

is subject to a mortgage unless the mortgage relates only to that lot and he sells the lot under a contract which provides that the consideration for the sale of the lot shall be satisfied . . .

It seems to me that, here again, there is protection for the purchaser which has not obtained to date, despite the fact that we are repealing many obsolete pieces of legislation with the passage of this Bill. So I could continue to speak in support of the measure.

However, there is one provision that is not clear to me. I refer to subclause (1) of clause 15, which commences with—

Where the Minister considers . . . I wonder who the Minister will be? The definitions in the Bill do not define who the Minister will be.

The Hon. A. F. Griffith: The Interpretation Act deals with that.

The Hon. W. F. WILLESEE: In the course of reading through the Bill I find a reference to the Minister for Lands and the Minister for Town Planning.

The Hon. A. F. Griffith: I think the Minister would be the one who is placed in charge of administering the legislation under the provisions of the Interpretation Act. I have introduced this legislation. The Premier gave me the task of conducting the legislation and I would be the Minister.

The Hon. W. F. WILLESEE: Apparently I was not right in either case.

The Hon. A. F. Griffith: That is how I think it will be.

The Hon. W. F. WILLESEE: Why not specify in the Bill who the Minister shall be?

The Hon. A. F. Griffith: The Interpretation Act specifies that in all Acts.

The Hon. W. F. WILLESEE: I do not have the Interpretation Act before me but it would be fair to say that the Minister in charge of the legislation would be the Minister referred to. Due to the fact that the two departments mentioned are the Lands Department and the Town Planning Department I thought it would be pertinent to think that the Minister would be one of the Ministers who administer those two departments. I have now been handed a copy of the Interpretation Act by my colleague, Mr. Dolan, and I find that the definition reads as follows:—

“Minister” means the Minister of the Crown to whom the administration of the Act or enactment or the Part thereof in which the term is used is for the time being committed by the Governor, and includes any Minister of the Crown for the time being discharging the duties of the office of the Minister.

The Hon. A. F. Griffith: That allows for an easier distribution of the Acts.

The Hon. F. J. S. Wise: Without having to assign the duties.

The Hon. W. F. WILLESEE: I have never had so much help in all my life. May I say that I am quite relieved to discover who the Minister in charge of the Bill will be. Of course, I am pleased to find in clause 18 that house-to-house selling will not be permitted. I think this is most important. In the next clause the purchaser is given the right to rescind the contract within a certain time. I would also mention that if a person commits a breach of clause 18 he shall be subject to a penalty of \$200.

I do not think there is any need for me to continue this line of support any further. As I said in the first instance, the Bill is most desirable. I think it has been studied very closely, and I am sure that once it has been placed on the Statute book and any problems are met in the future they will be easily rectified. The Bill is certainly a step forward in an attempt to assist a purchaser in any land transaction, and the fact that we will now have on the Statute book a consolidated piece of legislation dealing with the sale of land must lead to a simplification of the procedure in the future.

Debate adjourned, on motion by The Hon. I. G. Medcalf.

House adjourned at 9.42 p.m.

Legislative Assembly

Wednesday, the 4th November, 1970

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

QUESTIONS (22): ON NOTICE

1. WATER SUPPLIES

Land Resumption at Balcatta

Mr. GRAHAM, to the Minister for Water Supplies:

(1) Is it proposed that the Metropolitan Water Supply, Sewerage, and Drainage Board will resume land in the Bryan Road, Balcatta locality?

(2) If so—

(a) for what purpose, and what function is it to fulfil;

(b) what acreage will be involved;

(c) how many properties will be affected;

(d) will it entail any houses and, if so, would it be possible to exclude such houses;

(e) why must the site be in this locality;

- (f) when will the site be required; 3.
- (g) what is the estimated cost of acquisition;
- (h) will he supply me with a plan showing details of the affected area?

Mr. ROSS HUTCHINSON replied:

- (1) Negotiations have been initiated to purchase lots 13 and 14, Bryan Road, Balcatta.
- (2) (a) For the construction of a water treatment plant.
- (b) 8½ acres.
- (c) Two.
- (d) Yes. One house is involved. Consideration will be given to excluding the house in purchase negotiations.
- (e) It is adjacent to a trunk main and close to the source of supply.
- (f) The site is required now. Part will be in use possibly within twelve months and the balance as development demands.
- (g) Not known at this stage and would depend on whether the house can be excluded from purchase.
- (h) Plan is, with permission, hereby tabled.

The plan was tabled.

2. NAVIGATION LIGHTS

Mandurah

Mr. RUNCIMAN, to the Minister for Works:

- (1) When can it be expected that navigation lights will be installed at the entrance of the ocean bar at Mandurah?
- (2) Will he give consideration to having navigation lights also installed on the Peel Inlet?

Mr. ROSS HUTCHINSON replied:

- (1) A navigation light at the end of each of the two training walls will be installed before the end of April, 1971.
- (2) Consideration has already been given to the installation of navigation lights in the Peel Inlet. Positions and numbers of these will not be determined, however, until the hydrographic survey has been carried out. On present programming the inlet will be surveyed during February to April next.

WET FISH

Improved Presentation

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

- (1) In what manner can the presentation of wet fish be improved, as stated in his reply to questions on the 29th October?
- (2) What is the department's role in improving this situation?
- (3) How does he consider that the standards of presentation and distribution of wet fish in Western Australia can be upgraded?

Mr. ROSS HUTCHINSON replied:

- (1) By producing a product equal to that presented by the Geraldton Fishermen's Co-operative Society.
- (2) The department has not undertaken work of this nature.
- (3) See (1) above.

4. HAMERSLEY IRON PTY. LTD.

Regulations

Mr. TONKIN, to the Minister for Industrial Development:

- (1) Since the 31st January, 1966, when his Department of Industrial Development forwarded to the Crown Law Department "regulations" for the Port of King Bay drawn up by Hamersley Iron Pty. Ltd., and was subsequently advised by the Crown Law Department that the "regulations" should take the form of by-laws, what has he done to ensure compliance by the company?
- (2) As acceptance of advice implies consequent action in conformity and he has said that he accepted Crown Law advice on the matter of the company's "regulations", will he explain the paradoxical position which results from the fact that Hamersley's "regulations" have not yet been given the form of by-laws?

Mr. COURT replied:

- (1) and (2) The honourable Leader of the Opposition has previously been advised that while it is correct that advice was received from the Crown Law Department to the effect that regulations, when issued for the Port of Dampier, should be in the form of by-laws, it does not necessarily follow that by-laws need to be issued immediately as the operation of the port in the meantime is covered by the provisions of the ratified agreement and current procedures.

The honourable Leader of the Opposition has also been advised in answer to previous questions that in any case it may be desirable to defer promulgation of by-laws until the position regarding major developments at Dampier, including the work currently being done on East Intercourse Island harbour facilities, has proceeded further. In addition to this there are still further potential developments of Dampier under consideration.

5. HAMERSLEY IRON PTY. LTD.

Regulations

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

- (1) When the Crown Law Department advises another government department of the requirements of the law concerning some matter or matters under its administration as has been done in connection with "regulations" drawn up by Hamersley Iron Pty. Ltd. and the requisite action to remedy the illegality or deficiency is not taken what action, if any, does the Crown Law Department take in such circumstances?
- (2) What action has he taken to ensure that the advice tendered to the Department of Industrial Development concerning Hamersley Iron Pty. Ltd. "regulations" is acted upon?

Mr. COURT replied:

- (1) and (2) Advice given by the Crown Law Department to another Government department is given in good faith based on the particular question put before it. Whether the advice given is followed is a matter for the Minister concerned, having regard for the circumstances.

6. PARKING FEES

Engineering Students Attending Evening Classes

Mr. MENSAROS, to the Minister for Education:

As the Perth City Council's extension of time for full parking fees to be paid after 5.30 p.m. in car park No. 2 causes considerable financial strain for students attending evening classes in engineering courses at the Perth Technical College, would he consider requesting the council to allow free parking for such students by issuing them stickers or by some other means?

Mr. LEWIS replied:

The Perth City Council advises that after 5 p.m. a reduced fee of 20c is charged in its No. 2A car park (shoppers' car park at the foot of William Street).

If students cannot afford this fee, parking free of charge after 4 p.m. is still available at the No. 1 car park at the rear of Government House and at the No. 3 car park at the intersection of Wellington and Milligan Streets.

7. HIGH SCHOOL HOSTEL

Establishment at Kalgoorlie

Mr. BURT, to the Minister for Education:

- (1) Has he examined the recent submission from the goldfields ward of the Country Shire Councils' Association concerning the need for establishing a high school hostel at Kalgoorlie?
- (2) If so, and in view of the results of the survey showing that the parents of 116 prospective students have signed declarations indicating their intention to send their children to such a hostel if established, does the department consider this to be a sufficient inducement for planning to proceed for a high school hostel to accommodate goldfields children?

Mr. LEWIS replied:

- (1) No. This submission was addressed to the Country High School Hostels Authority and will be considered at its next meeting on 26th November.
- (2) Answered by (1).

8. GYPSUM DISPOSAL

Cockburn Sound: Effect on Ecology

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

- (1) Is he aware of the comment in *The West Australian* of the 3rd instant that—
 - (a) "Dumped Mud may 'Kill' Sea";
 - (b) denial of oxygen to sea life could result in dead areas of the ocean;
 - (c) the comment is alleged to emanate from a United States professor's report from a Marine Science Research Centre?
- (2) Will he inform the House of the opinion of the Department of Fisheries and Fauna as to whether

the department can guarantee that the ecology of Cockburn Sound is not disturbed by denial of oxygen to primitive and immature marine life arising from smothering of such life by the disposal of 350 tons of gypsum daily into Cockburn Sound?

- (3) Is he aware of any views expressed by the Western Australian fisheries section of the C.S.I.R.O. on this matter and, if so, would he supply the information to the House?

Mr. ROSS HUTCHINSON replied:

- (1) Yes.
 (2) The Department of Fisheries and Fauna is of the opinion that it cannot give the guarantee sought.
 (3) The Minister for Fisheries and Fauna is unaware of any statement by the Division of Fisheries and Oceanography, C.S.I.R.O. in relation to this matter.

9. JUNIOR AND LEAVING CERTIFICATES

Results

Mr. DAVIES, to the Minister for Education:

- (1) Is there any truth in current rumours that changes will be made in publishing results of Junior and Leaving Certificate examinations this year, inasmuch as the daily newspapers will not carry the results?
 (2) Could he detail the procedures to be adopted to acquaint candidates with the results?

Mr. LEWIS replied:

- (1) No.
 (2) Formerly, candidates have received official notification of their results through the Press and have been advised individually after publication.

This year, candidates will be advised individually of their results at a time corresponding with publication in the Press.

The individual advice will be the official notification.

10. "AVIARY BIRD AND WILDLIFE MAGAZINE"

Criticism of Vermin Classifications

Mr. CASH, to the Minister for Agriculture:

- (1) Has his attention been drawn to an article in the November issue of the *Aviary Bird and Wildlife Magazine* which criticises the

the Agriculture Protection Board in regard to its classification of certain birds and wildlife as vermin?

- (2) Is the criticism warranted and, if not, will he briefly state the board's policy in regard to the classification of birds and other wildlife?
 (3) What authorities have the power to declare a "vermin" classification?
 (4) Can interested organisations appeal against such classifications and, if so, to whom?

Mr. NALDER replied:

- (1) Yes.
 (2) No. The board classifies as vermin those animals and birds which are considered to be sufficiently troublesome to primary production, or which are considered potentially troublesome.
 (3) The Agriculture Protection Board now declares animals or birds as vermin, but many on the list were proclaimed previously by Executive Council. Declarations restricted to vermin districts are made or continued at the request of local vermin authorities, who are responsible for vermin control within their respective districts. These declarations are regularly referred back to the local authorities for re-consideration. The board has arranged for a survey to be made of the pest status and potential of animals and birds, and this has been under way for several years.
 (4) The Agriculture Protection Board regularly reviews the position and will always consider submissions from individuals or authorities regarding any of the animals or birds declared vermin.

11. POTATOES

Shortage, and Price Fluctuation

Mr. BRADY, to the Minister for Agriculture:

- (1) Is he aware—
 (a) that potatoes are unavailable for purchase in some suburbs on Thursdays and Fridays;
 (b) there is considerable fluctuation in retail prices, for example, on Thursday, a Mt. Lawley store advertised potatoes at 70 cents a stone, on the same day they were advertised in Midland at 33 cents for 5 lb., but were not available?

- (2) Can he ascertain why the potatoes are in short supply and what is the reason for big differences in prices charged?

Mr. NALDER replied:

- (1) (a) No.
(b) Yes.
(2) Planting of potato crops this season was protracted due to heavy rain in June. This, coupled with seasonal conditions which have prolonged the growth of crops and delayed maturity, has limited the volume of potatoes harvested.

Due to irregularity of deliveries from growers, potatoes may be unavailable in some shops on certain days, not necessarily Thursdays or Fridays.

It is anticipated that the supply position should improve progressively and will be normal in December.

The Potato Marketing Board controls the wholesale price, which is currently fixed at \$95 a ton, but has no control over retail prices.

12. "BUY W.A. GOODS"
CAMPAIGN
Cost

Mr. DAVIES, to the Minister for Industrial Development:

- (1) What is the total cost of the "Buy W.A. Goods" campaign currently being conducted?
(2) Who is handling the campaign on behalf of the Government?
(3) Were tenders invited on a competitive basis?
(4) If not, why not?
(5) Is the entire expense being borne by the Government?
(6) If not, who are sharing the costs and to what extent?

Mr. COURT replied:

- (1) Cost of the campaign:
- | | |
|--|--------|
| 1969-1970— | \$ |
| Budgeted expenditure | 76,000 |
| Actual expenditure | 74,280 |
| 1970-1971— | |
| Budgeted expenditure | 90,000 |
| Actual expenditure to the 3rd November, 1970 | 26,905 |

This is a 10-year campaign to increase local employment opportunities by increasing the penetration of Western Australian products on the local, Australian, and overseas markets.

- (2) The campaign is being directed by the Publicity Section of the Department of Industrial Develop-

ment. The major advertising activity is handled by Parkes Advertising Pty. Ltd.

- (3) Tenders were not called on a competitive basis. However, proposals were invited from a number of firms from which a selection was made of the firm considered to have put forward the proposal which had the best prospects of achieving our objectives.
(4) See (3).
(5) The actual and budgeted expenditure set out in answer to (1) is Government responsibility. Additional funds are being spent in the promotion by individual firms. One company has budgeted to spend \$100,000 on an individual programme scheduled for next year and tied in with our official campaign.
(6) See (5).

13. TRAFFIC

Revenue: Licenses and Offences

Mr. JONES, to the Minister for Traffic:

- (1) What was the total of—
(a) vehicle license fees; and
(b) drivers' license fees, collected for the years 1967-68, 1968-69, and 1969-70?
(2) What amounts were received for traffic offences for the same periods?

Mr. CRAIG replied:

- (1) (a) Vehicle license fees—
- | | Metropolitan | Country |
|---------|--------------|---------------|
| | \$ | \$ |
| 1967-68 | 6,025,981 | 4,434,700 |
| 1968-69 | 6,792,570 | 4,607,666 |
| 1969-70 | 7,424,184 | Not available |

- (b) Drivers' license fees—
- | | Whole State |
|---------|-------------|
| | \$ |
| 1967-68 | 1,175,906 |
| 1968-69 | 1,262,932 |
| 1969-70 | 1,448,677 |

- (2) Amounts received for traffic offences—
- | | Metropolitan | Country |
|---------|--------------|---------------|
| | \$ | |
| 1967-68 | 790,942 | Not available |
| 1968-69 | 906,759 | Not available |
| 1969-70 | 1,131,234 | Not available |

14. MAIN ROADS DEPARTMENT

Cost of Offices

Mr. JONES, to the Minister for Works:

- (1) What is the total cost of the new Main Roads Department offices, including land and equipment?

- (2) From what source was the finance obtained?

Mr. ROSS HUTCHINSON replied:

- (1) It is not possible at this date to answer the question because final costs in respect to the contract for the office building and many items, such as furniture and equipment, are not yet known.

The contract price for construction of the building was \$2,705,038. This was the second contract let for the work, the first contract having been cancelled because of the contractor's financial difficulties. The original contractor has been paid \$718,000 to date.

The land was originally Crown land and was transferred to the department at no charge.

- (2) State funds.

15. INLAND FISHERMEN'S LICENSES

Collie

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

Will he make arrangements for inland fishermen's licenses to be obtainable in Collie?

Mr. ROSS HUTCHINSON replied:

Yes.

16. ROAD TRANSPORT

Pine Logs: Nannup

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

- (1) Will he advise the reasons why the road from Nannup to Busselton is being upgraded and resited?
- (2) Is it proposed to cart pine logs exclusively by road transport from Nannup when the road is upgraded?
- (3) Is it proposed to transport all commodities by road transport to and from Nannup when the road is upgraded?
- (4) If (3) is "Yes" when will this take place?
- (5) What tonnages of pine logs are at present transported by—
 - (a) road transport;
 - (b) rail?
- (6) Is he aware that the W.A.G.R. has modified wagons to transport pine logs specifically between Nannup and Carlisle?

- (7) Is it correct that the W.A.G.R. is equipped to cart all pine logs from Nannup to Carlisle?

- (8) If "Yes" why are pine logs being carted by road transport?

Mr. O'CONNOR replied:

- (1) The upgrading and re-alignment of the road is in accordance with the Main Roads Department's programme for progressively upgrading all main roads within the State.
- (2) In the past permits have been granted from time to time for the road transport of pine thinnings from Nannup but no decision has been made that pine logs from Nannup will be carried exclusively by road in the future.
- (3) No proposal of this nature has been considered. Each application for a road permit will be treated on its merits as applies in other parts of the State.
- (4) Answered by (3).
- (5) (a) Pine logs are not being transported by road from Nannup at the present time.
(b) Approximately 100 tons per week from Nannup to Carlisle.
- (6) Yes.
- (7) Yes.
- (8) Answered by (5).

17. *This question was postponed.*

18. INFECTIOUS HEPATITIS

Students: Provision of Suitable Drinking Founts

Mr. MAY, to the Minister for Education:

With a view to preventing the spread of infectious hepatitis within the student population, will he arrange for the immediate installation of adequate and suitable drinking founts at all schools, suitable drinking founts being those which permit the users lips to come in contact only with the water being discharged from the tap?

Mr. LEWIS replied:

Every endeavour has been made and will continue to be made for the systematic replacement of unsuitable drinking founts.

19. INFECTIOUS HEPATITIS

Students: Number of Cases

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

- (1) How many cases of infectious hepatitis were reported to his department during the past three months?

- (2) Of this number, how many were students?
- (3) What are the names of the schools where infectious hepatitis has been reported?
- (4) Of these schools, would he indicate those which are provided with adequate and suitable drinking fountains which prevent the users lips making contact with the tap?
- (5) In association with the Minister for Education, will he ensure that all schools not provided with adequate and suitable drinking fountains be supplied as soon as possible?

Mr. ROSS HUTCHINSON replied:

- (1) Forty-eight cases.
- (2) Twenty-three cases between the ages of 5 and 16 years (probably, though not necessarily, students).
- (3) Notifications of individual cases are made by medical practitioners and not from schools.
- (4) and (5) Prevention of lip contact with taps would not prevent drinking fountains from transmitting infection. Infected hands contacting the tap are a more significant source of infection, best prevented by education in hand hygiene after visits to the lavatory.

20. HEALTH

Sheep and Lamb Carcasses

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

- (1) What was the monthly total of sheep and lamb carcasses, excluding those for export—
 - (a) inspected; and
 - (b) condemned,

at the Midland Abattoir for the months of September and October, 1970?

- (2) Would he provide a list of the location of all abattoirs from where carcase meat was forwarded to the meat market, metropolitan markets, West Perth, for the months of August, September, and October, 1970?
- (3) How many individual farmers forwarded carcase meat to the metropolitan markets during the months of August, September, and October, 1970?
- (4) What was the total number of carcasses forwarded to the metropolitan markets by individual farmers for the months of August, September, and October, 1970?

Mr. ROSS HUTCHINSON replied:

- (1) The latest figures available are those from the 1st September to the 2nd October:
 - (a) 52,226; and
 - (b) 2,559.
- (2) to (4) I suggest that the honourable member might prevail upon the meat market which is a private enterprise, not associated with the Public Health Department, to supply him with the detailed information which he seeks.

21. CITY OF PERTH ENDOWMENT LANDS

Proceeds of Sale: Use

Mr. GRAHAM, to the Premier:

Adverting to replies given by the Minister representing the Minister for Local Government on the 3rd instant (reference question 3) wherein it was acknowledged that he was aware that Perth City Council had used funds being the proceeds of sales of land in the City of Perth endowment lands area, for purposes other than those set out in the City of Perth Endowment Lands Act, yet he contemplated taking no action—

- (a) does he agree that defiance of the law should be tolerated;
- (b) is the refusal to insist on conformity with the law an infringement of a Minister's oath of office;
- (c) does the action of the local authority if wilfully carried out, constitute a contempt of Parliament;
- (d) does he as leader of the Government consider the situation warrants some action?

Sir DAVID BRAND replied:

- (a) No—when it is proved that there has been wilful defiance.
- (b) and (c) These questions cannot be answered satisfactorily in isolation. I am advised by the Minister for Local Government that the subject of the administration of the City of Perth Endowment Lands Act has been dealt with at a meeting of ratepayers of City Beach and Floreat Park held on the 28th October, 1970. An extract from the minutes of that meeting is attached.
- (d) In view of the proposed action of the City Council no intervention is contemplated.

The minutes were tabled.

22. CHARTER AIRCRAFT

Cost to Government

Mr. DAVIES, to the Premier:

What has been the cost of charter hire of aircraft by each of the

Government departments over each of the last three financial years and this financial year to date?

Sir DAVID BRAND replied:

Department	1967-68	1968-69	1969-70	1970-71 to date
Hon. Premier—	\$	\$	\$	\$
Premier's Department	3,031.67	6,345.60	1,142.05	2,778.66
Treasury Department (Parliamentary Visit, North-West)	Nil	Nil	8,658.75	Nil
Hon. Minister for Agriculture and Electricity—				
Department of Agriculture	Nil	893.00	1,785.00	508.00
State Electricity Commission	1,805.89	2,137.06	1,342.06	968.14
Hon. Minister for Industrial Development and the North-West—				
Department of Industrial Development	5,491.91	3,158.83	3,441.26	1,409.79
Department of North-West	7,266.93	7,492.44	6,339.55	4,703.78
Hon. Minister for Education and Native Welfare—				
Education Department	763.98	2,264.34	529.28	1,847.45
Native Welfare Department	1,336.00	191.00	Nil	1,242.00
Hon. Minister for Mines and Justice—				
Mines Department	1,171.37	1,130.66	163.33	2,830.08
Crown Law Department	1,149.16	3,602.77	9,253.24	7,123.99
Electoral Department	401.67	Nil	Nil	Nil
Hon. Minister for Lands, Forests and Immigration—				
Lands Department	35,030.00	40,278.00	50,516.00	20,601.00
Forests Department	19,537.00	27,871.00	27,341.00	2,085.00
Hon. Minister for Works and Water Supplies—				
Public Works Department	6,471.00	6,214.00	11,903.00	1,753.00
Main Roads Department	10,102.00	27,838.00	45,617.00	10,056.00
Hon. Minister for Local Government, Town Planning and Child Welfare—				
Local Government Department	216.00	2,321.66	376.00	450.00
Town Planning Department	Nil	485.50	82.45	97.50
Child Welfare Department	Nil	209.50	589.52	498.93
Hon. Chief Secretary and Minister for Police and Traffic—				
Police Department	153.05	432.75	1,339.49	Nil
Hon. Minister for Housing and Labour—				
State Housing Commission	4,425.23	2,553.60	3,775.40	2,426.08
State Government Insurance Office	650.28	512.20	770.62	Nil
Department of Labour	1,968.55	4,056.23	2,134.18	1,398.03
Workers' Compensation Board	Nil	Nil	102.00	Nil
Hon. Minister for Transport and Railways—				
Road and Air Transport Commission	45.00	227.00	979.00	Nil
Director General of Transport	1,364.00	1,428.00	3,502.00	2,123.00
Metropolitan Transport Trust	45.00	Nil	449.00	Nil
Western Australian Government Railways	90.00	346.00	3,218.00	Nil
Hon. Minister for Health and Fisheries and Fauna—				
Medical Department	2,018.06	2,329.60	9,792.25	4,711.63
Public Health Department	2,568.49	2,134.33	3,769.79	233.33
Fisheries Department	6,372.80	1,597.93	6,271.86	1,214.90

QUESTIONS (4): WITHOUT NOTICE**1. PARLIAMENTARY PRIVILEGE***Comments of Mr. T. Luckett***Mr. TONKIN**, to the Premier:

- (1) In what way were the comments of Mr. T. Luckett, as reported, a breach of privilege amounting to contempt of Parliament, as was stated on Tuesday last to be the Premier's opinion?
- (2) If he is confident of the soundness of his opinion, is it not his duty as Leader of the House to take such action as is requisite to safeguard parliamentary privilege and not to treat contempt of Parliament with contempt, as he has said he and others have elected to do?
- (3) To whom, besides himself, was he referring when he used the plural pronoun "we" in the second paragraph of his reply to the question asked by the member for Mirrabooka?

