into the trap which lower House members tend to fall into. They believe that because a Bill goes through the lower House the Bill has passed. Every Bill has to pass this House as well as the lower House and that is why when the Minister gave his second reading speech he specifically said he would not proceed with the Bill until the following week. That was because an assurance had been given.

The Hon. R. T. Leeson: Tell us what you think about the Bill.

The Hon. A. A. LEWIS: It is a very interesting Bill and I will tell members what I think. We ought to deal with these ill-informed comments we get from the Opposition and now Mr Leeson seems to be joining in.

The PRESIDENT: Order! Would the honourable member direct his comments to the Chair, please?

The Hon. A. A. LEWIS: Certainly, Mr President. There has been ill-informed comment from people who have not followed the passage of the Bill, either in the other place or in this place. If Mr Cooley had made an attempt to check with the Donnybrook Shire, the Manjimup Shire, the Donnybrook Farmers' Union, or the Fruit Growers' Association, he would have found that six meetings had taken place, and that the Minister had been very fair and had told the deputation what he would attempt to do. The deputation, I must admit, was as good a deputation as I have had the privilege to lead, because the people concerned knew what they wanted and they knew the practical aspects, as did the Minister. It was a straightforward discussion and a solution was arrived at on many aspects, which makes all the things Mr Cooley spoke about disappear out the window. If the Minister came up with an assurance of what he hoped to get for the deputation—

The Hon. D. W. Cooley: Did you say, "If"?

The Hon. A. A. LEWIS: I did say, "If". We will find out from the Minister when he replies whether he has come up with a solution.

It is very interesting to hear about these amendments. I have dealt with them, because at least this Government is prepared to listen to the proposed amendments. I have been in opposition when a Labor Government has been in power and the Government would not listen to any

amendments whatsoever, not even from its own members.

The provisions of this Bill are aimed at safety as far as dams are concerned, and the need for people inspecting referable dams to have some engineering background. The basis of the deputation to the Minister was that under the farm water loan scheme people can borrow to build dams. Unfortunately—and this is still of some concern to me—the scheme applies only to people who live east of Albany Highway. Although the scheme was meant to operate for the whole of the State, as yet the Government has not moved to make any money available for dams on the west side of Albany Highway. That is most unfair, because water services are needed throughout the State. The Premier released a Press statement specifically stating that irrigation charges to farmers in Harvey, and other south-west irrigation areas, would not be increased because of the financial circumstances of those farmers. The deputation suggested to the Minister that the inspectorial system be free, and that had already been agreed to previously. Mr Webster told that to the Donnybrook meeting.

The deputation also suggested the engineering services be provided by the Public Works Department so that individual farmers would not be faced with the expenditure of a large amount of money. If the Minister accepts the proposition, it means the Public Works Department will do the engineering.

The Hon. D. W. Cooley: Were all these proposals made after Mr T. H. Jones and Mr H. D. Evans put on the pressure?

The Hon. A. A. LEWIS: All they did was to rant and rave. The Bill was going ahead in the lower House, and they ranted and raved and did not put forward a reasonable, sensible, or practical suggestion. If Mr Cooley reads their speeches in *Hansard* he will see that the Hon. Win Piccse and I tried to arrive at a practical solution to the problem. I believe we probably have. Surely that is what government is all about, not ranting and raving or yelling and screaming.

The Hon. R. Hetherington: Mr H. D. Evans does not rant and rave. Don't talk nonsense.

The Hon. A. A. LEWIS: I can show the member the Press releases in that area.

The Hon. G. C. MacKinnon: You could point out that even the proposed regulations of Mr H. D. Evans' Shire of Manjimup are tougher than this Bill.

The Hon. A. A. LEWIS: I quite agree; and again this is a problem, because nowhere could I

find that Mr H. D. Evans mentioned that his local shire proposed such tough by-laws.

The Hon. D. W. Cooley interjected.

The Hon. A. A. LEWIS: The Manjimup Shire sent forward those by-laws for approval even before this Bill was introduced in the lower House.

The Hon. D. W. Cooley interjected.

The Hon. A. A. LEWIS: Sir, it is difficult to deal with people who do not understand the problem. I hate to be distracted from sticking to the Bill.

I agree that in most cases it seemed the cost of engineering services would be an impost on the individual farmer, amounting to between \$2 500 and \$3 500. Then we considered how many referable dams would conceivably be built in farming areas in a year.

The Hon. D. W. Cooley: How many are there in the State?

The Hon. A. A. LEWIS: The consensus of opinion was that probably only five or six, or at the most 10, referable dams would be built in one year. So the deputation suggested—and I think quite fairly—to the Minister that the Government should pay the engineering services for those dams as its contribution to water catchment in the area. In the past—and this is why I believe the Government gave way on the inspection of referable dams—these people have received no subsidies or low-interest loans to build dams. They contribute very greatly to the vegetable and fruit markets of this State, and they have done this through their enterprise and hard work. I believe the Government would be well advised to listen to their plea, because the catchment and storage of water in this country is of vital importance.

In a nutshell, that is the proposition which was presented to the Minister. When and if the Minister accepts the proposition—and I earnestly hope he does—then all the matters listed in the deputation will be overcome. Bear in mind the deputation consisted of the representatives of the people in the area—sound, practical farming people. If the Minister accepts the proposition it will not be necessary to have an amendment to provide for referable farm dams of a capacity of 75 000 cubic metres because the engineering services in respect of all referable dams will be at Government expense. Therefore, the other suggested amendments will not be necessary. The appeal provision will not be necessary, because we will be dealing with departmental engineers and it would be a case of appealing from Caesar to Caesar. There would be no worry and no expense.

The major factor to come from this is the safety aspect. I become a little worried at the comments made in respect of dams collapsing. When did a dam last collapse, and where was it? Was it in Tasmania in 1929? Obviously the dams we are talking about are not sufficiently large to be made referable dams under this Bill. During cyclone "Alby" two dams at Boyup Brook, one at Donnybrook, and two at Manjimup burst. Fortunately no lives were lost, but in the conditions prevailing during the cyclone and with bushfires rampant it is lucky no-one was driving down the road below the two dams in Boyup Brook which burst. I know that country, and I know someone could have been washed away and killed. Does Mr Cooley advocate waiting until someone is killed? I do not. Mr Cooley is arguing against knowledgeable people in the south-west who have asked for safety provisions and have agreed to them.

The Hon. D. W. Cooley: Read it out.

The Hon. A. A. LEWIS: I have already read it, and I will not do so again because it would be wasting the time of the House.

The Hon. D. W. Cooley: If it is in the minutes, why not read it out?

The Hon. J. C. Tozer: In 1974 the whole of Harvey was evacuated for fear that a dam would collapse.

The Hon. A. A. LEWIS: All right, for the benefit of Mr Cooley may I, with your permission, Sir, ask him to listen as I read it out again—

The meeting discussed the philosophical approach to the Bill, regarding the need for some control of dams. All present agreed with this need. The Minister wanted some guidelines on Amendments to the Bill.

That is from the minutes of a meeting of the Manjimup Rights in Water and Irrigation Advisory Committee held on the 27th September, 1978. I told Mr Cooley he did not have all the minutes. Unfortunately the people who supplied him with information did not do a very good job.

The Hon. D. W. Cooley: That was before the meeting I referred to. Your information is out of date.

The Hon. A. A. LEWIS: May I draw Mr Cooley's attention to the fact that amongst those present at the meeting were Mr Geoff Airey and Mr Eric Phillips, and they were also present at the deputation to the Minister. They agreed they were concerned about the safety of dams.

The Hon. D. W. Cooley interjected.

The Hon. A. A. LEWIS: Mr President, I do not know how one deals with people like Mr Cooley; he sits there and continues to rant. If I may get back to the Bill—

The Hon. G. C. MacKinnon: It was a very amicable deputation.

The PRESIDENT: Order! Will the honourable member proceed and discuss the Bill?

The Hon. A. A. LEWIS: This Bill is necessary. I believe if the Government accepts the points put forward by the deputation then the problems the farmers see in the Bill will be overcome. I am sure if other problems arise the Government will not be slow to introduce further amendments to cover them. The hard-and-fast attitude of some members opposite who seem to say, "This must go out" or "That must go out" or "You cannot do it by an amendment and get what the people want" is ridiculous. In most cases we can arrive at a compromise situation which suits most people. Some amendments will not suit anybody, but this proposition has been agreed to by the Farmers' Union, the fruit growers, the Manjimup Shire, and the Donnybrook Shire. I believe we should proceed with the Bill.

I support the measure.

THE HON. N. E. BAXTER (Central) [9.11 p.m.]: First of all I would like to say that unfortunately the Hon. Win Piesse was called away urgently to her province and, therefore, is unable to speak in the debate and to join with Mr Lewis in his comments. I know she has some reservations about the Bill because of the feelings of the people in the lower part of her province, particularly in the Warren area and also in the Collie district.

It has been the trend in the last five years for people in the lower south-west to install expensive irrigation systems and to build quite large dams, particularly across creeks and streams. This has raised the question of who is liable if a dam bursts. Irrespective of what is contained in the Bill, under common law if a dam bursts and destroys somebody else's property, drowns people and livestock, or ruins machinery and houses, the person who owns the dam is liable.

The Hon. D. W. Cooley: Is any insurance cover available?

The Hon. N. E. BAXTER: I understand insurance cover can be obtained. Mrs Piesse inquired into this at my instigation, and I understand the cost is approximately \$46 for a liability cover of \$100 000. I believe not many people have taken public liability in respect of dams they have built.

The Government is involving itself in the matter and taking statutory action rather than leaving the situation to common law. The provisions of the Bill state that dams must be inspected. Under the Bill dams which are considered to be unsafe can be made safe.

The greatest problem that has arisen amongst the people in the lower south-west is in respect of who will be responsible for the cost of making dams safe. This is a matter which has not been completely ironed out. Somebody must be responsible, but it is hardly fair to say to the Government that it should be responsible because somebody has built a dam that is not safe.