Sir DAVID BRAND replied:

Although the Leader of the Opposition gave me some notice of the question, I have decided to delay the answer until tomorrow.

The **SPEAKER**: Order! Such questions without notice are not automatically carried forward. Will the Leader of the Opposition put that question on the notice paper?

Mr. TONKIN: If I am permitted to do that, I will do it now.

2. HAMERSLEY IRON PTY. LTD.*Regulations***Mr. TONKIN**, to the Minister for Industrial Development:

My question relates to the answer given to question 5 today. How does the Minister reconcile the answer he gave me today with a number of answers he gave previously to the effect that negotiations were taking place between his department and the company with regard to the issuing of by-laws, and that those negotiations were reaching finality?

Mr. COURT replied:

There is no need for any reconciliation. The Leader of the Opposition knows that circumstances change from time to time, and there are a number of major developments taking place in that area which are of considerable importance not only to that area but also to the State. Therefore the Government has a responsibility to survey the situation as it occurs.

In the answer I gave today I pointed out what had been the position to date and I also foreshadowed that there were some other developments potentially to take place at Dampier which were of considerable importance. It is, therefore, the Government's responsibility, surely, to determine a question like this as the circumstances occur, bearing in mind that this port is unique, inasmuch as there is only one company using the port. It is not as though there was a multiplicity of users involved. If the Government did what the Leader of the Opposition wants it to do, the Government would immediately be up for considerable expense, in both capital and revenue expenditure, which it does not have to incur now. I cannot see, for the life of me, why this matter is such an obsession with the Leader of the Opposition.

3. MEAT*Departure of Ship without Overseas Order, and Voluntary Manning of Abattoirs***Mr. GAYFER**, to the Minister for Agriculture:

- (1) Is it true that a ship left Fremantle today without lamb carcasses and beef carcasses for an overseas order?
- (2) What would be the position if farmer volunteers manned the abattoirs in order to kill and dress the backlog of once prime lambs which have been caught by the strike and are deteriorating drastically day by day?

Mr. NALDER replied:

- (1) I do not know whether the ship left today but I have been informed that a ship which was to take a consignment of meat, destined for an overseas country, did leave Fremantle without that consignment.

I also understand that at least two ships are to call into Fremantle in the next day or so to pick up a very large consignment of carcasses of lamb and mutton, but if the strike continues, this consignment will be left at Fremantle, which will be a most unfortunate situation.

- (2) I believe some farmers have offered to come to the metropolitan area to slaughter the lambs that have been penned or which, I understand, are now in paddocks. I, personally, had several offers by farmers a few days ago,

and these offers are being considered, of course, but there are many difficulties associated with the situation. I can assure the honourable member that a great deal of concern is being expressed throughout the country in view of the action that is being taken, especially when some of the sucker lambs have been in the pens for over 10 days, and are deteriorating very quickly because they are being subjected to different conditions from those they were in before they left the properties. One of the difficulties that should be explained is that some of these lambs, because of the different conditions, are scouring badly, and are now being attacked by flies.

The situation that has to be handled at present is very difficult, as one can realise if one is aware of the problems associated with handling lambs after they leave the properties. There is nothing more I can say in reply to the member for Avon except to repeat that the offer made by some farmers is being considered.

4. HAMERSLEY IRON PTY. LTD.

Regulations

Mr. TONKIN, to the Minister for Industrial Development:

Is there any intention of having by-laws issued by Hamersley Iron to replace the regulations under which the port is being operated; and, if so, when; and, if not, why?

Mr. COURT replied:

In answer to the Leader of the Opposition, the position is as I have stated it. The whole question of the port, its operations, its future, and the promulgation of by-laws is very much under consideration by the Government, and I am not prepared to go beyond that at this point of time.

Mr. Tonkin: Of course you are not! Why don't you be honest?

Mr. COURT: Do not let the Leader of the Opposition accuse me of being dishonest!

Mr. Tonkin: The Minister for Industrial Development—

The SPEAKER: I will not have interjections during the course of an answer to a question.

Point of Order

Mr. COURT: I rise to a point of order, Mr. Speaker. I take exception to the implication and

the comments of the Leader of the Opposition, and I ask for their withdrawal.

Several Government members: Hear, hear!

The SPEAKER: I take it that the Minister for Industrial Development has asked the Leader of the Opposition to withdraw, because he takes exception to the words that he is dishonest.

Mr. Tonkin: I did not use the word "dishonest."

The SPEAKER: As I heard them the words were, "Why don't you be honest?"

Mr. Tonkin: That is correct.

The SPEAKER: It is simply a play upon words. The Minister has taken exception to the implication. I ask the Leader of the Opposition to withdraw the implication that the Minister was dishonest.

Mr. TONKIN: I withdraw the implication.

Reply to Question Resumed

The SPEAKER: Is the question complete?

Mr. COURT: As far as I am concerned, Mr. Speaker.

Mr. Tonkin: Of course it is, as far as you are concerned! You are finished, no doubt!

WESTERN AUSTRALIAN TERTIARY EDUCATION COMMISSION BILL

Third Reading

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

PHYSICAL ENVIRONMENT PROTECTION BILL

Second Reading

Debate resumed from the 3rd November.

MR. H. D. EVANS (Warren) [4.55 p.m.]: The measure now before us has been long awaited and the reaction to it has been quite interesting. We find that the expression of such reaction varies between dissatisfaction and dismay.

Mr. Rushton: Some people are pleased.

Mr. H. D. EVANS: I think it will be found that those people are in the minority. The daily Press has devoted at least two editorials to the Bill, and several rather stinging articles have been published as a consequence. Interested organisations have also registered their disapproval of the measure and expressed their support of the attitude shown by the Press. Foremost amongst the organisations I would

mention is the Nature Conservation Council of Western Australia which embodies 16 separate organisations in its personnel. A letter from this organisation appeared in *The West Australian* of the 30th October, 1970, and, further recommendations were submitted to the Premier.

I repeat that this organisation is in full accord with the daily Press. Up to this stage the public at large have not been demonstrative, but it will be found that there is considerable dissatisfaction. This dissatisfaction was most manifest this year, and it should not be forgotten that a public march on Parliament House was proposed at the beginning of the session. This was averted by the promise by the Premier to bring down a measure dealing with conservation.

Sir David Brand: I want to assure you that it was not brought down because of the march.

Mr. H. D. EVANS: It was probably coincidental then, but this is what transpired.

Sir David Brand: It might have been coincidental, but the Bill was not brought down because of the march.

Mr. H. D. EVANS: It is not inappropriate that at this time a mining inquiry is in progress. It is appropriate that the inquiry is being held at the same time the Bill is before the House, and the multiplicity of aspects of conservation that are being presented to the mining inquiry have direct relevance to the situation that exists in the State at the moment. Not only that, but the bringing forward of such aspects presents some detail which could perhaps remind the Premier of the urgent need for conservation measures in Western Australia.

It is found that such persons as Mr. Bowen, the Director of Fisheries and Fauna, has been making submissions, and he evinces a plan to control mining on reserves which is certainly worth a closer scrutiny than it appears it will get under the terms of the Bill. Dr. Merrilees, the palaeontologist at the W.A. Museum, considers that, at this juncture, some reserves in Western Australia are beyond saving. Mrs. A. J. Skinner, a member of the Warnbro Sound Conservation Society, has quite a deal to say. Mr. C. F. H. Jenkins has made a plea that all reserves should be upgraded to afford them some sort of protection.

These are people who hold responsible positions in the community and their approach to the subject would be considerably more specialised than would be the approach of some members opposite at the moment.

Mr. Dunn: That is only your opinion.

Mr. H. D. EVANS: It is not only my opinion, but in reply to the member for Darling Range I would say it is a fairly objective observation.

Mr. Williams: I hope you are going to tell us what your party will do in this matter if it becomes the Government, because it will be more than your leader did last night. It will be good to hear from a junior member of the Opposition, because the leader said nothing.

Mr. H. D. EVANS: Do not worry. I will certainly do that. Mr. T. L. Riggett makes a rather devastating prognosis of what could happen on the Darling plain between Kwinana and Mandurah. He has not presented a very pleasant picture, but certainly he has some substance for making the prognosis.

We could proceed at fairly considerable length with the expressions of opinions which have been registered by such eminent persons. However, the only one to which I make further reference will fit in with my remarks dealing with mining in forest areas.

The Bill before us contains a number of provisions, some of which I do not think will provide the appropriate action to deal with the urgent situation that we find in Western Australia. It is proposed that a Ministry of conservation be set up, and it will be under the direct control of the Minister for Fisheries and Fauna who will act in a new capacity. There will be a director and a council, the composition of which has been suggested in the remarks of the Premier when he introduced the second reading.

The composition of the council is of considerable interest, and, as the Premier told us, there are to be 12 members under a chairman who will also be the director. This appointment is to be made by the Governor on the recommendation of the Minister. Of the 12 members, six will be representatives of State Government departments. It has been suggested by the Premier that on a tentative basis these six members would embrace the Commissioner of Public Health; the Commissioner of Town Planning; one member to represent Lands, Agriculture, and Forests; one member to represent Fisheries, Fauna, Flora, and Tourism; one member to represent Public Works, Water Supplies, and Public Utilities; and one member to represent Industrial Development and Mines.

In addition, three non-Government members will be appointed to the council, of whom two will have to possess expert knowledge on some aspects of conservation. Furthermore, there will be one local government representative, one representative from primary industry, and one representative from secondary industry. In all that makes a total of 12 members.

The loading of this council seems to be preponderantly in favour of Government instrumentalities which have six representatives out of the 12 on the board, in addition to the director. Perhaps the composition of the council should be such,

but not without further qualification. Of the non-Government members I feel representation could be extended to include a member of a Commonwealth authority—preferably the C.S.I.R.O.—to bring about direct liaison with the valuable research work that has already been carried out by this body. If it is not a representative of the C.S.I.R.O., then perhaps it could be a representative of the Commonwealth Public Works Department. In any case this representative should be someone who is directly concerned in this area.

One of the nominees could well be a representative of organisations that are vitally concerned with this particular issue; and there are a number of them. Perhaps the National Trust of Australia would be the most appropriate to mention. I feel that the tertiary institutions of education should not be ignored as they have a very deep and a very wide interest in this matter.

I wish to make some further comment on the representation that is afforded to Government departments. Many of these members would not be qualified to deal with conservation matters, with their full ramifications, or serve on a council such as this one. So it would be fortuitous if there was a preponderance of men with experience and ability in the various departments who would be appointed to this council.

The functions of the council are laid down in clause 21 of the Bill. To paraphrase this provision, it appears that the duty of the council will be to report, to confer, and to investigate. It would appear that any points which arise can be referred, by any Minister who is engaged in a developmental project, to the appropriate Minister for environmental protection. When we examine the situation we find it is not as straightforward as it appears to be at first glance. As a matter of fact it is quite alarming in its concept, because it is provided that any Minister shall, if he sees a need, refer a particular consequence of a developmental project to the Minister in charge of environmental protection.

So, we find there is an onus placed upon the Minister who is responsible for the developmental project, but he might not necessarily be aware of the full implications of the environmental control which will stem from his projected action. As a matter of fact, Professor Main makes reference to this very point in the publication *Australian Frontier—Design For a Better Environment*. He sets out the inadequacy of the background of many administrators and Ministers, and he makes a strong reference to this aspect. He says they are not equipped, and they are not able to cope with the specialised involvement that could arise from something of an ecological nature.

To illustrate this point it would be a pretty safe bet to say that the engineers who were concerned with the design of the Ord River Dam made no survey of the possible biological consequences which could arise. I am not saying it was their duty or their charter to do this, but I do say that situations of this kind do arise. In the case of the Main Roads Department, which has fairly wide and sweeping powers, exactly the same thing can happen. I expect that the competence of the engineers of the Main Roads Department is not in doubt; nobody says it is; but their function is to establish from point A to point B the best quality road they can construct within their budget. This is the function and the responsibility of the Main Roads engineers.

However, if those engineers approached the Minister and said that although they had made a fine job in constructing the road they needed to construct another eight miles of road to get around a particular landscape or to avoid the destruction of a reserve, I do not think the Minister would sanction their request.

Mr. Ross Hutchinson: Of course, he would; and that is what is done.

Mr. H. D. EVANS: The aesthetics are not given the consideration that can be given by a council, if it has the necessary powers. I realise that the Main Roads engineers have shown more regard to aesthetics in recent years.

Mr. Ross Hutchinson: We have established a new section in the department to deal with those matters.

Mr. H. D. EVANS: I am aware of that. At the same time this is not one of the primary considerations of the Main Roads engineers. We could extend the comparison to the State Electricity Commission. The engineers of the commission have powers similar to those of the Main Roads engineers. In establishing a 66 kva transmission line, the requirements laid down by the S.E.C. are demanding. The engineer has, firstly, to clear a swath 66 feet wide, and then from points 10 feet on either side of the centre an angle of 45 degrees is taken back so that there is no danger of trees falling. Again the S.E.C. engineer has to work to a fixed budget, and neither has he full regard for the aesthetics of the situation which he could have if he were under the direction of a council which had powers to instruct him to follow a particular line.

As the Premier suggested, when it is a question of balancing conservation against costs, if another 200 tons of copper wire and the requisite number of posts have to be used, the additional cost will have to be balanced against the final result; that is, the aesthetics will have to be balanced against the protection of State forests and reserves. It is a question

of balance; and who makes the judgment and holds the scales has a lot to do with the result.

In many ways conservation would not be weighed with very deep consideration. Perhaps if I gave a rather more detailed illustration of what happened in fairly recent times I would emphasise my point of view. I refer to what has occurred in regard to the mining of bauxite in the Darling Range. When the Minister for Industrial Development spoke in a debate in this House on the 7th October, 1969, he was of the opinion that the reafforestation programme had been carried out to the satisfaction of all that could be desired; but in reality this was not so. Even six years after the Government project had been commenced the situation still remained: that reafforestation had not been achieved.

That illustrates the point I am making: the full ramifications of the establishment of an industrial development project were not ascertained at the time the project was instituted. If we are to rely on this situation I am afraid that I will not have a great deal of faith in the efficacy of the provisions in the Bill before us. As the position stands, the reafforestation programme in the area mentioned is, to say the least, in grave doubt.

A question which I asked in fairly recent times indicates it will be something like 15 years before the Forests Department can give a full undertaking that a measure of success will be achieved; and this was not the initial indication that was given. I would like to digress from my present theme to illustrate the seriousness of the situation and the necessity for a greater measure of protection to be accorded to State forests, particularly as this matter is not mentioned specifically in the measure before the House. It seems to be one of the points that, to a considerable degree, has been disregarded.

We find that Western Australia is not a State which is blessed with great timber resources. As a matter of fact, by world standards our timber resources are lacking deplorably. For example, Japan, to which we export wood chips and to which we hope to increase our export, has in a total area of 91,000,000 acres, 62,000,000 acres of commercial timber, and this includes 10,000,000 acres of man-made forests. By way of contrast, Australia with a total area of 1,900,000,000 acres has 87,000,000 acres of forest; and Western Australia which has a total area of 625,000,000 acres has something like 4,500,000 acres of forests. In world terms Western Australia is very poorly positioned as far as forests are concerned.

With this in mind, I feel the measure of protection we have at the moment and the measure of protection afforded by the Physical Environment Protection Bill are

by no means adequate. I feel that I should point out, too, that the possibility of maintaining the present level of timber production in Western Australia has been reduced as private land has been cleared. So, from a net exporter of timber we will become in a very short time—probably this year—a net importer of timber; and this is something which is deplorable, especially when we realise that even by 1972 our timber imports will replace petroleum as the main drain on Australian import expenditure. From the point of view of the sheer economics of the country we can hardly afford to disregard this.

I do not wish to dwell on the importance of the economic aspect as there are other considerations, too. Environmental protection—whatever this term means—should embrace erosion and it should have full regard to saltation. The Senate report on water pollution indicates that of all Western Australia's problems saltation is one of its greatest. I think the exact words of the report are that saltation raised its head like a spectre over and over again in the submissions.

This is something directly dependent on forestation. The quality of ground water cannot be disregarded. Therefore in addition to considering the economic loss afforded by bauxite mining we must have regard to our water resources, and once again Western Australia is sadly lacking in this respect.

We cannot be too blasé about what is happening at present in connection with flora conservation and its effect on fauna. It is obvious from the figures we can ascertain, that bauxite mining in this State has increased in alarming proportions. In making this point clear I want to go back to my original theme; that is, the inability of those in administration to foresee the ramifications of the decisions they make.

Initially when this bauxite mining project was established it was stated that about 20 acres a year—but no more than 35—would be involved. This acreage has increased by 1,000 per cent. to this time, and it will increase still further when the Pinjarra Alcoa project gets under way. For every acre devoted to the extraction of bauxite, there will be at least another acre devoted to the making of roads, the placement of crushers, and works of this kind. Therefore, well over 1,000 acres will be utilised in this particular form of mining.

We must bear in mind, too, that once the capital outlay is amortised the companies will be able to profitably treat the lower quality ores, and this could still further increase the acreage used. Members must not forget that the land in question is some of the best of our State forests. The submission to the mining

inquiry by the representatives of the mining industry includes an overall statement that it is something like only $1\frac{1}{2}$ per cent. of the entire State forests involved in the leases. However, we should have regard to the fact that the leases are found on the best areas of State forests. Therefore, something like 12 per cent. of the productivity will become involved.

Consequently, in addition to the actual area mined, a further area will be utilised for ancillary workings, and at this stage we are using something in the order of 1,000 acres of State forests. This is for the provision of facilities, roads, water catchments, and the like. If we can sit back and allow something in the order of several thousand acres a year of State forests to be alienated in this way without proper consideration for its merits, there is something wrong with us as legislators.

As the Premier implied, the matter of balance must be considered. It may be preferable to denude the entire State of forests. I do not know. However, I do say that the situation should be considered in its proper perspective. In other words, we should view the overall effect as it will be experienced in 100 or 200 years, instead of considering only the mining industry, which has a comparatively short life of only a few decades.

This is the situation with which we are faced, and at this stage we should be considering securing our State forests against mining activities in the same way as they are secured against alienation for farming and other purposes. In other words, provision should be made so that it is compulsory for excisions along these lines to be brought before this House instead of continuing to allow the excisions to be carried out outside the control of Parliament. This is one of the more important aspects to which we are not paying due regard.

I will just conclude that particular point by referring to the submission of the Forests Department at the mining inquiry, because that is briefly the substance of that submission. This is one aspect which cannot be ignored in a Bill such as the one under discussion.

Closely allied to the matter of State forests is that of reserves and this also has not received the full attention it demands. The 'Final Amended Conservation "Bill of Rights"' circulated to most members of this House—I suspect to all members—by the W.A. Nature Conservation Council is a document which is to be commended. Amongst its objectives is the formation of a Ministry of conservation, but the council sees the Ministry as one with legislative powers of its own, and it will need powers of its own. As it is to be constituted under this Bill, it will act purely in an advisory capacity, and it therefore cannot expect to contend with

the problems of the magnitude it will be compelled to face. These problems are not only economic, but also involve personality.

The following suggested provisions concerning national parks and reserves are to be found in the "Bill of Rights" to which I have referred and are what the W.A. Nature Conservation Council considers necessary:—

- A. To afford all existing Reserves the fullest possible legislative protection, including specific restraint against all mining and agricultural activities.

The Bill we are discussing will not increase the security of reserves in any noticeable way because all that is possible under the Bill is advice. However, much more than this will be required to achieve the objectives which are outlined in this rather worthy document which I continue to quote as follows:—

- B. To ensure that all Reserves be brought under management that will:—

It then specifies seven points of management in connection with reserves, and all of them demand the attention of a Ministry of conservation. They read—

1. Provide such adequate access and recreation facilities that will be for the enjoyment of visitors as is consistent with the preservation of these areas of natural beauty and the wildlife.
2. So manage the Flora and Fauna that adjoining land owners are not adversely affected, and the continuity of native plants and animal population is secure.
3. Work for the survival of all species, variety or race of plant or animal that are native to Western Australia.

That third point has been very much stressed in the Press of late—throughout 1970, anyhow—and scarcely requires iteration. To continue—

4. Conserve throughout W.A. representative sites of natural beauty and historic interest.
5. Provide adequate research and finance concerning reserves.
6. Retain wilderness areas in their natural state, except by permit.
7. Take adequate steps to prevent and control all forms of vandalism.

Those are the suggestions of the W.A. Nature Conservation Council as presented in the document to which I have referred.

Mr. Gayfer: Do you think all reserves should come under one authority?

Mr. H. D. EVANS: I believe there is a good case for examination, and the fragmentation which exists at this moment is

certainly not desirable and can be improved on. I feel that, on the face of it, the submission of the W.A. Nature Conservation Council is a better proposal than the existing situation.

Mr. Gayfer: In spite of what shire councils would recommend you would still override them?

Mr. H. D. EVANS: I would give shires a chance to express their views, but, at the same time, I feel that, in the light of existing evidence, this council has a far deeper grasp of the situation than has the member for Avon.

Returning to this Bill, if it remains as it is, I certainly could not bring myself to vote against it because it is at least a step—a tottering, weak, and rather ineffectual sort of step—in the right direction, and it does show there is some small activity, however inadequate it may be.

I believe that on the physical environmental council there should be representatives of other authorities such as the Metropolitan Region Planning Authority and the North-West Regional Planning and Co-ordinating Authority, which are two that come to mind. For obvious reasons I believe that this matter should be considered and members of those two bodies should, under this Bill, be appointed to the council.

I want to know what the situation will be when a Minister has asked for a recommendation of the Minister for environmental protection, but that recommendation is rejected by the Minister who initially made the request. I presume that the Premier will have received a duplicate copy of the suggestion and that it will be raised in Cabinet; and I presume that at that stage it will be dropped. The recommendations of the Minister for environmental protection, even on subjects he has been asked to investigate, will not be made public. The first safeguard in this respect is that a report should be made available to the public on every matter considered by the Minister in his capacity as Minister for environmental protection.

Let us consider a project which is mooted. The Minister for environmental protection might not have all of the information he would like in regard to what is likely to occur if the project is carried out. Consequently he might desire a delay or a stay of proceedings for a considerable time; say, for two years. Once again I would say that the question of balance would arise, but who holds the scales? I would say that economic interests will dictate the decisions made and, as a consequence, the Minister for environmental protection would probably not even obtain a stay of proceedings.

Mr. Rushton: Tell us what you would do.

Mr. H. D. EVANS: The Minister would be brushed aside in that manner. I will answer the member for Avon more fully in a moment.

On the 27th and 29th October, the member for Mt. Hawthorn asked some questions of the Minister for Industrial Development, and the answers given clearly indicate the further pressure which will be placed upon the Minister for environmental protection.

The Minister gave an assessment of the cost of controlling pollution in the next decade. It runs into the order of between \$10,000,000 and \$100,000,000. The Minister could not give an exact figure and neither can I. The point is, however, that it will involve many millions of dollars. This amount of money will mean that substantial pressures will be placed on the Minister for environmental protection by the interested parties.

Only last night the Leader of the Opposition made reference to the situation in relation to the Clean Air Act, which is similar to the situation I envisage. He pointed out what happened when the administrator in charge of the Clean Air Act tried to exercise his powers under the legislation. The administrator found he was not able to do so. Such a position could well arise unless the director of environmental protection is a man of outstanding capacity. Not only will he have to be qualified to an extraordinary degree but he will also have to have such qualities of character as will enable him to withstand many pressures from many quarters.

Furthermore he will also have, in the early stages at least, a fairly untrained staff. It will be extremely difficult for him to obtain staff who are qualified in a manner that will enable him to discharge his duties to the satisfaction of this House. This probably emphasises the point I made on the need for delay to enable the Minister to have a particular position examined. The availability of trained staff will be a matter which he will have to overcome. It is something that will make his task even more difficult.

First and foremost, the situation which both the Minister and the director will find themselves in is not only unenviable but, I would say, is almost impossible. I further consider that the environmental protection council should have some avenue for exercising its own initiative if a matter does arise; it should be able to institute some form of procedure on its own account. There does not appear to be any provision for this and it is something which the council would be more equipped and qualified to do than those who will be initiating any such action.

It is a weakness inherent in the legislation and one which should be remedied at this stage.

I indicated for the benefit of the member for Dale who unfortunately has vanished—

Mr. Williams: Not for long.

Mr. H. D. EVANS: —the bodies that are directly involved in conservation. In all, 15 active conservation authorities are listed, none of which will be directly concerned with the proposed council but all of which have some influence and control over some aspect of conservation. It looks as though the Ministry needs, firstly, to revise the existing legislation to bring under its control at least some of the many institutions, departments, and other organisations involved in conservation. This becomes a question of degree.

The Premier made the forestalling suggestion that if a Ministry was given complete and overriding powers it would appear as a monolithic and bureaucratic structure which would destroy confidence. However, the legislation does not obviate the possibility of giving some powers. Surely the questions of national parks, road verges, and issues such as these could come within the direct control of the Minister for environmental protection.

The SPEAKER: The honourable member has five more minutes.

Mr. H. D. EVANS: Thank you, Mr. Speaker. I wished to refer to several other points, but I will use the last few minutes available to me in drawing something to the attention of the Premier and the member for Bunbury who, like the Arabs, has fled into the night.

Mr. Williams: He is no Arab, but was simply out of sight for the instant.

Mr. Graham: He was lying on the floor.

Mr. H. D. EVANS: The report of the Senate Select Committee on Water Pollution in Australia is rather interesting, because it supports, almost entirely, the points which were made by the Leader of the Opposition last night and for which he was subjected to some derision from the Government benches.

Mr. Rushton: You promised to tell us what you would do if you had the job.

Mr. H. D. EVANS: Methods of waste disposal in Perth are criticised in a report which warns of the grave pollution problem. It devotes one and a half paragraphs to this aspect and makes specific reference to Laporte and the fact that the new pond, constructed in 1968, has been effective as a temporary measure but the long-term effects have not been overcome. It goes on to list for a full paragraph other sources of pollution in Western Australia.

I should like to make a final reference to the particularly fine photography in this report, which happens to be a photograph of Cockburn Sound showing about

half-a-mile of discoloured and polluted waters, the result of discharge into the blues of Cockburn.

As the Leader of the Opposition said, without the intention to give specific legislative powers to such a Ministry, I fear the possibility that it might never get off the ground. Although I support the measure, I do so with some misgivings, and I hope it will be drastically amended next year.

Mr. Rushton: You have not told us what you would do.

Sir David Brand: That is all that has been said up to date.

MR. BOVELL (Vasse—Minister for Lands) [5.36 p.m.]: Last night the Leader of the Opposition referred to a Press report by Mr. R. D. Plesse which appeared in *The West Australian* of the 3rd November. The Press report was that Government policies were blocking the provision of adequate national parks and reserves in Western Australia. I want to say quite clearly that I reject the statement as being completely false and inaccurate.

Mr. Bickerton: They are very harsh words.

Mr. BOVELL: However harsh they might be they are very true.

Mr. Tonkin: I hope you will say something to back that up.

Mr. H. D. EVANS: Has the Minister told the President of the Australian Conservation Foundation?

Mr. BOVELL: I ask the Leader of the Opposition to have a little patience. Mr. Plesse should have bothered to quote up-to-date information instead of figures issued last year by the Premier.

Mr. Bickerton: I remember the Minister told us once that a man who steals your purse steals nothing but one who steals your character steals everything. Does the Minister remember that speech?

Mr. BOVELL: Yes.

Mr. Bickerton: Would not that be applicable as far as the Leader of the Opposition is concerned?

Mr. BOVELL: I am not quoting Shakespeare on this occasion.

Mr. Bickerton: Methinks you protest too much!

Mr. BOVELL: The member for Pilbara can interject as much as he likes. I have been here too long to allow him to put me off what I intend to say. The only person who can do that is your good self, Mr. Speaker.

Mr. Bickerton: And very ably!

Mr. Graham: Thereby striking a blow for democracy.

Mr. Bickerton: The Minister should not forget the purse.

Mr. BOVELL: If Mr. Piesse had taken the trouble to check up-to-date information he would have been in a stronger position to comment on the Government's performances.

Mr. Bickerton: Of course.

Mr. BOVELL: These performances, as members will see, are most commendable.

Mr. Bickerton: Who would say that?

Mr. BOVELL: According to the Press report Mr. Piesse told the mining inquiry that of the 13,900,000 acres which the Reserves Advisory Council had recommended for reserves only 4,300,000 acres had been set aside. That was 12 months ago. The position with reserves is constantly changing and, indeed, the Government established the Reserves Advisory Council on my recommendation. This was established some two years ago and long before the hue and cry came about conservation and pollution. The purpose was to establish greater reserves in Western Australia.

During the past 12 months the position has dramatically changed and the current figures show that 15,500,000 acres have been recommended by the Reserves Advisory Council and, of these, 11,300,000 acres, which is 7,000,000 acres more than the figure quoted by Mr. Piesse, have been set aside for posterity. Surely this indicates the activities of the Government over the last 12 months.

Mr. Rushton: What was the figure?

Mr. BOVELL: In all, 11,300,000 acres out of 15,500,000 acres recommended have been set aside. The position is constantly under review.

Mr. Bickerton: Where are these 11,000,000 acres?

Mr. BOVELL: Before setting aside reserves the Government must analyse the whole position and ensure that subsequent action is in the interests of the people of Western Australia generally.

Mr. Cook: What about the Fitzgerald River reserve?

Mr. Nalder: The less the member for Albany says about that the better.

Mr. BOVELL: I have spoken about the Fitzgerald River reserve previously, but I am not talking about individual reserves now. I am talking about the general position of reserves and the fact that Mr. Piesse's statement was inaccurate and misleading so far as the position today is concerned.

Mr. Bickerton: The Minister is leading with his chin now.

Mr. BOVELL: Yes. The Reserves Advisory Council is, as its name implies, an advisory body. It has no statutory authority and it was appointed long before the hue and cry came over conservation in Western Australia. I must commend the

council for its activities, which have resulted in reserves of 11,300,000 acres being set aside for posterity, as I have said. Mr. Piesse could have had the up-to-date figures had he taken the trouble to check the position and not quoted figures mentioned by the Premier in a public statement made almost 12 months ago. So much for Mr. Piesse.

Last evening the Leader of the Opposition threw his hat into the ring and quoted these figures. He tried to make play of them to the detriment of the Government's achievements.

Mr. Tonkin: Surely I was entitled to quote what I read.

Mr. BOVELL: It is a pity the Leader of the Opposition did not read a little more.

Mr. Tonkin: I read all there was in that article.

Mr. BOVELL: Mr. Piesse, as a visitor to Western Australia, could be excused for not having up-to-date figures, but there is no excuse for the Leader of the Opposition not having up-to-date figures. Might I say that it was clearly indicated in the Governor's Speech at the opening of this session of Parliament that the 4,300,000 acres had been exceeded well and truly.

I quote from the Governor's Speech, and I have had this typed out, so I assume it is quite correct. On that occasion the Governor stated—

During the past year the area under the control of the National Parks Board has increased from 843,449 to 3,507,407 acres. Two additional areas embracing more than 6,000,000 acres are in the process of being declared "Class A" reserves for the conservation of flora and fauna.

So nearly 9,000,000 acres was mentioned in the Governor's Speech. Perhaps the Leader of the Opposition should have read a little further and cast his mind back to that Speech. I might say that the 6,000,000 acres has been dealt with since that time. If the Leader of the Opposition had read a little further he would have found that the figures quoted by Mr. Piesse—or attributed to Mr. Piesse in *The West Australian* of the 3rd November—were incorrect.

Mr. Tonkin: But Mr. Piesse's figures did not refer to the total amount of reserves. They referred to the amount the Government had created out of the amount recommended.

Mr. BOVELL: That is just what I have said. I can say no more. I have been dealing with the recommendations of the Reserves Advisory Council. The Leader of the Opposition is not usually as dense as he appears to be.

Mr. Tonkin: What is the total of reserves in Western Australia—the complete total?

Mr. BOVELL: The total of all reserves amounts to an area exceeding the area of the State of Victoria.

Mr. Bickerton: How big is that?

Mr. BOVELL: I am talking about reserves recommended by the Reserves Advisory Council and created by this Government.

Mr. Tonkin: During what period?

Mr. BOVELL: During the whole period—from the beginning until now. Twelve months ago 4,300,000 acres had been set aside out of the 13,900,000 acres quoted in *The West Australian* and recommended by the council. At this date 15,500,000 acres have been recommended and 11,300,000 acres set aside.

I have been dealing with the recommendations of the Reserves Advisory Council, not the total reserves in Western Australia, not the Fitzgerald River reserve, not any other individual reserve, and not even Shakespeare, as mentioned by the member for Pilbara. The Leader of the Opposition is not usually as dense as he appears to be now. I have quoted the position and I think I have put the record straight about the achievements of this Government in regard to the creation of reserves. The initiative shown by this Government is second to that of no previous Government in this State.

Mr. Bickerton: I think the Minister for Forests has spent too much time—

The SPEAKER: Order! Order! The member for South Perth.

MR. GRAYDEN (South Perth) [5.48 p.m.]: I have not very much to say on this particular measure, but I would like to make a few points. Firstly, I would say that I do not agree with the member for Warren who virtually expressed the view that the Bill before the House is innocuous. He said that people and organisations outside Parliament had expressed opinions of dissatisfaction and dismay in regard to the Bill. I appreciate that is the situation, because some organisations have contacted me along those lines and various individuals have spoken to me in the same vein. However, I do think that much of the criticism stems from a misunderstanding of the measure, and that when the council which is to be set up under this Bill is in operation those who, at the present time, are expressing dismay will be pleasantly surprised.

Obviously, all sorts of legislation in respect of the protection of the environment exists in other countries of the world. That legislation takes all sorts of forms, and one could probably go on ad

infinitum quoting various countries and dealing with the legislation in each in an endeavour to formulate something which suits the circumstances existing in this State. But even if that were done the final form of the legislation would be purely a matter of opinion, and I think that is the situation in regard to this Bill. Nothing that could be introduced would please everybody. I have heard it said that this legislation does virtually nothing; but, of course, that is not so.

Before I get on to the matter of what the Bill does, I would like to say I feel that once the physical environment council is set up and commences making recommendations, it will be extremely difficult indeed for any Minister or for any Government to fly in the face of those recommendations. It would be most difficult for any Minister or any Government to disregard a recommendation of the council.

Sir David Brand: That is quite right.

Mr. H. D. Evans: Will the recommendation be confidential?

Mr. GRAYDEN: I think that is possibly one of the flaws in the Bill, but it is a relatively minor matter. All sorts of proposals have been put forward. Some people feel that the department which is to be established under the Bill should be vested with the full control of all matters appertaining to conservation and the protection of the environment. Those people feel that the Minister in charge of this department should exercise final authority and that he should have the power to overrule the decisions of other Ministers.

I think anybody who thinks about that for a moment will agree that it is a most impracticable suggestion. As far as I am aware it does not happen anywhere at all and it is quite contrary to the Cabinet system of Government which obtains in British-type Parliaments. It would simply be an impossible situation for any one Cabinet Minister to be able to overrule a decision made by another Cabinet Minister.

It has been suggested—I think it was in *The West Australian*—that this position applies in respect of the Mining Act; but that is not so. It is true that the Mining Act takes precedence over some other Acts, but we must remember that virtually everything done under the Mining Act is at the final discretion of the Minister. Certainly one can go onto reserves and peg them, but the Minister has absolute discretion as to whether he will finally approve of one's application, even if it is recommended by a warden's court. So the situation simply does not apply with regard to the Mining Act.

As far as I am aware we have never had an instance of any Minister for Mines overruling another Minister, even though

the Mining Act takes precedence in the way I have described. However, the important qualification is that although the legislation takes precedence in some cases, the matter is still left to the discretion of the Minister when it comes to the approval of applications for mineral claims and mineral tenements. I repeat that I have never heard of the present Minister for Mines, or any previous Minister for Mines, overruling other Ministers. I should imagine that if there was a conflict of opinion the matter would be taken to Cabinet, and the Cabinet would make a decision.

I have also heard it said outside this House that the Bill is completely innocuous and does virtually nothing. Again, nothing could be further from the truth because, first of all—and this is probably the most important aspect—it establishes a department of environmental protection. This is an extremely important aspect. A Ministry of environmental protection and a director of environmental protection are also being established. The department will have very competent staff, because clause 10 (1) of the Bill states—

There shall be appointed under and subject to the Public Service Act, 1904, such officers and temporary employees as may be necessary to provide technical, scientific and administrative services to the Department and to undertake studies and research concerning environmental pollution and the protection of the physical environment and to make investigations and reports with regard to the carrying out of this Act.

Mr. Brady: What is the use of having that in the legislation if the Minister will not act on the recommendations?

Mr. GRAYDEN: Who says he will not act on them? As I said earlier, I believe it would take a brave Minister indeed to fly in the face of a recommendation of the physical environment council.

Mr. Bertram: He will not stand up to the big boys in the east, on his own admission.

Mr. Tonkin: How will the public know what the recommendation is if it is not acted upon?

Mr. GRAYDEN: I believe a very simple amendment will make that possible. I want to stress the point that the first thing done by the Bill is the setting up of a department of environmental protection and the Minister has power to appoint all the employees necessary to effectively carry out the work of the department. That is an extraordinarily important aspect. It will be the first time in Western Australia that such a department has been set up.

The second thing the Bill does is to establish a physical environment council. The council will be composed of 13 members—the director of environmental protection and 12 others who are to be representative of State Government departments. When we consider that we have departments such as the Department of Fisheries and Fauna, the Forests Department, and the Lands Department, no-one should be horror stricken about having representatives from those departments on the council.

One member has already mentioned the mining inquiry which has been going on in this State during the last few weeks. I have been extremely pleased to see officers of some Government departments attending the inquiry and being extremely outspoken in putting forward the views they wish to express. The member for Warren earlier drew attention to the statements which have been made before the committee of inquiry by Mr. Bowen, Mr. Jenkins, and Mr. Riggert. I point out that Mr. Bowen is from the Department of Fisheries and Fauna.

Mr. Tonkin: Were any carpeted as a result?

Mr. GRAYDEN: Mr. Bowen was not. I would imagine he would be the representative of that department on the council.

Sir David Brand: Don't judge this Government by what you did.

Mr. GRAYDEN: A physical environment council is to be established and six of its members are to be representative of State Government departments and instrumentalities. I am merely pointing out that the member for Warren emphasised that three particular Government employees had given evidence before the mining committee, and I am trying to indicate to him that the very people he mentioned might well find themselves on the council to be set up under this Bill.

Mr. H. D. Evans: They might get a better result.

Mr. GRAYDEN: Mr. Jenkins, of course, is from the Department of Agriculture and he may well represent that department on the council. Undoubtedly these are the types of people who will be appointed to represent Government departments. In those circumstances I would have a tremendous amount of confidence in the physical environment council.

Mr. H. D. Evans: In their own right and authority will they have more effect in the council than they have now?

Mr. GRAYDEN: They will have a tremendous effect. Surely the fact that they took such an interest in the mining inquiry answers the honourable member's query. The honourable member himself applauded them for this action. If the people concerned were prepared to do that

for an open mining inquiry, members can well imagine what they will be prepared to do on a council of this nature. Clause 12 (b) (iii), (iv), and (v) reads—

- (iii) three (not being persons who are employed by the Crown in right of the State and of whom not less than two shall have special knowledge of, or experience in, some aspect of the conservation of natural resources) shall be representative of individuals and bodies of persons having a special interest in the prevention and reduction of environmental pollution and the protection of the physical environment;
- (iv) one shall be representative of primary industry; and
- (v) one shall be representative of secondary industry.

In those circumstances we could have outstanding individuals appointed to this physical environment council. When a body of individuals such as those referred to in the provisions I have just mentioned get together and do what is suggested in the Bill, we can be absolutely certain that any recommendations they might make would not be lightly disregarded by any Minister or Government.

Apart from setting up the department and the environment council, the Bill enables an individual or a body of persons to refer any matter affecting environment protection to the Minister who has been appointed, and it also enables that Minister to refer such matters to the council.

The Bill further makes it mandatory for a Minister of the Crown who might be dealing with something which affects physical environment to refer the matter to the Minister for environmental protection.

Mr. Graham: Where does that appear in the Bill?

Mr. GRAYDEN: That appears in clause 23. This is a tremendous step forward. Every time something is done which affects the environment the Minister concerned must refer the matter to the Minister for environmental protection. As I mentioned in answer to the interjection from the Deputy Leader of the Opposition, this provision appears in clause 23, part of which reads—

A Minister of the Crown under whose administration any of the following matters are being done, namely . . .

shall, as soon as practicable, refer the matter to the Minister for his consideration and advice.

It is not a question of whether he wants to do so or not. The Bill says he shall do so. I think that answers the Deputy Leader of the Opposition.

To my mind we will be taking three major steps forward if we agree to this Bill. I do feel, however, that we could tighten up the legislation by including three minor amendments.

Mr. Tonkin: What happens if the Minister does not do what he is supposed to do?

Mr. GRAYDEN: He is under an obligation to do this.

Mr. Tonkin: Supposing he says, "I am not going to do it."

Sir David Brand: What happened in your Ministry when a Minister refused to co-operate?

Mr. Tonkin: We did not have any such case.

Mr. Rushton: What about housing?

Mr. Graham: What about housing

Mr. GRAYDEN: Members could well imagine what would happen in this House if the Minister did not do what he was supposed to do.

Mr. Graham: What about housing? The member for Dale should have his head read—that is, if it is possible to read a vacuum.

Mr. GRAYDEN: As I have said, I think three small amendments would make this clause far more acceptable. In clause 23 we have the situation where a Minister of the Crown, under whose administration any of certain matters referred to under that clause are done, shall as soon as practicable refer the matter to the Minister for his consideration and advice. Sub-clause (2) of clause 23 states—

(2) Where any matter is referred to the Minister pursuant to subsection (1) of this section, the Minister may require the Council to furnish him within such period with such report thereon as the Minister thinks fit and may require the report to be accompanied by the recommendation of the Council with respect to the matter.

I can appreciate why this provision is worded in this fashion. It is so worded because innumerable matters will come forward—matters of little significance—which will not, in the normal circumstances, be worth referring to the council.

Mr. May: Who is to be the judge of that?

Mr. GRAYDEN: If we made it mandatory for all matters to be referred to the council, it would not affect the Bill and it would allay a lot of criticism that has arisen. It would simply mean that instead of the Minister having these matters referred to him and having to sift them and then hand on what he thinks is of consequence to the physical environment council, it would be mandatory for him to forward such matters to that council. The

council would do the sifting, after which it could supply the Minister with a report on its investigation.

The amendment I have in mind would mean the deletion of the word "may" where it appears in two places and the insertion, in its place, of the word "shall." As I have said, instead of the Minister doing the sifting of the matters referred to him, this would be done by the council.

The same situation applies to clause 25. The weakness in this clause is that if an individual or a body of persons refers in writing any matter to the Minister in respect of preventing environmental pollution or injury to physical environment, the Minister may then refer the complaint to the physical environment council.

Again we can realise the reason for this clause being worded as it is. Like the previous clause to which I have referred, it is so worded because a number of the complaints coming forward from individuals could be quite frivolous. Whoever drafted the Bill obviously thought that when the Minister received these complaints it would be for him to refer only those of consequence to the physical environment council.

If, however, we delete the word "may" where it appears in two places, and insert the word "shall" we would again allay a lot of fears that have been expressed; because it would then be mandatory for the Minister, when he received a complaint from an individual or a body of persons to forward the complaint to the council.

This would mean a little extra work for the council, but somebody must do this work. It must be done either by the council or by the Minister's staff. The amendment I have suggested would not cause concern to anyone, but it would ensure that the council was cognisant of every complaint that was made and referred by an individual or a body of persons to the Minister.

One other amendment which I would like to see made to clause 25 was covered by an interjection from the member for Warren. I refer to the fact that there is no provision for the public to learn of what is happening. Personally I cannot see—as is the case in clause 25—when the Minister has referred a matter back to the council and has received a report on its investigation why he cannot refer that report to the individual or the body of persons who made the complaint in the first place.

I am not suggesting that he should forward the recommendation of the physical environment council because that, possibly, might be inadvisable; but I do think he should send back its report on the matter; because obviously if an individual or a body of persons writes to the Minister and he refers the matter to the

council they would be anxious to learn the result. It is incumbent on the Minister to forward a copy of the council's report to the other Ministers who might be involved.

There is no requirement in the Bill, however, for the Minister to acquaint the person who originally lodged the complaint and inform him of what is taking place. If the amendment to which I have referred were acceptable, it would only mean adding after the word "State" in line 8 of clause 25 (3) the words "and the individual or body of persons who referred the matter to the Minister."

This would cover the position completely. The amendments I have suggested are relatively minor and while I have no doubt the Bill will function efficiently without them, if they are made I believe the measure will be a lot more acceptable to a number of organisations which have expressed some misgiving about the legislation.

The final matter on which I would like to touch is contained in clause 28 and refers to the question of secrecy. Clause 28 reads—

28. (1) This section applies to any person who is or has been the Director, an officer, whether permanent or temporary, of the Department, a member, member of a committee appointed by the Council, or a person engaged under subsection (2) of section 10.

(2) A person to whom this section applies shall not, either directly or indirectly, except in the performance of a duty under or in connection with this Act, make a record of, or divulge or communicate to any person, any information concerning the affairs of any other person acquired by him by reason of his office or employment under or for the purposes of this Act.

The way this clause is worded makes the provision too general, because it will obviously include any officer of the department at any time in the future, irrespective of whether he is with the department at the time or not. It could refer to something which has been divulged in the dim and distant past. The individual concerned may have been employed in the department at the time, but even though he may have left the department he would still be liable and precluded from divulging anything in the years that follow. The clause should be more specific; I do not think it should apply to an individual who has left the employ of the department.

I congratulate the Government for introducing the Bill. I have no doubt it will be extraordinarily effective.

Mr. Graham: "Extraordinarily" is the operative word.

Mr. GRAYDEN: When this department and council are in operation I am certain the individuals concerned will realise the tremendous responsibility that has been thrust on them. I am sure such persons will welcome these responsibilities, because they will feel they have been given a most gratifying job and they will be cognisant of the fact that anything they do will affect the State, not only in the immediate future, but also in the years to come. In the circumstances I think we would have every right in placing a tremendous amount of faith in the council and the department that are to be established. For the reasons I have given I support the Bill.

The SPEAKER: Order! I will give the call to the member for Albany after the tea suspension. I think it might be convenient if I left the Chair now until 7.30 p.m.

Sitting suspended from 6.14 to 7.30 p.m.

MR. COOK (Albany) [7.30 p.m.]: I would like to preface my remarks on this Bill by stating that I have grave misgivings about the effectiveness of the measure; but, nonetheless, I intend to support it. I believe that mainly it will be ineffective and that many people in Western Australia are disappointed that the Bill does not go further in giving effect to the protection of our environment.

The Premier gave various reasons why a centralised body could not be set up with strong powers, and he suggested that the method proposed in the measure is the only acceptable one. In this context I would like to offer some suggestions to the Government on ways in which I believe the legislation could be improved. I hope the Government will give consideration to these suggestions and perhaps put them into operation.

First of all, I can see considerable problems developing in the functioning of the physical environment council. As it is proposed to be constituted it will consist of a number of departmental representatives, a representative of local governing bodies, a representative of primary industry, a representative of secondary industry, and three other members two of whom shall have special knowledge. As I said, I can see difficulties developing in that the problems that are placed before the council by the Minister for its consideration could cause considerable conflict within the council—between the representatives to whom I shall refer as the public representatives, and the departmental representatives—whereas I believe that in the final analysis a conflict situation, if one occurs, should occur at Cabinet level, with Cabinet making a decision.

A further conflict could occur between the departmental heads themselves. For instance, the representative of the Mines

Department could be opposed to a suggestion put forward by the representative of the Department of Industrial Development. So we could end up with compromise recommendations reaching the Minister.

I believe that under this Government the fate of conservation of the environment will rest on two very important factors: firstly, the strength of the Minister who is handling the portfolio; and, secondly, the constitution of Cabinet. By the strength of the Minister I mean the strength with which he will negotiate conservation recommendations in Cabinet. As regards the other point—the constitution of the Cabinet—I mean whether or not Cabinet is perhaps dominated by one Minister. If this situation occurs there could be one particularly strong Minister in Cabinet and if the conservation Minister was not as strong we could find that conservation would become the poor relation within Cabinet.