Where does the liability lie? If I construct a building that is not safe and is liable to fall down, then under the uniform building by-laws the local authority can order me to rectify it. If I do not do so the authority will make me pull down the building. The same situation should apply in respect of dams. People who build dams have a responsibility to ensure that the contractor who does the work is a solid person who knows what he is doing and ensures that the dam is as safe as possible. It is not always possible to make a dam 100 per cent safe.

This Bill is a move in that direction. I do not believe many dams would be found to be unsafe, but one never knows. Over the past few years we have had quite dry seasons and we have not had normal rainfall even in the lower south-west. Some years ago I farmed in the Balingup district where the annual rainfall is about 25 inches. Lower down in the Nannup, Pemberton, and Northcliffe areas the rainfall varies from 35 inches to 40 inches, and sometimes even up to 60 inches, in a normal season. However, at times we experience heavy winters and if a big rush of water comes down, that is the time when dams are likely to burst. Lord knows what would happen to people in the path of one of these fairly substantial dams which has been built in recent years, were it to burst.

I believe the Government is doing the right thing in not waiting until the horse has bolted from the stable. The Government is closing the door before it can get out.

In regard to the other provisions in the Bill relating to the licensing of bores, and so on, we must look at this matter from a reasonable point of view. This State, generally, is short of water, and the picture for the future is not rosy. We will be forced to rely to a great extent on our artesian basins in conjunction with the dams currently in operation and at present under construction. If we look at the availability of dam sites in Western

Australia, and in the Darling Range in particular, we can see it is a very dismal picture for the future, because there are not many places where a reasonable sized dam can be built. Therefore, the Government must look to the future.

It is the duty and responsibility of the Minister for Works to act now to protect the water which is available in our artesian basins so that it will be available for future generations. This Bill is an attempt to do that. It is not the first attempt to do something of this nature, but it is a genuine effort to solve the problem.

I agree the Bill may have some minor faults; very few Bills are perfect. We would not be sitting here for so many months of the year in both Chambers, continually amending various pieces of legislation if all legislation which came before us for the first time were perfect. Probably we will find minor faults in this legislation and we will act to amend it.

This Bill represents a genuine and laudable attempt by the Government to do something to protect the water supplies in Western Australia for the benefit of this generation and generations to come, and to improve the safety of dams throughout the country area.

I support the Bill.

**THE HON. NEIL McNEILL** (Lower West) [9.18 p.m.]: I am sure the House will not need reminding that this Bill deals with a matter which touches the sensitivities of nearly everybody, more than any other subject likely to be brought before the House. I am sure the Leader of the House would not need reminding on that subject, particularly in view of his recent experience.

That being so, I was a little disappointed when, on behalf of the Opposition, Mr Cooley made no attempt to discuss the Bill or subject it to any critical examination in the light of what it hoped to achieve; he simply said that the Opposition intended to oppose it. This is a sensitive area and I do not believe it is any answer simply to express straightout opposition. One needs to examine the provisions of the Bill in order to give it the consideration it justifies.

I was very disappointed that Mr Cooley made no reference to one of the most important provisions in the Bill; namely, the riparian right. I feel I should comment on that provision. It is my firm belief that the move relating to riparian right—I refer particularly to the provision concerning Stony Brook—is a safe and adequate one which will not impair the existing conditions. I make that point because I believe it is important, and should be made.

Riparian right is an inbuilt right of the owners of land contiguous to or adjacent to natural waters. Any move in that part of the Act relating to riparian right is deserving of the closest examination and comment, if for no other purpose than to ensure those rights in no way are being compromised. These rights to which I refer were established prior to the Rights in Water and Irrigation Act coming into operation, and they should be maintained. I repeat I believe this Parliament ought to continue to exercise very great care to ensure those rights in no way are compromised. Having said that, I state again that in my view the provision relating to Stony Brook is a most appropriate one.

It also highlights the rather cursory examination given by the Opposition to this Bill. If this Bill is successfully opposed it would mean there would be no provision enabling the licensing of owners of land contiguous to or adjacent to or within the prescribed distance from Stony Brook. That would only perpetuate a problem which has been in existence for some time. The fact that legal action has been threatened on this matter is beside the point; it simply pinpoints the problem; it will not necessarily overcome it. This Bill will overcome the problem in a perfectly adequate and satisfactory manner.

The Hon. D. W. Cooley: Doesn't the Bill cancel all the licences?

The Hon. NEIL McNEILL: That is right, in order to restore the *status quo* so that they can start all over again. Clearly there is sufficient information at hand to indicate that those licences already in operation may not—to use Mr Cooley's own words—hold water. It does not in any way deny the fact that they should be valid.

Quite apart from all the other Government and local authority powers which currently exist, we also need to examine the inherent moral right—quite apart from the legal right—of persons who would hope to benefit from the existence of this stream in the vicinity of their land.