I would like to see the physical environment council constituted with six specialists instead of six departmental heads. For instance, I have listed here the six specialists I would include. They would be an ecologist, a botanist, a biologist, a geologist, a zoologist, and a chemist, with one member representing the National Trust and five other representatives from various organisations concerned with conservation of the environment. I am thinking here of the W.A. Nature Conservation Council and the Australian Conservation Foundation. I believe a council so constituted would be unified and would be able to work at maximum efficiency without being torn apart by conflicting interests.

Perhaps I could give an example of what could take place as I see it. If someone wishes to peg a mining claim the application goes before the warden's court and we will assume, for the purposes of my argument, that the warden's court comes out in favour of mining. As I understand the Bill—assuming the pegging is on a reserve—the Minister for Mines would advise the Minister for conservation of the warden's decision. Then the Minister may—and I think he would—put the decision of the warden's court before the council for its consideration.

The council having deliberated would advise the Minister for conservation, of its recommendation and he would advise the Premier and also the Minister for Mines. Then the matter would go before Cabinet for its final decision. If there are conflicting interests within the council a compromise recommendation could be forthcoming to the Minister for conservation, who would eventually go to Cabinet not necessarily armed with the strongest possible arguments. Likewise the Minister for Mines would go to Cabinet but he would have all the backing of his experts as

well as the decision of the warden's court. So the bargaining position of the Minister for conservation would be so much weaker.

I believe that with a council constituted along the lines I have suggested—a council that has as its basic aim the conservation of the environment—a recommendation placed before the Minister for conservation would be the strongest possible, and the bargaining position of the Minister within Cabinet would be greatly enhanced. Such a council as I have suggested would also remove the conflict situation. I believe the only conflict situation that should occur should be at Cabinet level. A decision then made would be binding on all Ministers, and I believe this is preferable to what I foresee happening because of the way it is proposed to constitute the council.

Among the functions of the council I would like to see its right to initiate research, with the approval of the Minister, rather than for it to have to wait for a direction by the Minister. Because of the way the Bill is worded at present the council cannot do anything until it is directed to do so by the Minister. I believe that if the council, in its wisdom, can foresee the need for, perhaps, a research project of a long-term nature, it should be able, with the approval of the Minister, to initiate such a programme rather than have to wait for a direction from him.

I believe the council should be a controlling body for long-term programmes. The need for this is obvious and it was also pointed out by Professor Main in a speech he delivered, which is printed in the *Australian Frontier* under the title of "Design for a Better Environment." Incidentally, this is the same gentleman whose ideas the Government used as a format for this conservation Bill. Professor Main had this to say on the need for research.

Provision for the Department to engage in research on matters relating to environmental conservation, especially those matters such as the magnitude of the environmental change or the rate of change and its possible significance.

I believe that is most important.

Professor Main has suggested that the council should do this, and I, too, believe the council should be a controlling body. I am of the opinion, also, that it should function as a co-ordinator of research activities. We are all aware that at the present time if the Museum, for instance, decides to undertake field research at the Fitzgerald River, as an example, it advises other departments, in a loose sort of way, what it intends to do; and if those other sections of Government, or the University, are interested in research in this area, they send officers to make up a team. However, all this is done under a fairly loose

system at the present time and I believe the council should perform the valuable function of co-ordinating research activities between the University, the Museum, the Department of Fisheries and Fauna, and so on.

The council should be able to appoint subcommittees for specialised research. The clause which permits it to form committees is a fairly loose one, and I believe a subcommittee could well be formed to undertake long-term research programmes. One of the specialised members of the council could sit on this committee and act as a liaison between it and the council, so that the council would at all times know what was going on, what research was being undertaken, and what the results of the research were to date.

Another function I believe the council should be able to undertake is that of providing an information service for the people of Western Australia. We all know that throughout the world innumerable bodies, foundations, people, and so on, are conducting research into all sorts of aspects of the protection of the environment; and when one wishes to do research into what is actually taking place throughout the world, who is doing what, and the results of this research, one finds that much of the information is contained in little booklets, typed transcripts, speeches, and so on. The council could perform a valuable function by co-ordinating this information from all over the world and making it available for university students and others who may wish to use it.

In his second reading speech the Premier mentioned that certain boards and bodies could be transferred to the control of the council. He mentioned that it could take control of the Native Flora Protection Act, and so on. That is one Act which I believe should be under the control of the council. I shall deal specifically with the Acts which I believe should come under the control of the council, and I will give my reasons.

At the moment the Native Flora Protection Act comes under the control of the Forests Department, and I think we would all have to agree that it is a poor relation. In the same way the National Parks Board is a poor relation of the Lands Department. I believe the physical environment council could well co-ordinate and actually control activities in the two directions I have just mentioned. However, the body with which I particularly wish to deal is the Reserves Advisory Council, because I believe the physical environment council could well take over the functions of that body.

In my opinion, when recommendations that come forward for the creation or the reclassification of, or amendments to, reserves they should go before either the council or a subcommittee of the council

so that the proposition could be examined. The council could then carry out any research necessary to decide whether or not a particular piece of land should be created a reserve, whether it should be reclassified or, or whether it should be amended.

The council could recommend to the Minister for conservation that a certain piece of land be set aside, and it would be incumbent upon him to advise the Minister responsible for the land of the decision of the council. Assuming the piece of land involved the Minister for Lands, there would be a requirement on the Minister for Lands to reply to the Minister for conservation, within a period of two or three months, of his decision. If the Minister for Lands did not reply it would be assumed that he was in favour of the proposition, and the Minister for conservation could go ahead and have the area proclaimed. If, however, the Minister for Lands determined that he was not in favour of the proposition he would advise the Minister for conservation accordingly and the matter would then be taken before Cabinet. Cabinet would then make the final decision regarding the piece of land.

In this way I believe many delays would be obviated. Considerable delay occurs between the time a recommendation is made, and the time the land is proclaimed as a reserve. The Reserves Advisory Council must feel frustrated in its operation. The Minister for Lands has admitted that 4,200,000 acres of land has been recommended by the Reserves Advisory Council, but has not actually been proclaimed.

One area concerned the Fitzgerald River reserve, which was recommended in the first instance to be reclassified as an "A"-class reserve by the Australian Academy of Science.

Mr. Bovell: We are holding up a decision on that reserve because some of the land might be of use, economically, to the Port of Albany.

Mr. COOK: I must ask the Minister for Lands to speak up because I cannot hear him from this part of the Chamber. I believe that the holdup is not so much because of the economic use of the land to the Port of Albany, but for the economic use of it by certain mining companies.

While dealing with the Fitzgerald River reserve I must take the Minister for Lands to task. I think this particular case illustrates the argument I am using, that the Reserves Advisory Council could be disbanded and the physical environment council should take over the functions and recommendations of the Reserves Advisory Council.

On the 7th October, 1970, I asked the Minister for Lands on what date the Reserves Advisory Council recommended to him that the Fitzgerald River reserve be reclassified as an "A"-class reserve. I also asked on what date the Reserves Advisory Council recommended that the Twilight Cove reserve be classified as a Class "A" reserve. I will quote the whole of the Minister's reply so that I am not accused of taking it out of context. It was as follows:—

(1) and (2) The Reserves Advisory Council's submissions are not considered in isolation, but with all other relevant factors relating to the use of Crown land in the best public interest.

Recommendations are designed to assist the Minister for Lands in allocation of Crown land and are confidential.

That answer, to say the least, is misleading because the information—the recommendations of the Reserves Advisory Council—is not, in fact, confidential at all, and I have in my possession evidence to prove that fact.

On the 10th September, 1970, I asked the Minister for Education a question relating to the investigations carried out in the Twilight Cove area. The Minister for Education told me that the Twilight Cove reserve was recommended to be proclaimed a Class "A" reserve on the 12th June, 1969. The Minister for Education knew what date the Reserves Advisory Council recommended that the reserve be made a Class "A" reserve, and he was willing to make that information public. I was also told that the reserve was actually proclaimed on the 7th November, 1969.

So one must assume—and I think it is a fair assumption—that the Reserves Advisory Council recommended to the Minister in approximately June, 1969, that the Fitzgerald River reserve should be declared a Class "A" reserve. However, nothing has happened.

Further on the question of whether or not the information is confidential, I would draw the attention of the Minister to a publication entitled, S.W.A.N.S. The initials stand for the State Wildlife Advisory News Service.

Mr. Bovell: The information is just as confidential as I decide it should be.

Mr. COOK: An article in the publication reads as follows:—

If you are not receiving an individual copy of S.W.A.N.S. but wish to do so please write and request that your name and address be placed on the mailing list. The journal will then be mailed to you each quarter at no cost.

This is a public document, and the following appears in regard to copyright:—

The contents of this journal are not subject to copyright and may be freely reproduced although acknowledgement of the source would be appreciated. All correspondence to be addressed to the Editor.

That is the official publication of the Department of Fisheries and Fauna in Western Australia.

I will now refer to the *Fauna Bulletin*, of December, 1969. At page 45 the following appears:—

In 1968, the Minister for Lands set up a body to consider:

- (a) ways and means of protecting natural scenery in Western Australia;
- (b) all matters relating to National Parks and relative Reserves;
- (c) existing legislation in Australia for the protection of natural scenery; and
- (d) to recommend appropriate action in relation to the foregoing and legislation, if necessary, to achieve the desired objectives.

The first meeting of this body, known as the Reserves Advisory Council, was held in January 1969. Since then it has made recommendations in respect to the following areas:

The recommendations are then set out in numerical order, and No. 17 is as follows:—

17. Reserve 27632—Twilight Cove area—to be a class “A” reserve for the purpose of conservation of flora and fauna and that it be vested in the Wild Life Authority.

Recommendation 20 reads as follows:—

20. Reserve 24048—Fitzgerald River area—to be changed from conservation of flora and fauna to national park, and that it be a class “A” reserve vested in the National Parks Board.

Mr. Bovell: That is quite right; that has appeared in the *Government Gazette*.

Mr. COOK: I am quoting public information, but the Minister said the same information is confidential.

Mr. Bovell: So it is.

Mr. COOK: How can it be confidential when it is published in a publication?

Mr. Bovell: The honourable member has to learn that the information has already appeared in the *Government Gazette*.

Mr. COOK: Why did the Minister not answer my question?

Mr. Graham: The Minister would be an expert at that.

Mr. COOK: The Reserves Advisory Council, in 1969, recommended that a reserve be declared an “A”-class reserve, and the Minister—and one must assume, the Government—has not acted on the recommendation. That has possibly been because of the conflicting interests of other Ministers interested in the area. One is able to understand quite clearly how frustrated the Reserves Advisory Council must feel.

The physical environment council, by taking over the functions of the Reserves Advisory Council, would advise the Minister who was responsible for the land that he must reply to the council's recommendation within a set period. That would obviate delays, and the all-important question facing the Government of today—the creating of reserves—would be greatly speeded up.

Another point I would like to make concerns the obligation placed on a Minister to advise the Minister for conservation of any activity which could affect the physical environment in relation thereto. Clause 23 of the Bill reads as follows:—

23. (1) A Minister of the Crown under whose administration any of the following matters are being done, namely—

- (a) planning stages are being prepared for a construction or developmental project the nature of which requires the protection of the physical environment in relation thereto, to be considered;

And so it goes on. I would like to know what is intended by this provision. About 12 months ago we had the situation where the Public Works Department constructed a road through the Waychinicup water reserve. The road is approximately one mile long and is not very important. In fact, it is only a track to a water testing centre. However, no research was carried out into the effect that the construction of that road might have had on the fauna in the area. It is recognised as being a very rich area in fauna. The point I am raising is: Would the Minister for Works consider that the construction of a bush track, probably the width of a bulldozer blade, was of enough significance to warrant advising the Minister responsible for conservation? On the other hand, would the Minister responsible for conservation consider it worth while having it placed before the council?

Mr. Ross Hutchinson: The Minister for Works will use his intelligence in such matters.

Mr. COOK: I agree; and this is not intended as criticism of the Minister's intelligence in any way at all. I am suggesting that perhaps through a lack of

knowledge of the value of a particular area. It could be decided that it was not of sufficient significance to involve the Minister for conservation. I draw the Minister's attention to the fact that a rather rare marsupial exists in the area I have referred to, and it requires a specialised habitat. I understand the only existing habitat known in Western Australia is at Cheyne Beach, and it is only about the size of this Chamber. One can imagine the effect of a road going through that small area.

Mr. Ross Hutchinson: Does the member for Albany know that this Government is noted for protecting the habitat of rare species in this State. We are famous throughout the world for our preservation of the noisy scrub bird, the short-necked tortoise, and the Johnstone crocodile.

Mr. COOK: I know about the noisy scrub bird, but the habitat of such a bird could be destroyed because a Minister might consider certain development of insufficient significance to place before the Minister for conservation. Also, the Minister in charge of conservation might not consider that the construction of a road of one mile of sufficient importance to warrant the attention of the physical environment council.

I am suggesting that research should be carried out before any road is constructed through a fauna-rich area. The matter should be considered by the council. I consider that clause 23 is extremely weak. It states that developmental projects must be referred to the Minister for conservation.

Mr. Dunn: What is this reference to the Minister for conservation?

Mr. COOK: Well, the Minister for environmental protection. Conservation is a world-wide accepted term and I think the member for Darling Range is being petty by arguing that particular point.

Mr. Dunn: We are discussing the Physical Environment Protection Bill and the Minister should be referred to by his correct title.

Mr. Graham: The member for Darling Range is trying to get his name into *Hansard*.

Mr. COOK: The term I have used is fully understood. Returning to the point I was attempting to make, the only matters which other Ministers would refer to the Minister for conservation, under clause 23 of the Bill, are those where major works were planned. However, smaller works could sometimes create havoc with the habitat of fauna, and I would like to see this clause strengthened.

I am not sure how to go about strengthening the clause but I believe something is needed because in the case of the marsupial I have referred to, a road could be

pushed through its habitat and no research carried out in the area beforehand.

I said at the outset that while I had grave misgivings about this Bill I would support it. Weak though it is, it is nonetheless a step in the right direction. However, I hope the Government will take note of public opinion and strengthen the Bill so that it will have some teeth. By so doing the Premier could rightly claim that the legislation would truly lead Australia. At the present time I do not believe he can make that claim.

MR. BICKERTON (Pilbara) [7.59 p.m.]: I have a few remarks to make in connection with this Bill. I cannot see the problems which some other members can see. We have reached a stage where conservation, pollution, and problems of that nature are becoming a serious danger as far as our country is concerned. Other countries are experiencing this to a greater degree than we are, and it is indeed a very serious problem.

I am a little happy that the Government has made some attempt at least to commence a move which, if it is carried out effectively, may do something about the problem we are facing at the present time and will face to a greater degree in the future. I agree with the Leader of the Opposition when he said he felt that the Bill did not go far enough. I think it is somewhat ineffective in some respects but it does create a committee which will be vested with the responsibility of at least making recommendations to the Minister concerned regarding matters which are submitted to it by members of the public, or matters which may come to it through its own normal investigations. I hope this will be a starting point in dealing with this very serious problem which faces us at the present time.

One does not have to go overseas to realise the pollution problems that face the communities in many countries. One only needs to speak to people who have lived or travelled overseas to realise how serious the problem is. I think we in Western Australia are very fortunate, in that we can benefit from the mistakes that have been made in other places, and we have knowledge of those mistakes at a period in our development when we are young enough and new enough to be able to do something about the matter.

I do not intend to discuss the Bill in detail. I only want to discuss the necessity for such a measure being enacted at this point of time rather than at some time in the future. Reading through the Bill I can see what I consider to be many weaknesses in the set-up of it, but I will concede that those who drafted the Bill also probably saw many weaknesses in it. However, it does create a body, and when that body has been operating for a period it may prove that there are weaknesses

in its constitution and membership. If that does occur, it will be our duty to do something to overcome those weaknesses.

I therefore feel duty-bound to support the measure. It is long overdue and I sincerely hope that even in its infancy it will, with what I consider to be its shortcomings, be a starting point from which this Parliament might henceforth be able to say, "This is what we will build on," and at least for future generations we might be able to do something about this horrible disease—as I call it—that has been brought about in many countries by pollution and lack of foresight in such things as conservation.

I do not envy the person who will have this portfolio. In my book, he would need to be a super-tactician. On the subject of pollution, conservation, and various other things, there are many people who become fanatical in their views. They suddenly find themselves in a position where they have a flag they can wave. I have never liked pessimists very much; I have never liked optimists; but I have a soft spot for realists, and in matters of this nature I hope that those who have to deal with the measures contained in this Bill will, in fact, be realists, because it is so easy for people to become carried away with a subject.

Someone might like the short-necked tortoise or the noisy scrub bird, for example, and go out of his way to say, "Hands off every place where the short-necked tortoise goes or where the noisy scrub bird makes its nest." This seems to encourage a lot of people, on one side or the other, who want to get the flag out and join the procession.

If a measure of this nature can be governed by realists, looked at by realists, considered by realists, and decided upon by realists, there is a chance not only of developing our State but also, during that development, of looking after the interests of future generations as far as conservation, pollution, and such matters are concerned. But we cannot place ourselves in the position of having a body of people who think along one line, either of total destruction or total preservation. It just does not work.

To operate effectively a State must be developed, and it needs its natural resources in order to carry out that development. I do not believe for one moment that any area should be developed at any cost. I repeat that a realistic view must be taken of the whole matter. One might ask, "Do you mine in King's Park?" The realistic answer to that would be, "No." But if a reasonable, thinking person were told that in King's Park there existed a mineral or rare type of earth, or something of that nature which had been proved to be a cure for, say, cancer, it would become an entirely different matter, because the advantages of

mining for a mineral of such value in treating a disease would have to be weighed against the disability that the public would suffer as a result of those mining activities.

It is no good taking a particular view by saying that no-one is permitted to go into an "A"-class reserve and that everything must be sacrosanct as far as "A"-class reserves are concerned. I would not like to see mining taking place in any "A"-class reserve, but I would like to think that those who had to make the decision looked at the proposition realistically and not from a small-minded point of view.

This Bill sets up an authority which may have plenty of problems; in fact, it certainly will. I cannot discuss the people who will be on this authority because I do not know them. I would think that the right type of people would be chosen, not only in the initial setting up of the authority but from time to time when Governments change—and we certainly hope that Governments do change from time to time.

Sir David Brand: I think I know who would be the Minister for conservation.

Mr. BICKERTON: Does the Premier not agree that Governments change from time to time?

Sir David Brand: Yes, I do. I was just suggesting you as the Minister for conservation, by any such chance.

Mr. BICKERTON: If the right consideration is given to this authority, we will have a starting point. I am not sure how we can feed some teeth into this legislation later on. Looking through it, I think I could have done a better job in organising this authority than has been done by the Government, but I cannot oppose the Bill, because I feel that in some form, and with its limitations, the Government has made an effort—and it is just an effort, to my way of thinking. None the less, one must at least support the second reading of the Bill.

It is difficult to be able to please every person in the State in a matter of this kind.

Mr. Ross Hutchinson: It is impossible to do that.

Mr. BICKERTON: I suppose it is impossible. I agree with the Minister for Works. We must think of industry; we must consider the development of our natural resources. There are people who feel deeply about the robin redbreast's nest that is disturbed, or some other type of flora or fauna, and people who start "floracating"—I will leave out the other word. It is very difficult to please everyone.

In these modern times, with the growth of population, we are also faced with the problem of industrial and residential areas

being in proximity to one another, with resultant dust and noise, and the two will never mix. Sooner or later we have to realise that industry and residential areas do not go together but must be separated, whatever may be the cost to the community.

In Port Hedland we once had little; now, to a degree, we have much. We had a situation where our problems were small; we now have a situation where our problems are large, because we have overcome the state of semi-stagnation that existed and we have made progress, as a result of which we now have a town which is dirty, very dusty, and very nasty to live in, in many respects, not only because of the dust problem from the iron ore but also because of the dust problem created by clearing large areas of land on which to erect houses, industrial centres, factories, and so on. One can foresee the day when we will have to sacrifice what we know as the town of Port Hedland and declare it an industrial area, because people will refuse to live under the conditions that they are endeavouring to live under at the present time, which result from air pollution created by iron ore dust, road dust, etc.

I think it is important that Governments should have regard to the fact that we cannot mix industry with a residential area. These problems will arise more and more in the Cockburn area. The more industrial it becomes, the more Governments must look towards moving the population right out of the area and having people commute between their homes and their places of work, because no longer will they tolerate living alongside the mill, the haystack, or other place where they work in the daytime.

It is probably a set of circumstances we face in this connection, because over the years it has been a common feature for people to want to live as close as possible to their place of employment. However, to a great extent, this was brought about in the days when people had to walk to work or ride a bicycle to work. These days it is possible to commute—that is the term that has become popular in these times—probably 30 or 40 miles without any trouble along a properly constructed highway in about 20 or 30 minutes, even taking into account breathalysers, and so on.

We have to live in these conditions and to realise that we are moving into a highly-industrialised state of affairs and that we will have pollution. We are moving into a stage where, mineralwise, we are utilising the natural mineral resources many hundred times more than we used them previously. Such progress, of course, will tread upon the toes of those who think the countryside should not be disturbed. The task of conservation is to ensure that the person who obtains value from the

removal of minerals is also responsible for restoring the countryside to a state where at least the future generations can use the area for some other purpose. It is not a question of preventing people from utilising the natural resources in their own time; it is a matter of ensuring that when they do utilise the natural resources they return the countryside to a state which will enable future generations to use it in some other way.

I hope the proposed committee will be vested with the responsibility of seeing that natural resources are not merely utilised but are restored to their previous state so that our grandchildren can do something with the area affected.

I am afraid I can never, in regard to these issues be carried away by the pessimists who scream their heads off about what will happen in certain areas as a result of mining, agriculture, or anything else. We have to be progressive. I think my colleague, the member for Mt. Hawthorn, asked me what I meant by being progressive. I do not want to interrupt my train of thought at the moment, but if he cares to see me afterwards in my office, I will explain to him what I mean by being progressive.

We have to be progressive and we have to look at a situation keeping in mind what is best for us at this time and taking into consideration that we do not leave one hell of a mess—if I may put it that way—for those who come after us. We cannot look at a situation from a point of view that is small-minded and say, "We want every bird's nest kept where it is, every river to run in the course in which it runs now, and every hill to remain where it is now." This is not possible if we are to utilise the natural resources to the best of the ability of those administering matters at the particular time the natural resources are being utilised.

So I can only hope that when the Government does appoint this committee—and the Premier can have the job as far as I am concerned—it will take into consideration that its members—who, after all, are only on the committee to make recommendations—should be people of such calibre that they are capable of assessing the advantages and disadvantages to the State of any development that may take place.

Pollution is not something that we look forward to with any form of love. I suppose the answer to pollution from motor vehicles is the same as the answer to prevention of accidents by motor vehicles—just ban all motor vehicles. But that is not really the answer, because we know that the State, at this point of time, anyway, cannot operate without motor vehicles. We have problems of pollution from such materials as detergents, so I suppose the answer to those problems is to ban all detergents. There are some people who

have problems with their vegetable crops, and they spray them with DDT. From the reports that one reads from time to time even the use of DDT can pollute the air, and so the answer to that is to ban all use of DDT.

Mr. Tonkin: Which has been done in the United States.

Mr. BICKERTON: Well, the President of the United States is still alive and it would have affected him. I really cannot see how, all at once, a decision can suddenly be made to ban this, that, or something else. I think it is a matter of looking at the problem in a realistic manner. As soon as we adopt the small-minded view it is found that we encourage fanatics and, in this world, there is nothing worse than a fanatic, because he can never be convinced; he has only one line of thought, and that is it. No matter what logical argument is put forward, a fanatic cannot absorb it.

So we are presented with a piece of legislation which we either accept or reject. Personally, at this time, I propose to vote for it. However, what the answer to this problem is, I do not know. I venture to say that the 51 members of this Assembly, and indeed the majority of the members of the public outside this Assembly, have not the answer to this problem.

Mr. Graham: You might be insulting when you say that.

Mr. BICKERTON: I venture to say that we do not have the answer. We can fiddle around with partial solutions, but we have to venture into some other form of endeavour before we will know whether or not we can overcome some of these problems.

I think the Government has been very lax in view of the time it has taken to bring this legislation before the House. I can hardly blame the Opposition because legislation of this nature has not been produced previously, as the present Government has been in office for many years.

Mr. Rushton: It is still the first in Australia.

Mr. BICKERTON: The honourable member is the first in Australia?

Mr. Rushton: This legislation is the first in Australia.

Mr. BICKERTON: Is the honourable member sure of that? He will probably find it is the first physical environment legislation, but it is certainly not the first legislation in Australia to deal with pollution, conservation, and the rest of it.

Mr. Rushton: Or going as far as this legislation.