It is a subject which is very close and dear to my heart, having lived all my life in that situation. I suppose I have more than ample justification for taking a special interest in these provisions. However, I am not simply expressing my own point of view; I am also talking on behalf of all those people who have some moral right in this situation.

The Bill also contains a provision on which I have commented many times in the past; namely, the right of entry. This is always a sensitive area, whether we are dealing with duck shooting,

wildlife authorities, the building of swimming pools, or the keeping of pets. It is a particularly sensitive matter in relation to water.

I recognise there needs to be a right of entry on the part of the Minister and those to whom he delegates this power so that officers can enter a property for the purposes of inspection, calculation, and measurement.

However, although I accept a legal right of entry is established by Statute, I believe there is equally a moral obligation on the part of departmental officers to operate with courtesy towards landholders, and to respect the right those people have to their properties. They should take every opportunity to notify and advise these people of their intentions.

I know the provision relating to the right of entry which is written into the Statute is not intended to cope with the situation where prior approval of landholders needs to be obtained. It refers more particularly to cases where obstruction and opposition may be anticipated.

I say once again this legislation deals with a highly sensitive subject, water. People are extremely protective when it comes to water, and will go to what people may consider at times to be extreme lengths to keep persons off their properties. I am talking now, of course, about authorised persons and not unauthorised persons.

So, while I agree this power needs to be in the legislation I simply ask that my comments be noted and that as far as is humanly possible the proper courtesies are extended to landholders who may be in this situation.

The other matter which has attracted a great deal of attention and which has been referred to by various speakers is the provision relating to referable dams. The matter of the safety of dams is not of such vital significance in my province as it is in the provinces of Mr Lewis, Mrs Piesse, Mr Ferry, and the Leader of the House. Nevertheless, there is an important principle at stake; namely, that we must be satisfied about the security and safety of these dams.

I do not object to a power being given to declare a dam, if for no other reason than it may clarify the situation relating to public liability and insurance. The fact that a dam has been declared will be a protection for the owner of that dam; if it is not a total protection, at least it will be a considerable help.

Members will be aware that the Bill provides that a referable dam shall include a dam with a wall, say, 10 metres high and with a certain capacity, or a dam with a wall five metres high and a certain capacity; the third provision is for



"any dam". I had discussions with the Minister and his officers on this point. I am not necessarily concerned that officers of the Public Works Department are going to be busy little people, rushing around looking at all the dams and being very officious. I do not think that is humanly or physically possible.

However, what can happen is that where there is a possibility that a dam may be a referable dam—perhaps it may be in the category of "any dam"—occasional delays could be experienced. I take this opportunity to bring to the notice of the Minister and his officers that some care needs to be exercised to ensure this does not become the subject of embarrassment to the department and of costly delays to the farmers concerned.

I have had experience over a long time of situations where it has become a necessity for certain inspection work to be carried out, where conditions are laid down by the Public Works Department, and delays have occurred because staff were not available. I am aware that some difficulties have been created—not very frequently, but sufficiently often—to cause people some anxiety.

I am prepared to accept the sentiments conveyed to me by officers of the department that its officers will not be rushing out to be officious. They will inform the people concerned of dams which create a hazard, which constitute a threat, and on which action needs to be taken.

Mr Baxter referred to the licensing of people who sunk wells and bores, although this matter is not in this Bill. However, it is not a principle which applies to people involved in the building and construction of dams; that is, there is no licensing of people who construct dams. We have, in the south-west especially, some extremely competent people with vast experience in this type of construction work. To me, it is quite unthinkable there should ever be a necessity to provide for the licensing of these people.

They have built up a remarkable expertise in this construction work simply because of the demand for this sort of work in the earthmoving field. It is demanded that these people should have a very high degree of competence. That in itself is a far safer requirement than any provision for licensing which relies for its effect and power upon examination by another party. There is only one thing which really counts and that is the ultimate success of the contractor as a consequence of great experience.

I repeat: Care must be shown in the matter of referable dams. There is going to be ever-increasing construction work of this type carried

out in this State. More and more of our watercourses will be dammed and more and more use will be made of the water. While that situation exists, there needs to be an inspection giving rise to power and control in the interests of all concerned. I think it is rather a pity that in view of the content of this legislation the Opposition has seen fit simply to express opposition to the Bill. The Bill deserves more than that.

**THE HON. G. C. MacKINNON** (South-West—Leader of the House) [9.34 p.m.]: I must admit that, with Mr Neil McNeill, I was disappointed at the attitude of the Opposition towards this legislation. I agree that the riparian rights section was absolutely essential. If it is considered that the section dealing with referable dams was not wanted it would seem to have been more proper to move to delete that rather than to move to defeat the Bill. We have reason to be concerned about the whole field of riparian rights. I do not think it is as well understood as perhaps it should be.

Apparently one has only the right to take enough water from a river for one's own purposes, and fairly limited purposes at that. It is because of that that the Stony Brook problem arose and the matter had to be looked at to arrive at some equitable solution.