Mr. BICKERTON: It all depends on how far the honourable member thinks it goes. But the honourable member will

find that clean air legislation or anti-pollution legislation has been produced in other States. So the honourable member should not fall for the Premier's three-card trick and his statement that this legislation is the greatest, because in this direction he is no Cassius Clay. But at least, in the twilight of his career, the Premier has decided to do something about pollution. I am not suggesting, of course, that the Premier is going to retire before the elections.

Sir David Brand: I just prefer to let things happen.

Mr. BICKERTON: I sincerely hope that this is only the commencement and not the end of such legislation. I would like to sound another note of warning to the Premier. He normally takes notice of most suggestions I put to him. I suggested the appointment of a public accounts committee and I understand he will take steps to appoint one before the session is finished. The note of warning I wish to sound is in regard to the pressure that could be brought to bear upon this committee and the Minister by commercial interests which consider that anti-pollution measures are a costly affair, and, indeed, they are very costly.

Industries cannot be blamed for attempting to avoid dust suppression measures and other similar measures. It is much cheaper if fumes and gases are just pumped into the air, to let them float over the whole surrounding area.

Therefore it will be a very strong Minister who will be able to tell industries that they must take effective measures to prevent pollution or else close down. If it happened to be an industry that was vital to the community it would be even more difficult for the Minister of the day to exert the necessary pressure on the industry to carry out the provisions contained in the Bill.

We can enact all the legislation in the world, but it is not of much use unless it is policed and enforced. How the enforcement of the legislation will be effected if the industry we are endeavouring to force the provisions of the legislation upon is powerful enough to tell the Minister where to go, I do not know. It will be pretty difficult for the Minister who is in charge of the legislation. Even though the matter goes to Cabinet I suggest that Cabinet may think twice, in some circumstances, before enforcing the legislation if the industry is sufficiently powerful to embarrass the Government in any shape or form, and I think the Premier will agree with me in that regard.

Sir David Brand: That applies to many things.

Mr. BICKERTON: It does apply to many things. What we have established is the fact that we have before us a Bill—some printed matter—which will tell

people what they shall do in certain circumstances, but its enforcement will still depend entirely upon the decision of Cabinet, and just how strong the Government or Cabinet is at the time it decides to enforce the powers contained in the Bill to protect the people.

Mr. Jamieson: It does not give Cabinet any powers.

Mr. BICKERTON: It may not, but the question of enforcement of the legislation will, after certain recommendations come from the committee, still be referred to Cabinet.

Sir David Brand: In the same way as Cabinet agrees on many other matters.

Mr. BICKERTON: I will pause for a moment while the Premier and the member for Belmont continue their discussion.

Mr. Jamieson: We have finished; we have signed a non-aggression pact.

Mr. BICKERTON: I am really grateful for the respite. Furthermore, I enjoyed the conversation between the Premier and the member for Belmont. Detergents constitute one of the problems that will have to be faced in connection with this matter. When we first ventured into the production of iron ore, it will be recalled that we almost created a new dictionary. We heard such terms as infrastructure; we commuted; there were feasibility studies; we had to decide whether something was viable or not. I am not being facetious, but many were the words and strange phrases that were introduced. However, it is amazing, in the matter of new words being introduced, that we soon reach a stage when they are readily accepted.

Therefore, in connection with this legislation I forecast we will soon be hearing such expressions—I had better check to make sure I am correct—as non-biodegradable.

Mr. Davies: I used that term last session.

Mr. BICKERTON: There is nothing new in that term. Non-biodegradable means something that does not melt away, and a typical example is plastic material. These materials are forever with us. I often wonder whether the Minister who is charged with the responsibility of administering this legislation should not be called the Minister for "Constipation" instead of the Minister for Conservation! When we refer to non-biodegradable substances we mean things that do not disappear.

The term "biomass" means something which chemically remains in a mass form. "Ecology" is another term which is frequently used. I recall that six or seven months ago the member for Fremantle used this term when he referred to yachting facilities on the Swan River. I suppose some of us who heard that word for

the first time looked up its meaning. Today we find it is in common use. It refers to the balance of nature; of one thing living off another. I often wonder how we will get on when all the mosquitoes have been killed off. I predict that from now onwards the use of the word "ecology" will become more frequent.

It worries me that matters of this nature are to be placed in the hands of people who can think of nothing else but ecology. I like the words "preservation" and "conservation", but I cannot see how we will be any worse off if on the other side of the Darling Range there are not six or seven dinosaurs running around. To my way of thinking our way of life is not retarded because the dinosaurs are no longer there.

On the other hand, I would not stand for anyone who wanted to destroy everything that was original; nor would I stand for anyone who wanted to retain everything that was original, because to do so would not be practicable if we are to develop the State.

In dealing with a Bill of this nature it is hoped that those who are responsible for administering the legislation will be sensible enough to give us development as well as conservation. If their minds are set on only one of the two, then we will be in for trouble. However, I do not believe that they will set their minds on only one of the two.

The only other aspect I want to refer to in the measure is the title. When the Premier agreed to the title he must have been experiencing a nightmare. Physical environment! It almost upsets one to mention the term. If the title was an Environmental Bill it would not sound so bad. In the Committee stage I shall make an attempt to amend the title although I have not known a title to be amended in Committee.

Sir David Brand: I do not think this title will be amended either.

Mr. BICKERTON: The Premier did explain when he introduced the second reading that this legislation was something which the other States of Australia did not have. If it is desired to give a Bill a fancy name, just because no other State has similar legislation, then it can be termed an Environmental Bill. I cannot agree that it has anything to do with the physical environment, and I do not think the Premier intends the Bill to have any physical effect. However, this is not a matter of any great consequence.

The point is I am happy that some steps have been taken in an effort to overcome the problem which is getting extremely serious at the present time. Perhaps at this stage air pollution is not very serious, but I am sure that in years to come it

will become a great problem. We should not allow it to reach the stage it has reached in other countries.

I sincerely hope that the Government has not introduced the measure purely as a pre-election issue, with the object of appeasing certain bodies which are worried about these matters. I would like to think that the Government has introduced it in an effort to do something for Western Australia before it reaches the situation in which many other countries now find themselves; that is, in a deadly serious situation.

If the Government believes that under this legislation it has the power to take the necessary steps to overcome the problems that have arisen elsewhere it should have the moral courage to administer the legislation fully. I feel sure that if this Bill is passed in the knowledge that the Government will make it operative, then industries which are being established will determine the economics of their enterprises along lines which will permit them to operate economically, but still to be within the bounds of the legislation. If for any reason industries get the impression that this is just another piece of legislation which will not be enforced then it is much better that we do not pass it, because to do so would be farcical. I support the second reading.

MR. DUNN (Darling Range) [8.36 p.m.]: Before I address myself to the measure that is before the House, I take the opportunity to congratulate the member for Pilbara for supporting the Bill in part, and for putting forth his beliefs in a somewhat realistic speech.

Mr. Jamieson: He is always realistic.

Mr. DUNN: It was somewhat of a breath of fresh air to hear the member for Pilbara say that he supported the principle contained in the measure, and to see that he did not indulge in a spate of disparagement.

To get back to the Bill, I would remind the House that in the Address-in-Reply debate in 1969 I took the opportunity, on behalf of the people whom I have the honour to represent, to address myself to this subject. I spoke on environmental control.

I also want to take this opportunity to congratulate and to thank those persons who have formed themselves into the Darling Range Conservation Committee. They are Messrs. P. Versteegen, P. Harris, T. Willcox, P. Ravine, and D. Simpson. This committee has been formed to investigate in a voluntary way the whole problem of environmental control. Its members felt their responsibilities very keenly, and it was at their request that I brought before the attention of the Premier and the Minister for Mines their views on the question.

On my return from a trip overseas I was happy to have the opportunity in 1969 to speak on this subject. If ever anyone has had the experience of noticing the seriousness of this problem, it was I as a result of my experience overseas. This has been the same experience as that of many other people who have been overseas; and they are happy to find that Australia has not been destroyed, as other countries have been, by a careless attitude towards, or by a lack of action on, environmental control.

I congratulate the Government for bringing the measure before the House. Anyone who stops to think will agree that this is not an easy piece of legislation to frame. It is certainly not the type of legislation which will please everybody. Many people who for years and years have been concerned with this problem have been fighting for what has been regarded as a forlorn cause. Their words of warning and their advice have fallen, not on deaf ears, but on the ears of people holding responsible positions who have been so concerned with other major problems that they have not been able to deal with this very vexed question.

I think we should take time off to realise that it is of tremendous importance that we in this Chamber are debating the subject. Contrary to statements made by some members opposite, I believe this to be the first Bill of its kind in Australia, and that no measure which goes as far as this one does has been introduced in any other State of the Commonwealth. For that I would like to congratulate the Government for being the first in the field. Any sensible person will agree that no matter how the Government tries it cannot bring forward a Bill to satisfy everybody. To do that would be impossible. So, when we are given the opportunity to express our views, and when the people of Western Australia have the opportunity to approach a responsible body—which is to be administered by a responsible Minister—to put forward their cases, it shows that tremendous strides have been made into easing the problem.

Let us look at the situation which exists. We know that all Government departments are so intent on getting their own job done that in many instances they do not have regard to the problem which is the subject of the Bill before us. I venture to say that as a result of pressure up to date, and as a result of the world interest in this subject in the past 18 months, every department is now very conscious of the responsibility it owes to the people, to the Government itself, and to the Opposition in respect of the proper handling of this problem. As I have said before, the Bill does not satisfy everybody.

I have been approached by interested bodies and interested people to put forward requests for certain amendments, but I state here and now that it is not my intention to suggest to the Government that it should make any amendments at this point of time. For my own part I believe I am only capable of assessing the situation by accepting the measure as a firm foundation upon which the Statute, in its final form, will be brought into force. It is very difficult to amend a Bill here and there to get the result which is desired. I do not think that is possible. I do not think we should stipulate how a certain person is to be permitted to act under this Bill.

In the first instance we have to be conscious of the personnel who will be appointed to the council. I imagine the Minister will be involved in a considerable amount of work and with many problems in making the appointment of the director of the council.

The amount of success will, to a large degree, depend on the director and the personnel of the council and the way in which they approach the problem. I ask members: If we created a bureaucratic set-up with an all-powerful Minister, would there be any guarantee that in the final analysis we would achieve what we desire; that is, a better place in which to live?

It is all very well for some people to say that if we want to keep this land as we would like it to be kept, all we must do is tell the Minister what we want because everything he says goes. That is completely stupid, in my humble opinion, because if that were the case the Minister would be looking at only one of the many problems associated with living.

I believe that we, as a responsible elected body representative of the people, should be prepared to accept this measure and support it at least until it is proved wrong. I suppose that those people dedicated to maintaining a proper physical environment visualise many problems which are not envisaged by engineers, general administrators, and Government departments. However, we must all trust one another. If we cannot trust one another we may as well forget everything, particularly everything associated with the objective behind this legislation.

We must remember that each person must be told what to do and then someone must ensure that it is done. We must all accept and trust one another and work for a common goal. The whole purpose of this legislation is to direct all people in their thinking so that they work towards the achievement of a perfect environment.

I know that some people are prone to believe that we cannot trust so-and-so because he will ride roughshod over the Minister appointed. I believe that our

parliamentary system is such that if we back-benchers and the members of the Opposition fully accept our responsibility, there will be sufficient machinery in this Bill through which we can make our presence felt; and surely it is our purpose in life and we are expected to behave in such a manner that we achieve those things for which we were elected.

I cannot for the life of me see any reason why we should create a Ministry under the control of an all-powerful person who will ride roughshod over everyone. I venture the opinion that the proper place for problems to be sorted out and decisions made is in Cabinet where all other problems associated with everyday life are resolved. Of course, Cabinet does not always please everyone and it never will. However, the people have the opportunity from time to time to vote a party in or out of office, according to the way they feel that particular party has performed.

One of the important features of this Bill is that it makes it possible for us to work with other States and with the Commonwealth to find solutions to the problems associated with creating a proper environment.

I would like to believe that the people who have requested me to submit certain views of their behalf will go along with me on this measure and give it an opportunity to prove itself. I hope that they will feel it is right that we give those who will be appointed to administer this legislation the opportunity to prove themselves.

With your permission, Mr. Speaker, I will read an extract from a letter sent to me by the gentlemen to whom I referred in the early part of my speech—that is, the members of the Darling Range Conservation Committee—in order that I might indicate to the House just how they feel. The extract reads—

The Bill sets up a Ministry with little responsibility for positive action under a junior minister who has no power but who can only advise more senior ministers. The Bill does not explain the procedure to be adopted when the advice is refused but it must be assumed that the Minister then has to gag with the assistance of the secrecy provisions of Clause 28 those members of his Department who had genuine reasons for making their recommendations in the first place.

I am quite sure that statement was sincerely expressed in the belief that it was correct. I, to a point, wish to support it, but I say again that I would like them to have the confidence I have in this measure. I believe that in the process of time it will prove itself to be worth while. I would also like them to believe that while I have the pleasure of representing them I will do all in my power from time

to time to bring before the Government their views, so that they will feel all their representations are fairly considered.

Those I represent are very mindful of the fact that today glaring examples exist of great damage being occasioned to our natural environment. They believe that the time could be almost too late to do much good in those circumstances. However, I would like to say that the present situation has been created by the activities which have been going on for years and years. I would like them, and everyone else, to believe that the Government has introduced this measure in a genuine attempt to allay all their fears, and to try to give to the people of Australia—and of Western Australia in particular—an environment which will improve with the passage of time; an environment in which we will be happy to raise our children knowing that the direction in which we are progressing is the right one.

All people—whether they be industrialists, council workers, engineers, road makers, or what-have-you—must work for the same ideal. It is no good someone at the top giving instructions for something to be done unless the person instructed takes notice. The big problem in the initial stages will be to ensure that what is commenced at the top will be correctly accomplished at the bottom. This, we understand, is one of the weaknesses of any major plan because on the way from the top to the bottom all sorts of wires can be crossed and what is intended at the top is not necessarily achieved at the bottom. This is the important point which must be emphasised in connection with this Bill. The machinery is being provided for proper advice to be tendered.

Some people might accuse me of being an idealist, but I do not care about that. I believe that people want this Bill. They need it and are prepared to work for what it will achieve, provided they receive the right direction. This Bill gives the people the opportunity to get that direction and, in conclusion, I can only say that in August, 1969, when I spoke about the subject I did not believe that in November, 1970, I would be addressing myself to a measure which I requested. I did not believe it would be introduced so quickly.

Whilst some members might say that a long time has elapsed before something has been done about this subject, I can say that the Government, to have drafted this legislation between August last year and November this year, must have moved fairly quickly; and I would therefore like to congratulate it and support the Bill.

MR. GRAHAM (Balcatta—Deputy Leader of the Opposition) [8.56 p.m.]: I feel it necessary at the outset to point out that at least so far as the members of the Opposition are concerned this is not a

party Bill. Members of the Opposition are free, as they are on so many occasions, to express their own viewpoint.

As it so happens in connection with this Bill, most, if not all, of us feel that whilst it is rather inconsequential, it is probably better than nothing at all; and I am afraid that I cannot be any more generous than that in my summary of the measure we are considering.

I use those opening words because some speakers, particularly from the other side, seem to feel that the fate of the Government is at stake, and that their loyalty is being called upon; that it is a necessary exercise to speak in favour of this Bill because the fair name and reputation of the Government is at stake. Of course that is not the case.

Sir David Brand: We have not given any indication of that at all. Our members are not called upon to support the Government.

Mr. GRAHAM: All I can suggest is that the Premier read the speeches of the members who sit behind him.

Mr. Ross Hutchinson: You growl if they do not speak and quite frequently you exhort them to speak; then, when they do, you complain about it.

Mr. GRAHAM: I am not complaining about their speaking at all. What I am doing is contrasting the position of the Opposition with that of the Government. None of us on this side has a duty or obligation of any sort whatever to support or oppose this legislation. We will draw our own conclusions and make our own observations; and that is precisely what I am about to do.

In the first place let me say that this question—the subject of the Bill—is a major issue in most countries of the world. I was surprised at the amount of discussion surrounding, and space devoted to, this subject when I was recently abroad; and no wonder when one has regard to the circumstances in certain places and in certain countries. For some years, for instance, in the City of Glasgow in Scotland, it has been an offence for anyone to light a wood or coal fire because of the pollution of the atmosphere caused thereby.

Mr. Ross Hutchinson: I think that applies in London, too, does it not?

Mr. GRAHAM: That may well be the position. I am indicating one place with which I am reasonably familiar. It will be seen that this is a problem of some dimensions and that Governments and other authorities have been seeking, by various means, to tackle it over a considerable number of years. In Western Australia we come to the party towards the end of 1970.

It is agreed, I suppose by all of us, that the problem in our country has not yet assumed anything approaching serious proportions. Undoubtedly there are portents, and unquestionably the situation will worsen. Very many thoughtful and studious members of the community are not perturbed, but indeed alarmed, at the prospect of the situation developing in our country, Australia, which is blessed with many natural advantages, as well as throughout the world, generally, to the point that there may well be a struggle for survival.

It is quite easy to say that certain people are becoming hysterical and are exaggerating. Perhaps they are, but there is a great deal of evidence to support them in the fears which they hold. Such being the case, if the situation is as serious or only half as serious as some in high places are inclined to believe, very definitely this legislation falls short of the job before it. If anyone can wax enthusiastic over this Bill, I say he is easily satisfied.

In the matter of pollution and environment, generally, I think I would be right in saying that the thinking of the public is in advance of the thinking of Governments and that, as a rule, in respect of this question Governments move because of the growing tide of public feeling. Unquestionably that is the position in Western Australia. People are becoming concerned, there is mounting pressure, and growing numbers feel there is an urgency and that something worth while should be attempted.

We in Western Australia, not only as members of Parliament but as citizens of the community, are aware of many of the problems which beset us; that is, the elements responsible for the state of affairs we are anxious to avoid. It is obvious, for instance, that the unrestricted destruction of native flora, whether trees, bushes, or grasses, results in water erosion, soil erosion, and extension of clay pans. It also results in the extension of areas adversely affected by salt. We know that and yet, through clearing or overstocking, there is a continuing growth of this menace and portions of Western Australia are being desecrated because of an attitude of irresponsibility or because there is no authority to step into the breach. Dust bowls are being created. I suppose many of us could quote actual examples. Certainly I could, but I do not intend to do so this evening.

We know that the disposal of wastes, particularly industrial wastes, in large quantities, is polluting both the land and the waterways. We know that the uprooting of ground can destroy and ruin an area. One has only to look in the direction of Greenbushes, for example, to see evidence of that. We are aware that so-called development, whether it be houses, other buildings, or industrial plants, can have a

detrimental effect upon the environment, particularly in the matter of preparation of terrain preparatory to building operations being undertaken. In many cases areas are ruined when, had there been any foresight, they would have been left undisturbed.

We know without being told that belching chimneys can wreak havoc so far as air pollution is concerned and worse than that when certain of the elements are deposited on the land as they are, of course, in many tons every day in and about the metropolitan area of Perth.

We do not have to be told that mining, quarrying, earthworks, and levelling operations can completely destroy—in many cases forever—the beauty and the aesthetics of an area. We do not have to be told that increasing gaseous discharges, whether from industrial establishments or from motor vehicles are polluting the air and affecting human life, animal life, plant life, and enjoyment generally.

Here let me interpolate for a moment to say that certain cities in Europe, particularly older cities where the streets are narrower, have reached the stage of being almost unbearable because of the suffocating smell of burnt fuel. It is uncomfortable for people to move around in older portions of such cities. I do not know where the end is. It is nauseating and unquestionably it has an effect on people using the streets. Overall, some hundreds of thousands of motor vehicles traversing a comparatively small area, accompanied by all of the other elements that our imaginations can draw to mind, must surely be having a most serious effect upon the public at large.

We are aware, too, of the increasing noise factor, not only in the field of transport with planes flying overhead, for example, but also in the domestic environment where every second person seems to have an electric mowing machine and more and more people are installing their own air-conditioning plants. The accumulation of all this is having the effect of making what was previously a quiet, placid, residential area into one where there is no respite from noise. Unfortunately this process is increasing with arithmetical or geometrical progression. It is so long since I went to school I do not know which would be the better term to apply.

We know all these things and very many more and we want something done about it before the situation reaches crisis proportions. We ask ourselves: Does this Bill meet the position? In my opinion it does not. Let us see what the Bill will achieve.

First of all, it will establish a new Government department with power to do nothing more than make inquiries and submit reports. I would be obliged if the Premier, or any other member, is able to

point out to me anywhere in the Bill where power is vested in the new authority or the Minister in charge of it. I repeat that neither the department nor the Minister has any power to do anything other than make inquiries and submit reports.

The Bill goes on to set up another committee—a council of 13 people—comprising representatives of many interests. I do not know what that is likely to achieve. Anyhow, I suppose people will be able to get together, talk things over, and study reports of departmental officers. Goodness knows, this body has no powers whatsoever other than to give advice and prepare reports. It can confer and co-operate with departments and other public authorities concerned with protection of physical environment. I would have thought it would serve a far more useful purpose to confer with departments that are not concerned with the protection of physical environment and which, on the other hand, are largely the despoilers of our environment.

This committee will have power to appoint other committees. There seems to be a fetish for this sort of thing. Somebody once said that to get things done the most effective committee was one comprising two persons, with one person absent, sick, or on annual leave.

Mr. Davies: The Government is expert at appointing committees.

Mr. GRAHAM: We will have another Government department and another committee which, in turn, will have power to appoint further committees. The council shall make reports to the Minister. It thereby finishes its work. The Minister will attach his comments and send a copy to other Ministers and also he will send a copy of the report to the Premier. I ask the question: What then? In the Bill there is nothing but a big full stop.

Consequently we see that the Bill is a myth in its pretensions to do anything to meet the situation. It finishes up with so many pieces of paper in the offices of so many Ministers of the Crown, including the Premier of the day. Their work is then finished. The work of the Minister, of the department, and of the council is also finished.

There is only one subsequent move. At the end of 12 months an annual report is to be submitted to Parliament. We may then learn that the committee recommended against a certain course of action, which could, perhaps, be bulldozing some trees, removing the side of a hill, or something of that nature. By the time we, as members of Parliament, receive the document, the work will already be done.

Mr. Ross Hutchinson: Would you have advocated something greatly different from this?

Mr. GRAHAM: If the Minister will be patient, and if time and the indulgence of the Acting Speaker (Mr. Mitchell)

permit, I will unfold some of my views, which I say in advance are my views. I do not want it to be thought that they have been drafted in minute detail or definition, because I am not preparing a Bill.

Mr. Ross Hutchinson: No.

Mr. GRAHAM: I sincerely hope, trust, and, indeed, feel that it will not be many months before I will be playing a part in the drafting of a Bill to meet this situation.

Mr. Williams: What Minister will you become?

Mr. GRAHAM: That is my feeling. The member for Bunbury can think otherwise. He is quite entitled to do that.

These pieces of paper now repose in the offices of certain Ministers of the Crown. The situation is, of course, that a great deal of what the authority is being set up to prevent has been brought about by Ministers of the Crown.

We want to stop the Main Roads Department from bulldozing more trees than are necessary. We want to prevent the Public Works Department from shearing the side of a hill for some reason or other. We want to prevent the type of desecration that occurred at Moore River where the natural landscape was featured in *National Geographic* magazine which circulates throughout the world. I refer to the feature on the beach known as the verandah rocks. They were something unique in Australia. Believe it or not explosives were put under them and they were completely ruined. Why was this done? It was done because the stone was needed to build a groyne which was to be constructed a couple of hundred yards away. Accordingly, that was done. Mother nature has had her way and those great limestone boulders have now been strewn hither and yon and the groyne is no longer effective. Minister for Works, please note.

Mr. Davies: Would the Cabinet interfere in such a case, do you think?

Mr. GRAHAM: I do not know, but I would like a body with some authority that could look at these things and, we would hope, prevent them from occurring. I only mention this matter; I do not want to make political capital out of it, and I am not seeking to do so.

Mr. Ross Hutchinson: Did the Public Works Department build the groyne?

Mr. GRAHAM: I am not sure whether it was built by the Public Works Department or the local authority. I know the local authority is concerned and I think approaches have been made to the Public Works Department. I merely mention this matter as an example, so let us not go any further.

So I think it will be appreciated that very many of the things this Bill seeks to prevent are already preventable by Ministers exercising greater control over their departments, or by their departments refraining from doing many of the things they do at the present time. After all this process which I have endeavoured to outline, we are still back where we started from. The pieces of paper and reports will be with the Ministers and their departments so that they may decide, as they decide now, whether or not to go ahead with the job.