I suppose the best comparison tonight was that made by Mr Baxter when he referred to buildings. No-one cavils at having building regulations, and at having to submit to those regulations to ensure buildings are safe. No-one argues that if something falls down it will be the responsibility of the owner of the building. A very similar situation will prevail with dams.

It is very difficult to transfer responsibility from the person who owns the dam. There is a responsibility on Parliament to ensure that steps are taken to see we are aware of the dangers that exist in the storage of water and of our responsibility to place the matter under legislation to ensure whatever steps need to be taken are taken.

The Hon. John Tozer brought to the notice of members the fact that some years ago, in 1964, the town of Harvey was about to be evacuated. At that time the then member, Maurice Williams, was in charge of the area in collaboration with the mayor, Mr Wilson, in regard to the emergency situation. There were worries that the dam wall would go. The town would have been washed away, because I think the water was over the limit by about six feet.

It seems that in some streams there is not just one dam. There are situations in which a number of dams are built on the one stream. The deputation which was brought to me the other day by the Hon. A. A. Lewis and the Hon. Win Piesse had on it representatives from all the shires in the district. They told me of one problem which had occurred in the area in which dam 1 and dam 2 were washed away. Dam 3 held and spread the water and no real damage occurred. They said that this was just a matter of luck. Indeed, the only question that arose was that of expense for the sort of investigation which was considered to be necessary. The inspection and the advice were considered necessary.

In relation to that it was pointed out, as Mr Neil McNeill and Mr Lewis said, there were a number of contractors available. Most of the farmers are aware of the contractors who are very experienced and on whom they can rely. These contractors build good dams. They have to build up a good reputation which they are loath to lose. They will not build dams which will collapse. We are not talking about earth tanks but dams across a stream.

The contractors are well aware of the problem which the farmers, the people who attended the deputation, and Mr Lewis outlined, which was that to engage a firm of consulting engineers to travel down, look at the situation, and examine the sort of soil available for the fill, etc., could cost \$3 000. Utilising the skills currently available in the district within the Department of Agriculture and the Public Works Department could cost a lot less than that.

The argument is that the community as a whole assists in the irrigation schemes of Harvey, the Ord, etc., therefore the community should assist in these irrigation schemes on private properties built at the expense of the farmers.

That is the matter which I said I would take to the Cabinet for consideration. The deputation accepted that I would do my best. Its members had had time to look at the Bill; there was no waiting to see what was the result. They took it in good faith that I would make the endeavour, but there was no question of holding the Bill up on that account. I did not ask for the Bill to be held over to enable them to come down and see me before it was passed. They have been down to see me and that is it. I am now making the efforts on their behalf.

The problem of the necessary safety is appreciated, and is demonstrated by the fact that the shire in which there are more dams than in any other is the Shire of Warren. That shire, I

understand, is in the process of submitting a series of regulations dealing with the construction and safety of dams within its boundaries. I have not seen those regulations, but I am advised they are in some respects more stringent than the conditions in this piece of legislation. It is a matter which it is accepted needs some sort of legislative authority to cover it. It has been accepted also by the interstate conferences which have been held in this regard, and all States have been asked to check their relevant legislation.

Mr Lewis pointed out there were problems associated with cyclone "Alby". Having had one such disaster, we cannot be sure we will not have another. I believe I have clarified the situation with regard to the deputation.

Mr Cooley was honest enough to say he had very little knowledge of the subject and then proceeded to prove it. I am very disappointed it was suggested the Bill should be defeated. Mr Neil McNeill pointed out that the riparian rights section is absolutely essential. I understand feelings are running so high in his electorate that it is imperative action be taken.

Mr Neil McNeill raised the matter of possible delays and his concern is well taken. I am glad he underlined that point and I will take note that there is no delay. The best safeguard we have is that in any one year we would not expect to have more than half a dozen such dams built. We are not talking about a lot of dams being built.

The Hon. Neil McNeill: Would it be possible for ministerial direction to be given along those lines in order to prevent possible harassment?

The Hon. G. C. MacKINNON: I will do that. Delays do add to the cost tremendously and there was a good article in *The Bulletin* about this a few weeks ago.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. G. C. MacKinnon (Leader of the House) in charge of the Bill.

Clauses 1 to 10 put and passed.

Clause 11: Section 25 amended—

The Hon. G. W. BERRY: I am wanting to know the reason proposed new subsection (3) is to be included. It lists several licences including well licences and artesian and non-artesian wells.

The Hon. G. C. MacKINNON: Section 25 deals with areas which have been declared by the Governor. Problems have arisen as members are

aware, particularly in relation to the Jandakot mound.

I am learning about this subject, as members would know. The Gnangarra mound runs a considerable way to the north and is being tapped successfully. Certain water goes into the mound to replenish the supply. The water gradually seeps through the ground and feeds the deeper artesian aquifers, picking up salts and so on and generally becoming what is known as "harder". Consequently people try to draw water from nearer to the surface. A certain amount of water is lost through evaporation and so on.