Mr. Ross Hutchinson: It certainly helps in making an analysis of the situation if you have all the facts before making a decision.

Mr. GRAHAM: I would think, indeed I would hope, that the departmental officers and Ministers of this Government—indeed, of any Government—would have been concerned about the desecration of natural features of beauty and environment long before this and would have done something to check the erosion which has taken place.

So I am making the point that Ministers already have the power to take the steps to check desecration of public estate; but, apparently, it is not working very effectively. Therefore, there should be an authority representing the public to protect the point of view of the public and to ensure that there shall be an absolute minimum of these acts of desecration, and I use that term deliberately.

I am aware of the fact that we have conscientious officers seeking to do the best they can, within certain limits, in the interests of their department and in accordance with the responsibility with which they are charged. But surely the first priority of the Minister for Works and his department is to have certain public works put in hand and completed. I suppose the prime objective of the Minister for Industrial Development is the establishment of industrial undertakings.

The prime consideration of the Minister for Mines, probably the prime desecrator—and I do not mean that in a personal sense—is the promotion and encouragement of mining, and still more mining. Those Ministers are merely doing their jobs. They have such an intense enthusiasm—which I do not condemn—for their particular departments that it is a bit of bad luck if the welfare of the community happens to intrude, bar the way, or make things a little more difficult.

They have powers which they exercise so that they may proceed with the job in hand as expeditiously as possible and, no doubt, on many occasions as economically as possible. However, in the interests of the community in the long term a disastrous position has been created. How many examples of this are there? We

could all quote many of them. In my view this whole matter is so important that I want Parliament to be the final arbiter. There is nothing new or novel in that.

Before there can be a reduction of State forests by so much as one acre of the several millions, it is necessary to bring the proposition to this Parliament and obtain its sanction—the sanction of both Houses. In the matter of the cancellation of reserves, the same procedure is necessary. This procedure also applies to the closure of railways, the closure of certain roads, the reclamation of the Swan River, and any proposed works in King's Park. No doubt members can add to the list. This indicates that in respect of certain matters regarded as being basic or dear to the public will, it is not thought to be too cumbersome to bring them to Parliament.

When it is a matter of the environment—using that term in its broadest sense—where damage for all time can be done to certain physical features that mean something to the community or have an aesthetic or historic value, or something of that nature, it is too late to do anything after the bulldozers have been in. However, if a portion of a railway line is closed it is possible to reopen it; if a reserve is cancelled it is possible to reinstate it at a later date, and so on.

In these major matters, after the event has passed it is too late to turn back; and these matters are so important not only to us and our generation, but also to those who are to follow. With the growth in population and industry and all the wants and requirements of a huge population, who wants a repeat of Los Angeles and other places that could be mentioned?

Now is the time. Now is the hour. I am afraid it will be necessary to be somewhat ruthless in regard to any future undertakings. Because of the very nature of things we have coped in a somewhat leisurely fashion with existing pollutants of very many kinds. I would like to see included in this Bill a provision which states that the Mining Act shall not be supreme and that where State forests and public reserves are affected, before any mining activities whatsoever can be undertaken the matter shall be reported to Parliament. There is nothing untoward, extravagant, or unreasonable in that. After all, it is provided in the National Parks and Wildlife Act of New South Wales, which was passed in 1967 and amended in 1969. In relation to mining that Act states specifically—

The land within a National Park, State Park or Historic Site is hereby exempted from occupation under any miner's right or business licence issued under the provisions of the Mining Act, 1906.

Before there can be an invasion of this part of the public estate the assent of Parliament should be necessary. I go further

to say that the new department, and the Minister in control, should prepare within a period of 12 months or so specified areas or defined places, and in respect of those places, when any major work is proposed—and this could be defined—the consent of Parliament should first be obtained; and where it is of a lesser activity, the consent of the Minister and his department should be obtained.

There is nothing new or novel in that procedure. Some may wax rhetorical and suggest that this would be an interference with their rights, because I want this to apply not only to governmental activity but also to the operations of corporations and individuals. If this authority is satisfied, then the work may proceed; if not, depending on the category, it must be approved by the Minister or approved by Parliament before it can proceed.

What is the position at the present moment in respect of other matters? This is where I say there is no new principle involved. After all, nobody can carry out a subdivision of his land without reference to the local authority, Town Planning Board, and other departments, and on occasions that takes very many months. Nobody can erect a public building, commercial building, or a construction of that nature without a building license from the local authority and, very often, without the approval of the Town Planning Department, the Water Supply Department, the State Electricity Commission, the Public Health Department, the Fire Brigades Board, and so on.

If one has ideas about going into the hotel business there are many preliminaries and formalities and, finally, an approach to the Licensing Court. All that can involve a waiting period of up to 12 months. Generally speaking, it is a comparatively minor matter whether my subdivision is approved this week or next year; it is, I suppose, of some personal concern to me, but it does not have a very great impact upon the community.

But when it comes to rivers being filled in to provide certain facilities, a hill being bulldozed out of existence, and so on—members can all provide their own examples—these are matters of major concern and the decision, once made, is final and stands for all eternity. Once the job has been done, that is that, and there is no turning back. However, in respect of these other things where we require the delaying factor of various processes before approval can be finally obtained, there is a possibility of corrective action being taken afterwards. There is no such possibility in respect of the things I have outlined.

In any event, be it a case of interfering with somebody's plans and proposals, surely it is better that he should wait an additional six months—or whatever the

period might be—rather than that there should be despoliation of a public estate, and that those who come after us, instead of being thankful for our foresight, heap curses on our memory as a result of what we have done.

Members have no doubt gathered that I am anything but enthusiastic about the Bill. I think, as one of my colleagues said, we can derive satisfaction from the fact that there is now a name and there will be a council. However I think that is about all there is on the credit side.

In the matter of getting things done, I do not think the legislation is in the race. I wish it were different. I have submitted some of my own views as to what should be done, and I am aware that they can be distorted and exaggerated. It may be pretended that I am seeking to obstruct and finally ruin all the possibilities of expansion, development, and so on. No, Mr. Acting Speaker (Mr. Mitchell), I am endeavouring to emphasise the seriousness of the situation.

Many people more capable than any of us here have studied and have written about it. There has been a great deal of experience and there are a number of cities and places which can bear witness to what is happening in connection with the rate of spread of pollution and the increasing desecration that is taking place.

There is a tremendous tempo in world affairs at the moment, because of the miraculous power of man to move mountains which has become known in our generation. Most members would have seen a report in the Press within the last week or so which indicated the rate of increase in the population throughout the world. It does not take a great deal of imagination, if that situation is to continue, to realise there will scarcely be standing room for the many thousands of millions of people who will be inhabiting this earth.

If that be a gross exaggeration, we all know that in order to sustain this ever-increasing population and to satisfy our ever-growing demands for more and still more worldly goods, it will be necessary for there to be machinery, factories, and the power to develop the areas concerned.

It would seem that all of us want a motor vehicle to himself; every household wants its own mowing machine and its own air-conditioning plant. It would seem that every second family seeks to have a motor-launch; there is continual industrial expansion and factories grow in ever-increasing dimensions.

Whatever I might have seen while I was abroad, I would point out that only today in the company of my colleagues I spent all day viewing the Kwinana area. Whilst I appreciate the many steps that are being taken, it is obvious that there is something to be concerned about. That area is expanding rapidly. The prevailing winds and

the afternoon and evening sea breezes generally come from a westerly and south-westerly direction—in other words, they come from South Fremantle, Coogee, and the Kwinana locality.

We are also aware of the tremendous new industrial activity that is to take place in that locality and of the fact that there are other industrial areas around and about the metropolitan area which, of course, are necessary. In addition we know that the number of motor vehicles is rapidly increasing.

As our buildings reach higher with perhaps greater concentrations of people and vehicles, it will follow that there will be a greater interruption to the natural flow of air. I daresay that in a number of ways we are fortunate that Perth, the capital of Western Australia, is one of the windiest cities in the world, because a great deal of the pollution which would normally settle on Perth wafts further afield.

The Bill mentions water, land, and also air, and proceeds further to deal with noise, which is an ever-increasing factor to be contended with. Indeed, on occasions when one visits a popular holiday resort it is obvious that something needs to be done, because of the number of persons who have their transistors operating—and not *sotto voce* either. The discordant noise which emanates from half a dozen radio stations at almost all hours certainly makes a tremendous impact on those who visit such resorts. So we have these many activities which are continually increasing with our modern way of living—whether they relate to our personal or social lives, or to the more serious matter of development or productivity, they still are a growing menace.

The ACTING SPEAKER (Mr. Mitchell): The honourable member has another five minutes.

Mr. GRAHAM: Thank you. I only hope this Bill will more realistically acknowledge the serious problem that is increasing so rapidly. Were it drawn in terms that would enable the new department, its director, the council, and the Minister to set about dealing with the situation it would be of some value, but this is not the situation at present.

I have quoted the clauses of the Bill which I feel should be the operative ones. They amount to nothing but sheafs of paper to be placed in the baskets of Ministers who are in the position to do something about it now, but who, overall, do not show a great disposition to act in this direction.

I suppose their motives will be somewhat similar and they will be directed by the advice of their departmental officers, whose prime concern will be to carry out the activity for which the particular department was created which, possibly, was to erect schools or hospitals; to install

irrigation schemes; or to build a road from point A to point B, or a railway system from here to somewhere else; but it will certainly not have been created to attend to the environmental needs of the community. These people will believe that their prime responsibility is in a stipulated direction and they will continue to be of that opinion; and the fact that there is another piece of paper in the Minister's basket will not mean a thing to them.

After that operation has taken place nothing is provided in the Bill for anything to be done about it except to lay a report on the Table of the House at the expiration of 12 months. Those of us who dissent can talk and fulminate until we are black and blue in the face, but we will not be able to do anything about it, because it will be a *fait accompli*.

Mr. Court: You are assuming that the recommendations of a responsible body will be ignored by the Government, also bearing in mind that the Premier will receive direct information.

Mr. GRAHAM: That is so.

Mr. Court: That is not a fair assumption.

Mr. GRAHAM: We have from the Minister an admission that it all depends on whether the Ministers are responsive. I want an authority established which will protect the interests of the State; which will protect the people from an over-enthusiastic Minister. This Bill does not do that.

As I said at the outset, the measure before us is probably better than nothing. At least it indicates what the thinking of Parliament is in a certain direction. I would like to feel, however, that it had some substance, and that it was capable of tackling the tremendous task that lies ahead of it.

For that reason, in my view, it is essential that the department should start its real work as early as possible. Instead of fooling around with pieces of paper, it should get on with the job. We should give it some authority, and an assurance should be given to all of us and to the public of Western Australia that the Government will not permit any further deterioration of the situation, and that we will arrest such deterioration that has already taken place.

MR. WILLIAMS (Bunbury) [9.40 p.m.]: I listened with interest to the Deputy Leader of the Opposition and in many respects I agree with him. He touched on some points which I believe are a great problem in this particular field of physical environment and environmental protection.

As the honourable member said, we all want to own a motorcar—perhaps three or four, depending on how many teenage children we have. I think we must have

all read a recent report in the Press from a scientist which stated that, to a large degree, motorcars are a great cause of air pollution.

The Deputy Leader of the Opposition does not appear to have a great deal of faith in either the Ministers of this Government or of any other Government. I can assure the honourable member that with the establishment of the department of environmental protection and the administration to be set up for the establishment of the physical environmental council, and the powers that will be granted under this Bill, there will, of necessity, be a great deal of co-operation between all the Ministers concerned.

The Deputy Leader of the Opposition referred to the senior departmental officers. They certainly have their jobs to do, but I have no doubt that in time they will quickly adapt themselves to this job and become accustomed to sitting around a table and talking over these problems with a view to arriving at a solution in connection with improving the environment of the community at large.

This will happen quickly because of the types of senior departmental officers who will be dealing with this matter, and because of the types of people who will be Ministers of the Crown—whether they be from the Labor Party or from our own side.

There is a great responsibility on any Government to take heed of public interest in this matter. There has been a tremendous amount of talk on the subject and there will be more said about it in the future; and any Government would be foolish to ignore the public, either in this field or in any other, particularly when such a lot is being made of this subject throughout the world today.

The Deputy Leader of the Opposition mentioned Los Angeles. I know that he has visited Los Angeles, as have many other members of this Chamber. We do not, however, get quite the same situation in other parts of the world that obtains in Los Angeles where there is an area with little or no wind at all and where there are high mountains which form a backdrop. From what I can see of it, when the smoke clears away an inverse situation seems to develop and Los Angeles gets its own back.

Over a period of time the pollution caused by the dust, smoke, and smog builds up and is later forced down again; it is not cleared until such time as there is a wind from the right direction to clear that air. It takes heavy winds to achieve this, but the winds in question are not heavy prevailing winds.

Mr. May: They also have 4,000,000 motorcars.

Mr. WILLIAMS: I referred to that in the early part of my speech. The member for Clontarf has visited that city and he knows that at peak hours it is horrifying to see the number of vehicles on the road; particularly on such a small area of road. One wonders how they all get along. This all adds to the pollution that exists.

If we pass this measure this session, there is little doubt that in a few years' time the motor industry will take its responsibilities in this field more seriously—indeed, it is doing that right now. Whether we pass this measure or not, the motor industry will overcome this problem of pollution in a short period of time, because it has become cognisant of the public's attitude. The public will not stop using motorcars; they will not be prepared to go back to bicycles. No doubt other types of fuel will be used—possibly better types of fuel—and no doubt the motorcars themselves will also improve. In time, I am sure that electric cars will be in operation, and these will add to the pollution problem in only a small way as compared with the internal combustion engine.

There are a couple of points I would like to mention to which the Leader of the Opposition referred in his speech last night. He mentioned that in 1949 a conservation Act was passed in New South Wales, and included in it was, among other things, the conservation of water, soil, and forests.

I have a copy of an article which appeared in the New South Wales Public Service journal headed, "Know your Departments." This deals with conservation, and applies only to activities that are aimed at the use and development of the resources of the State in water, soil, and forests. It does not go as far as the measure before us intends to go, because our legislation will cover the whole environment. Therefore the New South Wales Act deals only with conservation of the three aspects mentioned. The Leader of the Opposition also mentioned that in 1915 an Act was passed in Tasmania for the protection of scenery.

Mr. Tonkin: Both of those Acts have been brought up to date. The New South Wales Act was amended in 1969, and the Tasmanian Act in 1970.

Mr. WILLIAMS: I think they are still restricted, and do not go as far as this Bill intends to go.

Mr. Graham: The New South Wales Act goes much further than you have outlined.

Mr. WILLIAMS: It applies in a restricted field. Even though the Act in Tasmania, which was first enacted in 1915, has been brought up to date, the present Government led by Mr. Bethune fought an election campaign on the question of conservation, and it won the election. There is a copy of a pamphlet dealing with that issue about.

Mr. Tonkin: I have a copy of it.

Mr. WILLIAMS: I will borrow it from the Leader of the Opposition. One election in Tasmania was decided on that particular question.

Mr. Jamieson: One does not know how a party wins an election under the Hare-Clark system.

Mr. WILLIAMS: One election in Tasmania was won on the issue of conservation.

Mr. Tonkin: Parties do not win elections; Governments lose them!

Mr. WILLIAMS: Through the years the 1915 Act of Tasmania has not proved to be very effective, because the public of Tasmania thought that the Liberal Government under Mr. Bethune would do a great deal more in respect of conservation.

In his contribution to this debate the Leader of the Opposition made reference to Laporte. Over the years since the company established itself in the Bunbury area there has been much froth and bubble. It is interesting to go through the files at the time when the Leader of the Opposition was the Minister for Works. In 1957 he put before his Cabinet a draft proposal in respect of the same company. As it turned out the company did not establish itself in the Bunbury area during the term of office of his Government. It was induced by the present Government to establish itself in the Bunbury area in 1960.

The draft agreement which was put forward by the Leader of the Opposition as Minister for Works at the time, and which was approved by his Cabinet, contained conditions very similar to those laid down by the present Government; in fact, the terms of his draft agreement went further. Under the draft agreement of 1957 it was stated that the Western Australian Government would supply a pipeline, and maintain it, from the discharge point at the company's pumps to a discharge point in the ocean north of the works site; and that the State undertook not to constrain the company or to interfere with the normal operations of the company with the object of altering the nature or composition of the processed liquid effluent, or compel the company to neutralise or otherwise treat the effluent.

Under the present arrangement with the company, it is obliged to neutralise the effluent from its plant, but under the draft agreement of the Leader of the Opposition in 1957 the effluent could be discharged into the sea at roughly the same spot where the ponds are now established, and where the effluent is now ponded. The draft agreement of 1957 provided that the cooling liquid effluent could be discharged into the ocean or into Leschenault Inlet.

It is strange, therefore, that the Leader of the Opposition should be picking on the Government for having been successful in having the project established in the Bunbury area.

Mr. Jamieson: You have no idea that the Government in 1957 would have approved of that. The present Government has a hide to allow you access to draft agreements!

Mr. WILLIAMS: When these matters arise they can be approved in the party rooms, before they are introduced in the House. These types of agreements are usually foregone conclusions.

Mr. Jamieson: That one was never before the party.

Mr. WILLIAMS: That is not so.

Mr. Court: The member for Belmont does not know which file the member for Bunbury is talking about. The member for Bunbury at the time, now deceased, was very much involved in the negotiations and he knew what arrangements were approved. He was the one who originally told me what the conditions were.

Mr. WILLIAMS: However, they were the conditions submitted in the draft agreement.

As I said earlier, this is a very difficult matter and, of course, all sorts of people have varying ideas on conservation and the protection of the environment. Let us consider the extremes. We have people who are extremists in conservation and they do not want anything touched. Earlier this year we had an example of a group of people in Busselton who wanted the whole of the coast—three miles inland from the shore and 10 miles offshore—to be protected and not touched. This would mean that the Minister for Works could not construct the harbour at Bunbury to assist the areas of Manjimup and Collie, and the regions surrounding Bunbury. They wanted nothing touched until that had been agreed to. This is a rather extreme view. On the other hand, we have some people who do not want any control at all.

In this measure we must find a solution in between these two extreme views, because if we do not we could find ourselves with no industry whatever coming into the State. Then the Government would be accused of having no work for the people to do, we would be back to square one, and we would be criticised because we had fallen down on the job by not providing work, thus depriving people of a suitable wage on which to live.

Mr. Graham: You are talking like a real old Tory now.

Mr. WILLIAMS: To be able to achieve something with regard to our environment, we must take a middle-of-the-road course with a fair amount of give and take on all sides. I believe that the

Minister the Premier has appointed to handle this measure is quite capable of being able to do this. Irrespective of what some people think of him, I believe—

Mr. Jamieson: We will deal with him in a minute.

Mr. WILLIAMS: —he has done an extremely good job with the portfolios he already holds; and I know him quite well because I live in the same town. I would know him as well as, if not better than, any other member knows him.

Mr. Jamieson: You scratch my back and I'll scratch yours!

Mr. WILLIAMS: It is not a matter of anyone scratching anyone else's back.

Mr. Jamieson: No, not much!

Mr. WILLIAMS: I believe he has done a good job. The success of this measure will, to a large degree, depend upon the person appointed as director, and, no doubt, the Government will cast around to find a suitable person who has sufficient standing in the community; and no doubt he will be a man of great character. He will need to be, because he will receive a great deal of criticism. No matter what decisions the Minister or the Government makes, or what proposition the director submits, someone will criticise these decisions one way or another. It will be a case of too much, too little, too soon, or too late, which is the criticism we hear so often in this Chamber.

Mr. Graham: But the new department and the Minister will not make any binding decisions.

Mr. WILLIAMS: No, but I did refer to the Government as well, which includes the Minister.

Mr. Ross Hutchinson: He could have a profound effect.

Mr. Graham: A matter might be referred to one Minister and he may or may not make a decision, depending upon how he feels.

Mr. WILLIAMS: Yes, but also under his control, as indicated in the Premier's introduction and found on page 1543 of *Hansard* No. 12 for this session, will be other activities, although they are not written into the Bill. The activities which will come under the Minister's control are as follows:—

1. Native Flora Protection Act:
Flora protection and conservation.
Roadside verges committee.

2. Parks and Reserves Act:
The following boards appointed under the Act—
National Parks Board.
Kings Park Board.
Rottnest Island Board.

Emu Point (Albany) Reserves Board.

Pemberton National Park Board.

Zoological Gardens Board.

3. Committee of investigation re illegal occupation of Crown Land ("Squatters").

4. Fauna Conservation Act:
Wildlife Authority.

5. Seashore and estuaries conservation:

Swan River Conservation Board.
Leschenault Conservation Committee.

Peel Inlet Conservation Committee (proposed).

6. Litter prevention.

7. Control of noise.

Mr. Graham: Those things are already the law of the land. This Bill does not add anything in regard to them.

Mr. WILLIAMS: No, it does not add anything.

Mr. Graham: That is the point.

Mr. WILLIAMS: But what I said in the first place is most applicable here. The whole situation will be co-ordinated and the responsibility will be that of the Government and not that of one particular person. If power is given to one person that person could then become a dictator. He would become one in a matter of time, which is not desirable under our system of government. We must give power to the whole of Cabinet and trust Cabinet. As I said earlier, no matter what Government is in office, it would have to consider the public interest, and no doubt it would, and in this case the present Government will. With those words, I support the Bill.

MR. NORTON (Gascoyne) [9.58 p.m.]: It is with some reluctance that I say I will support the second reading of this Bill, which will not achieve what we desire. It does not appear to have any teeth whatever or to give any direct instructions.

If the Government had looked at some of the other Acts at present in operation in the Commonwealth it would have been able to draft a much better Bill than the one it has presented to us. On several occasions tonight the Tasmanian Act has been mentioned, and I have here a copy of the Tasmanian Parks and Wild Life Bill, 1970, which consolidates four Tasmanian Acts, these being the Animals and Birds Protection Act of 1928, the Animals and Birds Protection Act of 1961, the Scenery Preservation Act of 1950, and the Scenery Preservation Act of 1964. If we look at the consolidated law we find that

very definite instructions are given, and the director has very definite duties. It is a comprehensive measure of some seven parts, and all through it deals with the various subjects which come under the jurisdiction of the legislation. However, it does not go quite as far as I would like.

When we look at the constitution of the council, which is set out in part II of the Bill, we find that clause 4 reads as follows:—

There shall be established a National Parks and Wildlife Service which shall consist of the Director and the other officers of that Service appointed or employed pursuant to this Division.

Clause 6 of the Bill sets out clearly the general functions of the director, and sub-clause (1) reads as follows:—

Subject to this Act, the Director is responsible to the Minister for the administration thereof and, in particular, but without prejudice to the foregoing provisions of this subsection or to the exercise of any other functions conferred on him by this Act, the Director has the following duties, that is to say:—

- (a) The keeping under review of the setting aside of land for conservation purposes and the promotion of those purposes in relation to the use or development of land generally;

I think it will be agreed that is quite a broad outline in respect of land. To continue—

- (b) The carrying out, or arranging for the carrying out, by officers of the Service or otherwise, of research and other activities that appear to him desirable in connection with the administration of this Act or the conservation of the fauna or flora of the State;
- (c) The furnishing of the Council and the special advisory committees with such information as they may require and is reasonably available to him in connection with the carrying out of his functions under this Act;
- (d) The preparation, in relation to reserved lands, of plans with a view to their submission to the Governor for approval as management plans for those lands and the keeping under review of the provisions of management plans for the time being in force;

Another clause in the Bill gives the right to the Governor to resume land and specify its purposes. To continue—

- (e) The exercise, in such cases as are provided for in this Act, of the functions of a managing authority for reserved lands, and the giving of advice and assistance to other managing authorities for reserved lands; and
- (f) The provision of effective means for the enforcement of the wildlife regulations and the other regulations made under this Act.

The other requests which could be made under the Bill are quite broad. Subclauses (3) and (4) of clause 6 read as follows:—

(3) The Minister may give directions to the Director with respect to the carrying out of his functions under this Act, and, in carrying out those functions, the Director shall comply with any directions so given.

(4) No directions shall be given under subsection (3) of this section with respect to the making by the Director of any recommendation required under any provision of this Act.

I think that sets out very clearly that the director has full authority and is able to have some say in what is to be done. The Bill which is now before us does not give any such authority.

Clause 10 of the National Parks and Wildlife Bill of Tasmania deals with the appointment of the council, and reads as follows:—

10—(1) The Council shall consist of not more than twelve persons appointed by the Governor.

The persons who are to be appointed represent primary industry, forests and timber, mineral exploration, tourism, town planning, botany, zoology, geology, anthropology, outdoor recreational activities, and hunting and shooting. I think that list could be increased to include land conservation, water conservation, and air pollution.