If people other than those from the MWB sink bores and over-pump the area, as the honourable member would be aware, serious problems are encountered. Mr Berry, from his experience at Carnarvon, would be aware of the delicate balance between the pressure of the ocean and the water. If the river bed is over-pumped the water from the lateral sands comes in and it cannot be got out.

The query the honourable member has raised is technical. Specific areas can be declared and I think Mr Berry would now be aware of the reasons for the inclusion of the provision in the Bill. We are in a situation now where we can keep the price of water down by treating this good quality groundwater and adding it to the hills water. In this way we keep the quantity up and the price down.

The Hon. NEIL McNEILL: The clause clarifies the operation of licences, because it refers specifically to sections 15 to 17 which relate directly to the use of natural water, licensing, and so on. The clause clearly establishes the power in relation to licensing and in relation to the obtaining of information in regard to wells. In other words, it authorises the department to obtain information regarding the use of wells.

This is significant in view of something else which has occurred, particularly with reference to Jandakot and the public controversy to which the Minister referred concerning the opinion of certain local authorities and landholders with regard to a claim for compensation for the loss of natural water.

I agree with what the Minister told a deputation last week which was that it is extremely difficult to determine the loss of natural water when it comes from a bore and it is even more difficult to make any determination as to the consequential effect upon the land. The first requirement would be to obtain information concerning the quantity of water involved. That would be necessary information if at any

time—and I emphasise the word "if"—a case for compensation for loss of natural water is ever contemplated. I believe those considerations form some part of the regulation-making power and the specific regulations which may be made under the clause; in other words, the amendment to section 25.

Clause put and passed.

Clauses 12 and 13 put and passed.

Clause 14: Section 33 amended—

The Hon. G. W. BERRY: I would like the Minister to comment on proposed new subsection (8) which seems to me to be in conflict with the presentation of a petition to the Minister in regard to the proposals.

The Hon. G. C. MacKINNON: Proposed new subsection (2) concerns matters with which we have dealt in the three previous Bills relating to water. Proposed subsection (3) refers to plans and advertisements, while proposed subsection (4) deals with the plans being open to inspection. Proposed subsections (6) and (7) deal with petitions and provide that the Governor may make an Order in Council or may decline to make such an order.

The honourable member is asking about proposed new subsection (8). We must have that provision, as the works proposed might be such works as may be necessary for the safety of an area because of flooding or some other reason, despite the fact that some people in that immediate area might require it. There are also other reasons.

The Hon. NEIL McNEILL: They are distributory works; they are not headworks or major capital works. We might call it reticulation, or it might be service works simply for the purpose of continuing or extending a scheme. Therefore it might be in order for the department, local authorities, and so on to proceed with the works without the necessity for reference to the Minister or the Governor. In other words, they are statutory works and exempted from the necessity to seek approval.

Clause put and passed.

Clauses 15 to 37 put and passed.

Title put and passed.

### *Report*

Bill reported, without amendment, and the report adopted.

### *Third Reading*

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Leader of the House), and passed.

*House adjourned at 10.04 p.m.*

## QUESTIONS ON NOTICE

### ENERGY

#### *Tidal Power*

399. The Hon. F. E. McKENZIE, to the Attorney General representing the Minister for Fuel and Energy:

Referring to the answer given to question No. 369 on the 19th October, 1978—

(1) Could the Minister indicate—

(a) whether or not an estimated unit energy cost of 3 to 4.5 cents in 1976 dollars per kilowatt hour is equivalent to an annual cost of \$44.7 million to \$67.0 million in 1976 dollars for an installed capacity of 570 megawatts working at a 30% load factor;

(b) (i) whether or not the annual cost represents interest and loan repayments for an estimated capital cost of \$318 million in 1976 dollars;

(ii) if not, could the Minister indicate what it does represent;

(c) (i) whether or not interest and loan repayments would in fact have been payable in 1976 dollars or at face value when repaid, or, in other words, whether or not indexation would have been applicable to interest and loan repayments;

(ii) in this regard could the Minister indicate whether or not indexation is applicable to interest and loan repayments covered by SEC Loan 52?

(2) Could the Minister say why a loan repayment period of 10 years was considered when a 30 year operating life was adopted?

(3) Can the Minister quote a published definition of the term 'discounted weighted average costs'?

The Hon. I. G. MEDCALF replied:

The member persists in asking a series of detailed questions on the subject of tidal power. The Minister for Fuel and Energy has already offered to arrange for detailed discussions with the State Energy Commission on the matter. The Minister will not provide answers of the detail that is required of this question and suggests that his original offer be accepted.

### EDUCATION: POST SECONDARY

#### *Colleges: Karratha and Port Hedland*

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

Referring to the news release of the 29th June, 1978, relating to the establishment of post secondary education colleges at Karratha and Port Hedland, and noting that steps are to be taken to ensure the appointment by the 1st January, 1979, of a principal and other appropriate senior academic staff for both—

(a) have the interim planning committees for the colleges been appointed;

(b) if so, who are the members;

(c) if not, when will the appointments be made?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

(a) to (c) It is hoped to appoint the interim planning committee for the Port Hedland College within the next few weeks.

It was necessary to defer taking action until the budget situation, both State and Commonwealth, could be clarified.

### ROAD

#### *Mandurah By-pass*

401. The Hon. D. K. DANS, to the Leader of the House representing the Minister for Police and Traffic:

(1) (a) Is it correct that a "bypass" road is to be constructed through or around Mandurah instead of a "ring" road;

- (b) if the answer is "Yes", will the Minister table a plan showing the proposed location of the "bypass" road through Mandurah, and indicate where it joins up with the Bunbury-Pinjarra-Perth road?
- (2) Is it considered that a "bypass" road will overcome the traffic congestion in Mandurah caused by holiday-makers on weekends and holidays when travelling to and from holiday resorts south of Mandurah?

The Hon. G. C. MacKINNON replied:

- (1) (a) The proposed road in Mandurah is commonly referred to as either a "bypass" or "ring" road. There is only one proposal and provision for this route has been made in all recent subdivision approvals along the route.
- (b) The general layout is shown on the plan which I hereby table. The proposed intersection with Pinjarra Road is circled in red. It should be noted that minor changes to detail could become necessary as the design of the project proceeds.
- (2) The bypass will permit all through traffic to avoid the centre of Mandurah and the congestion associated with it. It will lessen the problem in Mandurah but it is likely that traffic volumes will remain high due to the attractions within the town.

It should also be noted that recent traffic changes in Mandurah have assisted traffic to flow more freely.

*The plan was tabled (see paper No. 391).*

## ABORIGINES

### *Homelessness Project Recommendations*

402. The Hon. Lyla ELLIOTT, to the Minister for Lands representing the Minister for Community Welfare:

- (1) Have any of the 17 recommendations of the Department of Community Welfare's Special Project on Aboriginal Homelessness, contained in the Report entitled "An Accommodation Service for Aboriginal Families in Perth", been approved by the Government?

- (2) If so, which ones?

The Hon. G. C. MacKINNON (for the Hon. D. J. WORDSWORTH) replied:

- (1) The report was submitted to the Government and the recommendations accepted in principle. The continuation of the project was conditional on funds being provided by the Commonwealth Department of Aboriginal Affairs. Funds for the continuation of the project for a further 12 months have now been provided and the project team continue to operate under the auspices of the State Department for Community Welfare.
- (2) All the recommendations are incorporated in the special projects method of operation. Proposals are being developed for the setting up of an Advisory Committee on Aboriginal Homelessness.

## REGIONAL DEVELOPMENT

### *Administrator: Kimberley*

403. The Hon. J. C. TOZER, to the Leader of the House representing the Minister for Regional Administration and the North West:

- (1) Is it planned to move the centre of operations of the Kimberley Regional Administrator from Kununurra?
- (2) If so, where, when, and why?

The Hon. G. C. MacKINNON replied:

- (1) and (2) No.

## LEGAL AID COMMISSION

### *Federal Announcement*

404. The Hon. GRACE VAUGHAN, to the Attorney General:

With reference to the statement on legal aid made last week by the Federal Attorney General—

- (a) what, if any, will the effect be on—

- (i) the standard of Western Australian Legal Aid Services generally; and
- (ii) accessibility to the Family Court by persons of limited means;
- (b) what steps by the Government are proposed to compensate for any reduction in such standards and/or accessibility?

The Hon. I. G. MEDCALF replied:

- (a) and (b) None. The Federal Attorney General's statement referred to the Australian Legal Aid Office.

The statement did not refer to the independent WA Legal Aid Commission which sets its own guidelines.

## POLICE

### *Goods Seized*

405. The Hon. F. E. McKENZIE, to the Leader of the House representing the Minister for Police:

Referring to question No. 388 on the 26th October, 1978—

- (1) If an owner claims that damage was sustained to goods seized by the police whilst those goods were in the care of the police, would the Minister advise—
  - (a) who investigates the complaint;
  - (b) who determines whether the complaint is justified or not; and
  - (c) who determines the amount of any ex gratia payment that is made?
- (2) In the event of the complainant not being satisfied with the result of the decision, is there any recourse by way of appeal to an individual or body independent of the police?

The Hon. G. C. MacKINNON replied:

- (1) (a) Such complaints could be directed to the Commissioner of Police, the Minister for Police or the Parliamentary Commissioner for Administrative Investigations. In practice they are referred to the Commissioner of Police for investigation.
- (b) The particular authority to whom the inquiry is directed.
- (c) The Minister would normally recommend an amount for Cabinet consideration.
- (2) Appeal may be made to the Minister for Police, the Parliamentary Commissioner for Administrative Investigations or by normal civil process.

## LOCAL GOVERNMENT

### *Road Funds*

406. The Hon. H. W. GAYFER, to the Attorney General representing the Minister for Local Government:

Of the shire councils which, in the last financial year, were entitled to supplementary grants because of their shortfall under allocations made by the Rural Councils' Road Committee—

- (a) which received the full supplementary grant to make up their shortfalls;
- (b) which received less by way of supplementary grants to make up their shortfalls; and
- (c) what were the respective monetary figures in (a) and (b)?