The Bill I am referring to is far stronger and far better than the one we have before us at the present time. I do not want anyone to think I am a knocker, but I think we should have a Bill with some teeth in it. As I see the present Bill it does not have much strength.

A permanent Select Committee—which it is not possible for us to appoint—would have far more power than the power set out in the Bill. As is known, the chairman of a Select Committee appointed by the authority of this House, under Standing Order 368, would have the power to direct the Clerk of the House to summon

a witness to be examined before the committee. The Bill which we have before us tonight does not contain any such power. There may be some people who have information which could be of great assistance, but they might not be willing to come forward unless summoned. Whilst I am not doubting the capability of the people who will be appointed to the council, I do think the council should have the power to call witnesses.

It seems rather strange that one Minister shall report to another Minister, and at the same time have to report to the Premier. If a Minister has something to report to Cabinet he should report it in the normal way, and then a minute would be sent to any other Minister concerned. I do not know why it is necessary to have that provision in the Bill.

Western Australia is a young State, and its pollution problems are certainly growing. However, with a proper conservation committee—I believe that is a better definition than that of physical environment council—the problem can be handled. We already have a certain amount of pollution in the air, which we see on the Darling Range, and on the Swan River. That pollution is gradually increasing.

We have the Clean Air Act, which does not seem to have many teeth. It contains only one penalty, which applies to a person who is found guilty of not complying with the Act. The penalty is \$200, and \$40 per day while the offence continues. However, it might, because of the time and expense involved, be far cheaper for the offending person to continue to pay that fine rather than comply with the Act.

One of our major problems today is water shortage. We have a wealth of information on pollution and water shortage before us from overseas. We should take cognisance of the problem of water shortage and try to overcome it before it arises. Australia is known to be the driest continent in the world. The figures I will quote were supplied in an article written by Sir William Hudson, the former Commissioner of the Snowy Mountains Authority.

Australia's average rainfall is 18 inches, which is not very much. It is far less when we consider how few the mountain ranges and hills are to catch the water and help to conserve it. The average rainfall on the land surface of the rest of the world is 26 inches, which is considerably higher. If we look at where our water resources are to be found in Australia we will see that two-thirds of them are north of the Tropic of Capricorn. In other words, they are in the north-west of Western Australia, the Northern Territory, and Queensland.

In 1967 estimates were made by scientists of the position in America. They said that underground water was being drawn away at such a rate that the aquifers were not recharging at the same pace. They estimated that by 1980 the American States would have a deficit of 85,000,000,000 gallons of water per day. That is a tremendous quantity of water. One of the reasons is that America has polluted its rivers and has considerably overtaxed various aquifers for industrial use.

It is also interesting to note that, in 1966, 70 nations met in Washington to find ways and means of alleviating the worldwide shortage of fresh water. It is hard to believe that there is a drought of fresh water virtually all over the world.

It is time we took active steps with the water in Western Australia to ensure that we conserve it in the best possible way. At the present time an extremely large number of industries draw water from our various aquifers, whether they are in the north or the south. So far as the south is concerned, I happen to be thinking of the power house at Collie which I understand draws somewhere in the vicinity of 3,000,000 gallons a day for cooling purposes.

If we continue to draw from aquifers we will find that they will diminish quite quickly. Not only will industry be short of water but this will affect the pastoral industry, too, in the north-west. This has been exemplified in the Shark Bay area where the Useless Loop Inlet was closed off. Subsequently the water level lowered and the wells dried up.

In all of Australia approximately 5,000,000-acre feet of irrigation water is used annually. The annual flow of the mainland rivers is very extensive but they are not rivers which conserve their own waters or have a continual flow. In fact, the annual flow of the mainland rivers is estimated at 240,000,000-acre feet per year and two-thirds of this is north of the Tropic of Capricorn, as I said before.

As far as the north-west of Western Australia is concerned, 5,000,000-acre feet flows into an area known as the Indian Ocean zone. The Murchison River, the Gascoyne, the Ashburton, the Fortescue, the De Grey, and one or two other small rivers all flow into this zone. This is the same quantity of water which was used for all other irrigation purposes in Australia up to 1967.

There is also what is known as the Timor Sea zone which is further north. In this area 60,000,000-acre feet a year flows into the sea, which is equal to three times the average annual flow of the Murray River system or 25 per cent. of the total flow of all mainland rivers.

Members will see that we have in actual fact an abundance of water if only we harness and look after it. If the water were harnessed, all the aquifers would be

kept recharged and would be extremely useful in the case of drought or the non-flowing of a river. The main rivers flowing into the Timor Sea zone are the Fitzroy, Prince Regent, the Ord, and others.

We saw in Carnarvon before the control of water from the river was enforced that the river in a drought year very quickly went down to a low level. This allowed the salt to come in from the marshy areas and the Gascoyne River was contaminated with salt. Once any of these underground waters are contaminated with salt it is an impossible task to get them back to normal. It should be the responsibility of the committee or organisation which is proposed to ensure that water conservation is one of its main aims. If there is no water it is not possible to look after fauna or any other kind of life.

The legislation says that the Crown is responsible in respect of contamination. The Minister for Industrial Development has told me in answer to questions that, at certain flows, the Gascoyne River has a high salt content when it runs from certain areas. In the case of the Gascoyne, as with many rivers throughout the wheat-belt, salt encroaches quickly when natural vegetation is cleared from the land. Certainly the salt flows come from badly eroded areas where nothing is being done.

I refer now to the trapping of snapper which is something which should be stopped. The conservation of fisheries is good as far as it goes but it should go much further in certain respects. An officer of the Department of Fisheries and Fauna worked for 12 months on a report on snapper trapping, which was very good, and it was thought the report would take another two years to complete. Unfortunately the officer assigned to the task in the first place was put on to some other work and the report was never completed or the findings fully set down.

I still contend that the catching of snapper in traps is seriously depleting the numbers and breeding habits of the snapper. It is definitely known that the size of snapper is dropping off in areas where traps are used. To my mind this is an indication that trapping affects the breeding of snapper.

Mining is another area in which there is a great deal of desecration. In cutting lines for survey purposes, prospectors did not destroy any of the herbage or shrubs; they simply cut a narrow line through them. But these days they are using bulldozers in order to cut vast swathes through the natural flora. They leave the area in such a condition that erosion takes place and trees do not reproduce themselves to any great extent. This practice should be investigated very closely and definitely stopped. I understand that one mining warden in Kalgoorlie would not allow the use of bulldozers for this purpose on mining leases.

Another thing that is occurring in mining areas is the taking of samples by mechanical diggers which dig out long and deep costeans. When the sampling has been completed, the costeans are left as wide, open cuts in the surface of the earth, and they are a hazard to both man and beast. The people responsible should be made to fill them in on completion of the work, thus helping to prevent the erosion and the danger to men and animals.

We have heard a great deal about the protection of our flora. I agree that the flora should be protected. We probably have the best flora in Australia, and, as the member for Victoria Park said, some of the most unique flora in the world; but little or nothing has been said about the use of herbicides on farms and gardens. There have been instances where the aerial spraying of farms with volatile herbicides has caused considerable destruction in tomato and vegetable gardens around Geraldton. If those herbicides are doing that to vegetables wherever they are used, what are they doing to our natural flora in those areas?

The member for Geraldton told me that in the Greenough area there was a particular type of everlasting flower which he had not seen in any other place, but today that species is missing. No doubt the use of herbicides has destroyed those plants. It would be interesting to know what others have gone with them. Would it not be better to have some radish or turnip weed in a crop than to destroy our plant life?

Surely our scientists can come up with a non-volatile herbicide which will do the job. The non-volatile herbicide does not retain its destructive powers for long periods, but the volatile spray will form a type of cloud in the air which can descend 10 or 14 days afterwards. The bill of rights which was submitted by the protection society refers to the use of DDT, which has caused a lot of concern, but I think other chemicals are being found to take its place. It is not used from the air, as all volatile herbicides are, and it therefore does not cause any damage. The transmission of DDT through herbage to the cow, and through the milk back to the human being, has been the cause of so much concern. Aerial spraying should come under the Clean Air Act.

While the Clean Air Act is quite a good Act, it has no teeth. It does not do what we would expect it to do.

Mr. Jamieson: It has a few more teeth than this one.

Mr. NORTON: Yes, but the teeth only amount to \$200, and \$40 a day for continuing breaches.

Mr. Jamieson: It might stop a furniture factory.

Mr. NORTON: It will not stop any of the big producers of smog. The Bill that is now before us has no penalty, one might say. There is a small penalty for giving information.

Mr. Jamieson: For giving away information you have gained. That is only a matter of security for the department.

Mr. NORTON: There is definitely a need to enforce the Clean Air Act. We can see from day to day the increasing haze and fog along the Darling Range and along the riverfront in the mornings. The hills and the rivers are becoming almost obscured. There was recently an interesting article in the paper in respect of cancer. It stated that when a number of people who had been found to have the cancer virus in their lungs were taken away from cities where there was smog, the virus practically disappeared and became dormant; but the moment those people returned to the cities the virus flared up again and started to spread. It is therefore obvious that smog is a greater danger to humans than we probably realise.

It is also very interesting to note that the smog problem has been solved in London. The Government has decreed that no coal shall be burned in fireplaces or stoves; coke only can be used. This has considerably, if not completely, reduced the smog which caused so many deaths in the wintertime.

Another matter that is causing me some concern is the dumping of certain refuse into the sea. One instance of that is the 300-odd tons of gypsum which are being pumped every day into Cockburn Sound from C.S.B.P. As members know, gypsum has a tendency to cause the sea to become barren, and one wonders where this gypsum goes after it is discharged into the sea, and what the total amount of it will be in the long run. It will probably run into millions of tons. In New York it was recently found that mud dredged from a river and dumped into the sea destroyed the oxygen in the sea water and more or less caused the sea in that particular area to become barren.

I believe that this Bill is a start in the right direction; that is, it is a start to get a conservation measure before Parliament. However, I feel that the Bill as it is written will have very little effect and will be hard to administer. The measure has no teeth whatsoever, and there does not seem to be much one can do about it in any respect. The council to be set up will make recommendations to the Minister at his request. But the director does not seem, of his own volition, to have the power, such as is contained in the Tasmanian legislation, to investigate various points and present a report to the Minister for his consideration and action. So I reluctantly support the second reading of the Bill.

MR. JAMIESON (Belmont) [10.31 p.m.]: I wish, on this Bill, to make a few remarks concerned mainly with what the previous speaker complained about; namely, the lack of teeth or administrative authority. Even if Cabinet decides to do something after it has received a report, it has to revert to some other legislation or some other control a Minister might have for the purpose of achieving its objective. I think this is a bad failing in so far as any legislation is concerned. The measure appears to me to contain a fundamental weakness in that if no penalties are associated with legislation, it has little power and not much can be achieved.

I said a while ago that any person who takes on the job of director—unless he is seconded from a department at the request of a Minister, in which case he would have no alternative—would be a bit barren in the brain because he would have nothing but frustration facing him. The clean air authority is at least able to achieve some of its objectives and certain goals that are set out in the legislation. However, that will not and cannot occur under this proposed legislation and matters can only be taken back to Cabinet or back to the Minister to take action *via* legislation other than this which he may control.

This is certainly a most confusing and roundabout way of doing things in relation to environmental protection. The Bill is in the category of measures which one cannot logically oppose. One might criticise the contents of it and say it does not go far enough, but one cannot oppose it, because it at least goes some of the way—even though only a little of the way—in defining the situation.

I suggest at this stage that the Premier give thought to putting more teeth into it. For instance, the Minister in charge of the legislation may do certain things. Let us take for instance the case of non-biodegradable detergents which have been proved to cause pollution, principally in water, and to cause problems in respect of sewage treatment plants. We have read a lot about this in the Press recently and I think it is abundantly clear that sooner or later we will get to the stage of having to have a regulation banning non-biodegradable detergents, and that action will probably have to be taken at an early date.

However, the Premier cannot show me any legislation in this State at the present time which can be used to ban the sale of this commodity. The Premier should be able to do so if the effects of this detergent are positively proved. Bear in mind that the Metropolitan Water Supply, Sewerage and Drainage Board is putting in package sewage treatment units such as that at Lynwood. A considerable amount of trouble will be experienced as a result of the use of non-biodegradable detergents.

That stands to reason. Once the sewage sludge is activated for the purpose of oxidation to assist in the biological breakdown of the various solids, non-biodegradable detergents will restrict and harm the procedure to such an extent that the units will become inefficient, or complete new units will be needed. Biodegradable detergents do not affect the treatment plants.

We should give to the Minister the power to say to the proprietors of stores, and the agents and merchants of such products—and this is done in America—"You have a certain time to quit your stocks of this product. Then it is finished." I took particular note of this matter because the ABC recently ran a segment about non-biodegradable detergents on its "Four Corners" programme which dealt with its effects on the various things in the community. This followed a segment on a similar subject matter some 18 months previously.

I also took particular notice of the detergents in the chain grocery store at which my wife and I shop rather frequently. Not one of the 10 varieties of detergents on sale was biodegradable. While we allow this to take place we will continue to have instances in the Swan River, Avon River, and other rivers that flow through or past towns or settlements, of heavy foaming of the water in the rapids, which is caused by detergents seeping into the rivers.

This is not apparent in the clean streams in the Darling Range which run into reservoirs. Thank goodness at this stage there is no chance of those streams receiving any degree of detergents, and I hope that will never happen. At the moment fairly strong conservation restrictions are applied within the catchment areas under the jurisdiction of the Metropolitan Water Board, and we should be able to prevent pollution of those areas.

However, in rivers that flow through or past towns or settlements one finds this immediate action of the water foaming. We know this is happening, so surely we should have something in the Bill to give the right to the Minister to proclaim a regulation prohibiting certain actions such as the sale of this commodity. We often find that every aspect of the environment is affected by certain sprays.

I think the member for Pilbara dealt with DDT. We all know how widespread is that poison. It has even been found in the eggs of penguins at the South Pole. So obviously the use of DDT has affected the environment there. It is so widespread that we are obviously receiving fair doses of it in this State. Market gardeners live on it to a great extent because of the number of bugs and wogs they encounter. They find it convenient

to use this poison to protect their products. It is all very well for us to purchase tomatoes that look very nice; but a study of DDT indicates that it is one of those chemicals that have a cumulative effect. In the end result one can see that there could be considerable damage.

In this connection the United States of America is taking very strong exception to meat that is affected by DDT. Even if it shows a slight trace of DDT the meat will be rejected. We do not have sufficient control in this regard in the field of agriculture. I can purchase DDT or any other kind of spray tomorrow and, at will, I can spray it wherever I like. Further, if I am a market gardener who has used DDT, provided that the produce, when it arrives at the markets, looks reasonable, it will not be rejected because no chemical analysis is made of the produce when it reaches the markets. The consumer, apart from relying on his perception or his sense of smell in regard to what he buys, is unaware whether any produce has been sprayed with DDT. A person could buy a product that is completely polluted with DDT or some other type of chemical spray.

To this extent we should have some provision whereby the Governor-in-Council can proclaim a regulation which would always be subject to challenge in the Parliament. Action should be taken under such a regulation, and if Parliament decided at any time in the future that it was too severe, then, like all other regulations that are proclaimed, it could be amended, superseded, or completely waived. However, the power should exist so that, following advice given by the proposed authority, action could be taken.

When the Premier introduced the Bill and he indicated that the administration of the legislation would be allocated to a certain Minister, I interjected that I hoped that that Minister would have more success with this legislation than he has had with the Clean Air Act. Under that Act he has a particular franchise, but we know the Minister has not administered the Act efficiently, nor has he been able to obtain the drive from the department which the Act allows it to have.

I will cite as an example the Swan Portland Cement works. Until several committees were formed among members of the community and they complained bitterly to Cabinet and put pressure on the Government for some time, with the support of the daily Press to a considerable degree, and with the support of other mass media, not a great deal was done. The situation drifted into one that was just as bad as, if not worse than the one when complaints were made earlier about the Swan Portland Cement company disgorging a vast amount of material into the atmosphere. As a result of the activities of members of the community—not as a result of the activities of the Minister and

his committee—Cabinet eventually made a deadline by which time the company had to take remedial action. As a consequence, the situation greatly improved, and to the best of my knowledge it has remained so since that time. However, the company did not meet the deadline set by the Government even then.

After taking a considerable time to effect the improvements it did make, the company still went beyond the time set by Cabinet when the company was obliged to discharge only a reasonable amount of material from its stacks. The last time I saw a reading relating to pollution of the atmosphere in the vicinity of the company's works, the company had still not reached the level that had been laid down by Cabinet. For how long will this situation continue if the Minister is being lax in administering the legislation?

The penalty for a breach of the Act of \$400 and \$40 a day might not be much for a company of that size, although it may be sufficient to make the company think for a while. It certainly would not have much effect on other large factories. For instance, questions have been asked by my colleague, the member for Ascot, relating to certain anodising factories near the Tranby school in Belmont. This is a situation that has been complained of for a considerable time, but no apparent action has been taken. The transgressor of the Act is clearly known but, I repeat, no action has been taken.

Am I led to believe that we can expect better service from the Minister when the administration of all these Acts is brought under the one portfolio, when the administration of a simple piece of legislation such as the Clean Air Act—possibly it is not so simple—has so far failed? The Minister has failed to administer certain features of that Act.

Mr. Ross Hutchinson: I do not think you are fair to say that it has failed.

Mr. JAMIESON: The Minister for Works should wait until he has heard all my story before he says I am not fair. One of the features that has caused it to fail—and I am a little concerned as to whether this trend will be carried into the administration of this legislation—is the set-up, in the first instance, where we have established an Air Pollution Control Council. Then an expert committee was established, following which the representation on all these councils and committees is drawn from the people who are the cause of the pollution.

I will clearly indicate to the House a case in point. A representative of the Cullity group of companies was appointed to the council and one of the company engineers, was appointed as a member of the advisory committee. When complaints are being received about the activities of a firm such as this, how can

we expect such complaints to be reasonably and fairly considered when a representative of the company complained of is on the council? This is where we always strike out in legislation such as this.

In regard to the circumstances I will now outline to the House, I made a complaint to the Minister some time ago. After several letters on this subject had passed between the Minister and myself, he was good enough to inspect the site to investigate the problem at first hand, in company with Dr. Macey, if I remember rightly. On reaching the site on this particular day, he experienced particles of timber falling on his hand and saw particles of sawdust floating in the atmosphere. The Minister admitted that pollution did exist, and said that it could be worse in other places. The people who know it can be worse, but who are used to enjoying an atmosphere free of pollution in these areas, feel they are being badly let down by the Government when such conditions are allowed to continue.

This problem was met from time to time and, as a result of a request made by the local residents, on the 14th August, 1970, I wrote to the Minister for Health in this strain—

You will recall when visiting Kew Street last year in connection with the dust nuisance from the Kewdale Industrial Complex, that your Principal Officer from the Clean-Air Authority, gave indications to those present that the incinerator used by Cullitys Wespely establishment in the manufacture of their particle board was not as efficient as is required. The implication was, I feel sure, that action was being taken to see that greater efficiency in disposal of waste wood particles would be indulged in by this firm.

Last year, due to the long dry spell, the east winds were quite prevalent. This year, —

By the way, this was winter time, Mr. Speaker. Continuing—

—this has not been the nature of the weather pattern up until these last few days when, with the return of prevailing east winds, those residents in and near Kew Street, have been again badly affected by this dust nuisance.

The principal offender, irrespective of the Department's attitude on this matter, is obviously the firm referred to earlier. I feel that some early action is necessary to resolve the problems associated with this dust nuisance, and that those who have built expensive residences in this area are quite justified in the continuation of their objections to a firm of manufacturers disregarding, not only their legal obligations, but surely their moral obligation in eliminating the

amount of discomfort that is caused by their activities. I trust you will take urgent action to see that some improvement is made to this long-standing problem.

This has been a fairly long-standing problem. Despite the early discussions between the Minister and myself and his department and myself, and despite the correspondence we have had on this matter, they were unable to make up their minds whether the factory we indicated as being responsible for this problem was in fact responsible; and this despite the fact that the people who live in the area are constantly faced with a pall of smoke and an emission of dust from the burners in that factory. Even though it was obvious where this dust and smoke were coming from the matter was still disputed by the department. While other people in the general locality could have been affecting to a lesser degree this atmospheric pollution, it was quite evident that in the main the firm in question was responsible for it.

As recently as a week ago I experienced the same effect from the same firm. Let us see how the Minister dealt with this matter despite the number of approaches that had been made, and the complaints that had been coming in for a considerable time about the firm in question.

Mr. Davies: This was chapter two in regard to this firm.

Mr. JAMIESON: Yes. We had this problem in Carlisle before the firm shifted. It should have known that it would be in trouble after it shifted. In his letter of the 15th September, 1970, the Minister wrote to me and said—

In your letter of 14th August you refer to the incinerator (conical burner) at Westralian Plywoods Pty. Ltd., Kewdale. This is a source of dust which is causing concern both to the company and to this Department. Investigations made by the Department indicate that the nuisance is principally, if not solely, due to very fine dust which is one of the substances burnt in the incinerator. This particular dust is produced in copious amounts during the process of manufacture of particle board; and disposal otherwise than by burning is extremely difficult.

We knew that over two years ago. I suppose this is an admission on the part of the department and the Speaker that this was the case.

Mr. Ross Hutchinson: You mean the Minister, do you not?

Mr. JAMIESON: Yes.

Mr. Ross Hutchinson: You said "the Speaker."

Mr. JAMIESON: I am sorry, Mr. Speaker. I might ascribe all sorts of things to you but not that you were responsible for pollution in the Kewdale area. The letter continues—

The fineness of the particles presents a particular problem in coping with those which escape the combustion process. The company has been examining methods of extraction of the dust so that none will be burnt in the incinerator. Because of the large volume of dust involved this is a major undertaking. It is, however, a practical possibility and I am confident that a satisfactory solution will be found in the immediate future.

I have told the House what resulted in the immediate future. The situation is just as bad as ever it was. After the experience which I, for one, have had, with the lack of administration in connection with the Clean Air Act, does the Premier really expect me to believe that we can expect greater attention and more action from the Minister in matters of environmental pollution? If we are to expect such an improvement, the Minister would certainly need to pull his socks up considerably in this matter.

The position which obtains in my area is not a singular case, because what has taken place in other districts has also been brought to my attention. If my own district is so affected, and if the neighbouring district of the member for Ascot is so affected, then other areas must also be suffering from the same problem and from the lack of any action under the provisions of the Clean Air Act. We hope there will be a great deal of improvement in the Minister's administration of this Act.

We must give the Minister more teeth in this matter. If he is not prepared to munch to any great extent when he has teeth, without them he will not be prepared to munch at all. I can see nothing in this Bill which would frighten anybody who happened to be damaging the environment if he was not prepared to play ball. Fortunately, I believe that in these days most industries have considerable knowledge of the problems of environmental pollution. We were fortunate in being able to visit today a number of the industries in Cockburn Sound. I daresay that to a limited extent the firms in question are endeavouring to overcome the problems of pollution that might exist.

If they are not compelled to overcome those problems, however, I should imagine they will not increase their costs merely for the purpose of doing good to the community. For instance, if certain factories such as Cockburn Cement and the like were placed closer to areas of heavier population, I am not sure that we would not receive complaints about their activities.

Because they happen to be situated in the outlying areas, is no reason why they should be permitted to pollute the atmosphere any more than those industries which are close to the metropolitan area. We have had some fearful suggestions from the experts which indicate that due to the dust, smoke, etc., the atmosphere will be heated to such an extent that the poles will melt, and so on.

I am not too worried about that, because the poles have remained unmelted for quite a long while. However, when we implement legislation such as this we must endeavour to ensure that it is effective, and that it is capable of meeting the situation we have in mind.

I am impressed that as a Parliament we should be dealing with this matter at this moment; but I am depressed at the thought that we are not prepared to go a little further and provide immediate power to deal with the situation right now. We should not wait till there is something wrong and the situation gets out of hand before we provide the power which is so necessary in legislation of this nature.

If we are to deal with this problem we must have power to face up to it today, and this Bill certainly does not provide that power. The two main penalties in the Bill are those which are generally provided in such legislation and relate to the prohibiting of anybody from entering premises to see whether pollution of the environment is taking place; and the disclosure of information possessed by a person in authority is also prohibited. We normally find such provision associated with civil servants who are not permitted to divulge information in any event.

Overall I would say the Bill is somewhat of a disappointment. We have heard a great deal about this legislation for a considerable time and this is the sort of Bill we have had placed before us. Had the legislation been modelled on the Clean Air Act it would have had more teeth than it now possesses. I hasten to add, however, that the power provided in the Clean Air Act is quite insufficient, because the people who investigate these matters are the ones who should be investigated.