The Hon. I. G. MEDCALF replied:

- (a) to (c) See schedule attached.

### *Schedule.*

- (a) Council which received the full Supplementary Grant Provision.

Council	Supplementary Grant
	\$
Albany Town .....	52 761
Beverley.....	5 053
Boulder.....	41 395
Brookton.....	3 510
Bruce Rock .....	7 083
Capel .....	16 695

Chittering.....	1 054
Collie.....	25 995
Corrigin.....	7 742
Dalwallinu.....	15 367
Dardanup.....	3 165
Donnybrook-Balingup.....	13 555
Dumbleyung.....	5 307
Dundas.....	9 661
Esperance.....	1 473
Exmouth.....	14 808
Gingin.....	3 235
Goomalling.....	5 193
Harvey.....	33 590
Kojonup.....	11 004
Meekatharra.....	3 704
Mingenew.....	5 888
Moorabool.....	10 139
Morawa.....	19 303
Mukinbudin.....	3 789
Mullewa.....	13 119
Narrogin Shire.....	2 003
Nungarin.....	1 013
Quairading.....	7 540
Tambellup.....	7 882
Tammin.....	2 959
Three Springs.....	1 199
Toodyay.....	14 450
Trayning.....	2 913
Wagin.....	11 696
Wandering.....	3 324
Waroona.....	12 231
Westonia.....	1 612
Wickepin.....	1 748
Williams.....	2 017
Woodanilling.....	999
Wyalkatchem.....	4 635
Wyndham-East Kimberley..	31 334

(b) Councils which received less than the full supplementary grant provision.

Council	Supplementary Grant Paid	Supplementary Grant Provision
	\$	\$
Bridgetown-Greenbushes.....	3 853	5 034
Cunderdin.....	17 023	22 151
Katanning.....	12 581	16 147
Kellerberrin.....	2 127	2 205
Mt. Magnet.....	708	915
Norham Shire.....	398	507
Plantagenet.....	6 696	8 247
Port Hedland.....	73 212	92 353

## EDUCATION: TEACHERS

### *Hedland, Karratha, and Newman High Schools*

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

(1) At Hedland Senior High School, which of the following senior teachers are to be transferred to other postings for the 1979 school year—

- (a) Principal;
- (b) Deputy Principal;
- (c) Principal Mistress;
- (d) Senior Master/Mistress—

English;  
Mathematics;  
Science;  
Geography;  
Manual Arts;  
Home Economics;  
other departments?

(2) What length of service have each of these senior teachers had at Hedland Senior High School?

(3) What senior teaching posts at—

- (a) Karratha Senior High School; and
- (b) Newman Senior High School;

are to have a change in the 1979 school year?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

(1) The principal, the deputy principal, the principal mistress and the senior masters of English, mathematics, science, geography and manual arts from Hedland Senior High School will all be taking up new positions in 1979.

(2) Respectively two years, one year, one year, two years, three years, one year, two years and one year.

(3) (a) The principal and the senior masters of science and manual arts.

(b) The deputy principal, the principal mistress and the senior masters of English and science.

It may be of interest to note that the senior master of science at Newman is moving to take up the equivalent position at Karratha.

# POLICE

## *Goods Seized*

408. The Hon. F. E. McKENZIE, to the Leader of the House representing the Minister for Police:

- (1) During each of the last five years—
  - (a) how many complaints have been made to the police claiming that goods seized have been damaged whilst in the possession of the police; and
  - (b) how many complaints have been received in respect of damage allegedly caused by police to premises during a search?
- (2) Of the complaints received in respect to (1) (a) and (b), have any ex gratia payments been made to complainants?
- (3) If so, in how many cases, and what has been the total amount paid?

The Hon. G. C. MacKINNON replied:

- (1) to (3) I am advised that no statistical records are kept to enable this information to be supplied.

409. *This question was postponed.*

# HEALTH

## *Dental Therapy Centres: Schools in Whitfords Area*

410. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Health:

Further to the reply to question 393 of the 31st October, 1978, would the Minister advise—

- (a) at which school in the Whitfords area the proposed School Dental Service will be located; and
- (b) the names of schools it will service?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

- (a) The most suitable school has not yet been determined and will not be known until the new year.
- (b) This will depend upon the school chosen.

# QUESTION WITHOUT NOTICE

## EDUCATION: POST SECONDARY

### *Colleges: Karratha and Port Hedland*

The Hon. J. C. TOZER, to the Leader of the House:

I direct my question to the Leader of the House. As my question No. 400 of today on post-secondary education related to colleges in Karratha and Port Hedland but the reply by the Leader of the House only referred to Port Hedland, is the Leader of the House able to provide information on the interim planning committee for the Karratha college?

The Hon. G. C. MacKINNON replied:

Regretfully, no. I took it that the answer actually embraced both colleges; but if the member requires more specific information, I would suggest that he place a supplementary question on notice, which he can do now in the normal way.