The wrong types of committees are being appointed. They are not likely to police themselves detrimentally; they will grant extended time, and they will find ways around the position. If in the course of their work they are able to have a person prosecuted it will help them along the line to overcome their own problems. I am afraid this is what has been happening, whether or not the Minister likes it. This is the practical experience of what has occurred.

Mr. Ross Hutchinson: The Clean Air Act has not failed. It may not have operated successfully and completely in some instances, but generally it has not failed.

Mr. JAMIESON: In what respect has the Clean Air Act been implemented to the degree where we can say some success has been achieved?

Mr. Ross Hutchinson: In respect of the height of chimneys, the installation of arrester equipment in chimneys, the precautions that have been taken when new factories are built, and the Swan Portland Cement works.

Mr. JAMIESON: I will concede this point: the Act has been effective in respect of new factories and the height of chimneys. I cannot argue about that, because the Government can promulgate regulations to require that chimneys be of a certain height. I would point out that under this requirement the pollution will be disgorged into the atmosphere over a wider field than it was in the past, so that more people over a wider area will feel the effects, whereas previously fewer people felt them.

Referring to the time before electrostatic precipitators were installed in chimneys, I gave some information earlier about the pollution from the cement works. According to the latest figures the pollution has not been reduced to the level which Cabinet has set. It has been reduced to perhaps 7 per cent. of the required level, but not down to the required figure.

Mr. Ross Hutchinson: It is unfair to say the company has failed. It has not failed generally.

Mr. JAMIESON: If the company has not failed in reducing the level of pollution why did the Government set a figure? No doubt the figure was set on expert advice. Having made the determination the Government should have compelled the company to reduce the pollution to that level. If the company has not reduced it to the set level then it has failed.

Mr. Ross Hutchinson: The company has reduced the level, but there is no magic wand for it to wave. You do not abolish the pollution altogether straight off.

Mr. JAMIESON: That is where there is a difference of opinion. Sometimes, perhaps, Cabinet waves a magic wand. On this occasion it told the company that if it did not reduce the pollution down to a set level by a certain time then certain steps would be taken. Having gone that far Cabinet should not have retreated. If the company can reduce the pollution below the level set, it will be better for all concerned; at least it should have reduced it down to the level set by the Government.

I hope that we will see better results from the legislation now before us than the results which have been achieved under the Clean Air Act. The clean air legislation might not have failed entirely; and in certain respects it has succeeded, such as in determining the height of chimneys

and in the building of new factories. No doubt with the assistance of the local authorities and with the advice given by the clean air authority some degree of improvement can be effected. However, overall the problems at the time of the passing of the Clean Air Act in 1964 have not been eased to any great extent.

It is in the newer factories, such as the ones we visited at Kwinana today, that there is an appreciation that something must be done to eliminate the problems that are caused to the atmosphere or to the environment, such as pollution in the ground or in the sound.

Mr. Ross Hutchinson: I said that when I introduced the legislation.

Mr. JAMIESON: That might be right. The newer factories in the Kwinana area are trying to do something to reduce the problem, despite the fact that at various times we gave them certain rights, such as the right to discharge a considerable amount of effluent into Cockburn Sound.

Very often when companies or works are compelled to do something with the effluent they find a way of treating it to make a by-product. This applies particularly in respect of effluent which contains gypsum. This could possibly be upgraded for the production of plaster, not on an economic basis but on a basis which will return something to the company to offset the cost of disposing of it. If gypsum at the rate of 300 tons a day is pumped into the sea in that area, we will find that in time one of our naval vessels using those waters will be stuck on the accumulated deposit. When that happens a way will have to be found to remove the accumulation of gypsum.

This sort of situation has the habit of reaching a pinnacle. Whilst there is drift in the waters of Cockburn Sound the gypsum will be dispersed to some degree. Nevertheless, when there is a fallout of waste materials some will reach the bottom. When that happens it will be necessary to change the bottom of the sound to suit the discharge of the waste substances.

I suggest that in future the Government should be very careful before it takes any action to grant the right of disposal of waste materials into the ocean, so that the environmental set-up is likely to be spoilt—be it the ocean beaches or a clean sound. A keen examination should be made of any industry that may be established in the area, and of the effluent or pollution it is likely to discharge into the atmosphere or into the waters.

This is a problem which has been known to exist for a long time. It is interesting to note that in Tasmania legislation dealing with this subject was passed in the 1920s. No doubt, as a result of the problems that were created on the west coast where certain refining processes of metals were carried on it was found that many

of the surrounding hillsides were denuded of vegetation, caused by the emission of fumes from the works. At that time the legislators in Tasmania realised something had to be done in an attempt to overcome this problem.

Western Australia has been more or less experiencing these industrial problems in recent times. Previously the State experienced many smaller problems, such as those created by the local joinery works, the cement factory which has been operating for a long while, and various other factories. I can remember a problem arising in my childhood days with the air pollution that was caused by the superphosphate works at Bassendean. In those days it was a problem, but it does not seem to be one now. Obviously some way has been found to overcome some of the undesirable features. I am sure the member for Swan will recall that the bulk of the houses in the general area of the superphosphate works remained vacant for many years as a result of the effluent that was discharged from the works. The people could not tolerate the objectionable effluent.

Today we find that this area has been built up. I do not know of any complaints against the superphosphate works, and I have not heard the member for Swan or the member for Ascot making complaints in recent times. So those works seem to have overcome what was at one time an acute problem in environmental pollution.

In administering this legislation I hope the Minister will take into account its limitations. For him to have to refer matters to his fellow Ministers in order to get the teeth from one of the Acts they administer is a very clumsy way to deal with the situation, and somewhere along the line the legislation will fall down in its intent to overcome a very acute problem.

Because of the reasons I gave I feel I must support the Bill. Despite what one of my colleagues said earlier tonight, perhaps I am inclined to support the Bill even if it is only for the nice title which appears at the top of it.

MR. RUSHTON (Dale) [11.10 p.m.]: Although this legislation is of the utmost importance to all of us, because it has not, in the main, been opposed by the Opposition, it is not my intention to speak at any great length regarding it. It is interesting to observe that the Opposition members who have supported the Bill and those who have not directly supported it have, by their timid criticism, emphasised the need for it.

The fact that the Ministry to be formed is the first of its kind in Australia is of tremendous significance to us and to this Government. It is interesting to observe that it is the Brand Government introducing it.

Mr. Jamieson: Another back-scratcher!

Mr. RUSHTON: The Government has been—

Mr. Jamieson: The Premier's back will be so sore tomorrow he will not be able to sit back.

Mr. RUSHTON: The Government has been anxious to introduce legislation to preserve our national assets and to retain a reasonable environment in which we can live. It was particularly interesting to observe that in this afternoon's paper it was reported that the Federal Government is setting up an office of environment.

Surely the actions of this Government in breaking new ground deserve credit. They are certainly welcomed in the main by Western Australians.

Mr. Harman: They are a bit late.

Mr. RUSHTON: If the honourable member were fair and considered what is involved in this legislation and realised the Government's desire to consider all the views of the many people who have interested themselves in this subject, he would realise that the delay in the introduction of this legislation has been worth while.

Many of us have been involved in various committees and seminars on this subject and we are therefore aware of the time devoted by those interested in it. Many dedicated people have given their time and energies to the submission of suggestions concerning how this legislation could be drafted and those suggestions have been a tremendous help. They have helped those responsible for preparing the legislation to consider all the aspects of conservation and environmental control. Apart from the recommendations submitted to the Government, many of us have seen many other submissions by skilled persons which are very similar in content to this legislation.

I believe the Government's legislation at present before us has included many of the recommendations made to the Government, and I support it also because it allows progress towards the objectives which are in line with Liberal beliefs. It is interesting to note that these are as follows:—

- (1) To derive the greatest possible benefit from our environment.
- (2) To use modern technology to provide for man's need so that the environment will not deteriorate.
- (3) To protect the environment from generation to generation.

These, I believe, are very sound objectives.

Mr. Graham: How much does the Bill help towards those?

Mr. Ross Hutchinson: Substantially.

Mr. RUSHTON: As I hope to indicate, the Bill, generally speaking, establishes the basis for all those objectives to be achieved. To continue—

- (4) The preservation or improvement of our environment, and the use of our heritage for the greatest benefit of our community.

Mr. Jamieson: Who wrote that?

Mr. RUSHTON: I did.

Mr. Jamieson: Oh!

Mr. RUSHTON: Is that satisfactory?

Mr. Graham: Are you reading your speech?

Mr. Jamieson: Are you pulling one of those Fremantle jokes?

Mr. RUSHTON: Some thoughts need to be considered in detail when we are considering a Bill of such importance. I will proceed with the things I believe Liberals stand for and the way in which they believe these ideals can be achieved. They are—

- (1) Through protection of flora and fauna.
- (2) Through conservation of natural resources through reservation and management.

To interpolate, many of us have had the opportunity to know just how involved is the management of reservations and what the future could be in this regard. These reserves for the protection of our flora and fauna need to be of tremendous acreages. As the Minister for Lands has pointed out today many misconceptions can arise unless the truth and facts are known. I believe his presentation today indicates how necessary it is for the facts to be submitted clearly and concisely so that people are not under any misapprehensions. To continue with the ways in which Liberals hope to achieve their goal in environment protection and conservation—

- (3) Through husbanding of natural resources.

This is a subject which has been handled by, I think, the member for Pilbara today. He expressed his thoughts quite emphatically on this subject. To continue—

- (4) Through development and retention of the quality of the human environment.

To me this is one of the most important facets of the subject. If we cannot retain a pleasant environment in which to live and in which our future generations can find pleasure in living, we will not achieve what we set out to achieve.

Mr. Davies: We have not made a very good effort so far.

Mr. Cash: Be fair!

Mr. RUSHTON: The honourable member cannot say such a thing if he considered all that this Government has achieved in this regard. One has only to study the legislation which has been implemented up to this point of time to realise what the Government has achieved. For instance, the Clean Air Act has achieved much, despite the remarks of the previous speaker.

Mr. Jamieson: As long as you think that, it is all right. You have nothing out your way it can clean; it is so foul.

Mr. RUSHTON: If the member for Belmont wishes to make such irrational statements, that is his privilege. However, in this regard it is interesting to note that recently the brickworks at Armadale were having their problems, but these were overcome under the Clean Air Act, which is administered by Dr. Macey who has been mentioned earlier this evening, with the full co-operation of the company. The honourable member himself may have referred to Dr. Macey.

Attention was drawn to the problem of the gases and smut falling from these brickworks, but because of the efforts of the company and after considerable expenditure on and attention to the problem, a satisfactory result has been achieved. This is something for which the member for Belmont should give credit.

Mr. Jamieson: Are you sure it is satisfactory? That statement conflicts with what I have heard.

Mr. Ross Hutchinson: It is at least much better.

Mr. RUSHTON: Let me put it this way: As members know, the high school is adjacent to the brickworks and in the path of the prevailing winds from the direction of the brickworks. Those at the school made known to me their thoughts on the fallout, if we might call it that, and I called on the management of the brickworks and also got in touch with Dr. Macey. Therefore, I am fully acquainted with the endeavours made in regard to this matter and also the timetables established for the implementation of preventative measures. The teaching staff from the high school acknowledged that a genuine effort was made to overcome the problem.

I have taken a sample at the school from time to time. One might say that the Town Planning Department has fallen down in its planning because the brickworks are to the south of the high school and the prevailing winds carry the fallout to the school. However, I have been assured that a satisfactory arrangement has been reached and I think that answers the point raised by the member for Belmont: that due regard is being given to the legislation we have on the Statute book.

I believe this proposed legislation will do what is intended because of the efforts of the Minister, the Premier, the Cabinet,

the director, and the administrative staff of the physical environment council. The Bill will allow a full investigation by competent people to bring us the environmental protection we seek.

It is more satisfactory to set up a body of competent people with some flexibility to evolve the policy and controls found necessary. The Government will be able to appoint the very best people that can be obtained. I think it was the member for Albany who made the observation regarding the difficulty of acquiring suitable staff. I think we all agree this could be one of the major problems associated with the effective introduction of environmental protection.

Mr. Jamieson: Yes, those people will be able to read the Act and they may not be inclined to be appointed to the department.

Mr. RUSHTON: I believe great interest will be shown in the appointments to the staff of the department. We have very good men in our midst. I think it is also necessary to search far and wide for staff to obtain a broader approach to the subject. I think most members would agree that in the past we have had the problem of pollution or environmental—

Mr. Graham: Disfigurement.

Mr. RUSHTON: Something adverse to the environment, anyway. The endeavour has been to get a co-ordinated approach to the question: that is, to feel confident that every aspect has been fully investigated and that people who are competent in the various aspects of control have been consulted and their advice given every consideration.

I find it distracting to read a report, as was mentioned tonight, of the total destruction of an area supported only with, "it could happen." We need people who have every regard for the environment and its protection, and we need people who are practical and courageous enough to research the problem facing them and give a frank and factual report.

I fully support the creation of the Ministry of environmental protection, and I urge all interested in the subject to give it their support and encourage others to do likewise. Whilst the Government gives a lead, and encouragement, the success will depend, basically, on the people of the State. The people will need to get behind the Government and make the legislation effective.

Adjournment of Debate

MR. BRADY (Swan) [11.25 p.m.]: I move—

That the debate be adjourned.

Motion (adjournment of debate) put and negatived.

Debate (on motion) Resumed

MR. BRADY (Swan) [11.26 p.m.]: I want to speak for a short time on this particular measure because I am one of those who feel that a form of creeping paralysis in connection with the effects of industry is invading various parts of the metropolitan area. One has only to go to the eastern suburbs to find new houses costing from \$14,000 to \$16,000 being erected alongside factories which are still being built, and other factories which are being extended. Pollution is also occurring in the vicinity of our schools and our hospitals.

It is quite opportune, of course, for the Government to introduce a Bill to deal with pollution generally. However, the more I examine the measure before us the more I feel the Government is weakening the existing Clean Air Act. The Clean Air Act has some teeth in it, and penalties can be enforced. However, the same provisions are not contained in this Bill.

Sir David Brand: How does this weaken the Clean Air Act?

Mr. BRADY: Apparently the Clean Air Act has not been cleaned up. I was coming to that point. Recently, a Senate Select Committee visited Western Australia, and other parts of Australia, and it brought down a report on air pollution. Part I of that report states that all the States of the Commonwealth have some provision to deal with air pollution except the Commonwealth itself. However, according to tonight's Press, the Commonwealth intends to do something about air pollution.

I feel it would have been much better had the Government improved the Clean Air Act, and made an all-out effort to do one job at a time. It now seems that the Government will attempt to clean up air pollution, land pollution, and water pollution.

Sir David Brand: That is highly desirable.

Mr. BRADY: Yes, that is highly desirable. However, the fact remains that this Bill does not provide the power to do the job which has to be done. I know some members opposite would say that I am only saying this for political reasons and that, as a member of the Opposition, I would find this in the Bill.

The member for Darling Range read out a letter he received from some of his constituents. I also have the same letter in front of me which says—

The Bill sets up a Ministry with little responsibility for positive action under a junior minister who has no power but who can only advise more senior ministers. The Bill does not explain the procedure to be adopted when the advice is refused but it must

be assumed that the Minister then has to gag with the assistance of the secrecy provisions of Clause 28 those members of his Department who had genuine reasons for making their recommendations.

This would be the same letter as the member for Darling Range has received. It is signed by P. Versteegen, Roleystone; P. Harris, Darlington; T. Willcox, Roleystone; P. Ravine, Greenmount; and D. Simpson, Karragullen. They are all members of the Darling Range Conservation Committee.

The thoughts I have expressed tonight to the effect that I do not think the Bill will achieve what is expected are also shared by that committee.

Another person wrote to me during the last few days. In fact I received the letter this afternoon when I returned from Cockburn. It says—

In his second reading speech the Premier used the words "a ministry equipped to provide a thorough research and examination of problems enabling it to come up with sound recommendations is preferable to one which would effect a revolutionary change in the whole government with a risk of administrative chaos."

I have underlined the word "sound" because it seems to have special significance.

I feel the Premier should be asked to clarify these words in Parliament because to my mind they reflect a possible neurosis prompting the government to draft the Bill in this way.

Do you think you could ask someone in the Opposition to do so.

That is one elector who feels that while the Bill purports to do something, as outlined by the Premier, when it comes to an analysis the measure will not do that.

I made the statement a few moments ago that the Bill actually weakens what is already in the Clean Air Act. I say this because of the provisions which read—

5. This Act binds the Crown in right of the State.

6. Where there is inconsistency between—

(a) the provisions of any Act or delegated legislation made thereunder, which provisions relate to air, land or water pollution or to any matter concerning environmental pollution in general; and

(b) the provisions of this Act or delegated legislation made thereunder,

the provisions referred to in paragraph (b) of this section prevail.

In the event of the Clean Air Act and this legislation clashing, this legislation shall prevail.

The measure has no teeth in it. In the first place no penalties will be inflicted and certainly there will not be a continuing penalty of \$40 a day as there is in the Clean Air Act. For these reasons I feel I should indicate that I am not altogether happy with the legislation. I will support it because I want to see something on the Statute book to indicate that the Government realises that a problem exists.

Let me outline some of the problems. In my electorate there are brickworks, super works, tile works, cement works, and an oil refinery. These industries cause dust and ooze all kinds of effluent, sometimes for seven days a week. The effluent, gases, and fumes are affecting some of the local residents. In fact, some have indicated that they wish to leave the area but they cannot obtain satisfactory prices for their houses because the difficulties which have to be endured are well known.

In the near future it is possible that natural gas will be piped through these areas. I understand that some difficulties have been experienced with the use of natural gas in the Eastern States. In fact, authorities in Brisbane have had several difficulties brought to their notice by people who have temporarily evacuated certain areas where natural gas is being used.

In addition to local difficulties I am inclined to think that the State Government will come into conflict with the Commonwealth Government in regard to the implementation of this measure. For example, fumes are already being discharged from various aircraft at the Guildford Airport which is under the control of the Department of Civil Aviation. The Commonwealth is largely responsible for the positioning of that airport.

Further, some hundreds of thousands of motor vehicles are on the roads, and thousands more go on the road each year. Aircraft, motorcars, diesel engines and trucks, motor buses and other types of vehicles all cause pollution.

As a State it is obvious that we have been quite fortunate because we have not seen extensive pollution in the past. I am afraid the past and the conditions we then enjoyed have gone and we are now starting to feel the effects of various forms of pollution.

In addition to the provisions in the measure before us, I believe there should be some provision to ensure that the Institute of Technology or a similar organisation establishes courses concerned with the control of pollution of the atmosphere. I have before me an extract from *The West Australian* of Friday, the 13th Feb-

ruary, 1970. The article is headed, "Pollution will be compulsory." It reads, in part—

The fight against pollution is being taken into the classroom in New South Wales.

The problem will be studied this year at the Institute of Technology.

A course called environmental chemistry has been prepared by Dr. T. Mullins, who thinks it is the first of its kind in Australia.

It will be compulsory next year for science diploma students.

There will be lectures on the detection and control of air and sea pollution and the problems of river pollution.

Let me interpolate to say that we have all three in this State at the moment. The article continues—

Dr. Mullins wants scientists in industry to be able to point out to their employers breaches of pollution legislation and how to prevent them.

I leave that thought with the Premier and members of the Government. I think the Government should ask the Institute of Technology to give some thought to this very important matter.

I also want to remind the House that quite frequently Government departments are a party to the cause of pollution. I have before me a letter signed by the Minister for Health (The Hon. G. C. MacKinnon). It says—

Dear Mr. Brady,

Inquiries regarding the cause for your complaint dated 18th June have been made with the Management of the Midland Junction Abattoir Board, who advise as follows—

Every precaution is being taken by the Management in an attempt to prevent any reason for complaint by residents of the surrounding districts with reference to the normal functioning of the establishment.

Approximately \$500,000 have been set aside to provide permanent means to attain this result.

I will not continue with that. There are further paragraphs. The fact remains that this institution has been causing pollution of the air for some years, from the digester and other parts of the factory, such as the fertiliser which has been pumped from the abattoir from time to time.

I am pleased to see that this Bill will be binding on these State instrumentalities, which will be obliged to tighten up. In view of the fact that many residents in my electorate are being caused concern and are losing value on their properties as a result of pollution, I felt I should have

something to say on this matter. I am very sorry that the Government has not given this Bill more teeth in regard to getting rid of pollution.

I would hate to think that we were nearing the stage which has been reached in America, particularly in Los Angeles, and in Tokyo, where people very often have to seek attention from doctors and chemists because of the pollutants that are in the air. I read in the paper recently that a Japanese firm offered to have some of its iron ore and other metals processed in Australia in order to prevent this detrimental effect in Japan.

We are fortunate that none of our buildings are being defaced by smog and pollutants, but I think it is only a matter of a very short time before that will happen. On recent occasions I have looked out of the windows at Parliament House and seen smog and industrial waste being wafted along the base of the Darling Range, from Kwinana to Armadale. The matter is therefore very important and we should be all-out to deal with it.

Only today, when I was at BP Refinery, I was reminded that various kinds of crude oil are refined there. Some of those oils are light and some of them are heavy, and according to where they come from—whether the East Indies, Barrow Island, or some other place—they contain various chemicals, which are pumped out into the atmosphere. In addition to those chemicals, additives are used in the petrol to give it various effects which the firms play up. All these things are being pumped into the atmosphere 24 hours a day, seven days a week. So it seems to be only a matter of time before we will have considerable public clamour for something to be done about this matter.

Regular checks of the atmosphere are now being made in the heart of Sydney and in many of its suburbs because people are beginning to feel the effects of the petrol and fumes there. The report of the Senate Select Committee on Air Pollution, which has been tabled in the Commonwealth Parliament, as *Parliamentary Paper No. 91*, contains an appendix which gives the concentrations of air pollutants close to traffic lanes in Sydney. The concentrations were: carbon monoxide, average 50 parts per million; aldehydes as formaldehyde, average 0.04 parts per million; nitric oxide, average 0.33 parts per million; nitrogen dioxide, average 0.08 parts per million; non-toxic particulates, average 79 micrograms per cubic metre; lead, average 1.90 micrograms per cubic metre; hydrocarbons as methane, average 13 parts per million.

Those are the concentrations in peak hours in Sydney and some of its suburbs, but outside the peak-hour periods the minima of those respective chemicals are very low. The numbers of samples taken

were 193, 28, 30, 25, 35, and 125. It is necessary that we should keep a very close eye on the position in regard to pollution of the air.

That brings me back to what I began with. I think it would have been much better if the Government had decided to tighten up the Clean Air Act and make a good job of that, rather than to bring in legislation dealing with land and water pollution at this point of time. As the legislation is before us, and I think most of us are anxious to see something placed on the Statute book, this is an indication that this Parliament has dealt with it and believes it is an important matter to be dealt with.

Whilst I am tempted to read out other parts of this report, I have some respect and regard for the hours that have been worked by members in the House tonight, and I will not do so. However, I would advise members who are interested in air pollution and what has been done in other States to secure a copy of this report, which I obtained from Queensland earlier this year, together with several other reports dealing with pollution. This report is well worth reading. It gives an indication of what is in store for us if we do not watch the position very closely.

I support the legislation, which gives some semblance of attention to this very important matter.

MR. DAVIES (Victoria Park) [11.48 p.m.]: I would withdraw any reservations I have regarding this Bill if it were more correctly entitled, "An Act to make provision for the establishment of a Department of Environmental Protection and a Physical Environment Advisory Council," because nothing I have heard in the debate tonight has convinced me that this council will be anything more than an advisory body.

I think the legislation has suffered from the Premier's premature announcement, which he probably thought was desirable at the time. I would not argue with him about his timing but, because of that early announcement and the delay in bringing the legislation to Parliament, the Bill has suffered inasmuch as the community has become aware that there are great difficulties involved in establishing a council of this nature, and it has come to expect something less than it would have liked.

To my way of thinking, in his second reading speech the Premier seems to offer some apologies—particularly in the latter part of his speech—that the Bill is not more powerful.

Sir David Brand: I offered no apology, I can assure you.

Mr. Graham: Well, no enthusiasm.

Sir David Brand: I was just stating the facts as I saw them.

Mr. DAVIES: I think the facts are as I have stated them: that over the time the community has come to desire something more than it knew it would get, and the Bill has suffered from the early announcement.

I say this body will be only an advisory body because, as has already been pointed out at length, all it can do is advise. It only advises under the direction of the Minister.

Mr. Norton: Or at his request.

Mr. DAVIES: Yes, or at his request. Although the measure lacks teeth, my criticism is not in respect of the statutory powers given to impose fines. I do not want to see a police State created, as a member on the Government side of the House said. I am sure no-one in this House wants to see a police State or a proliferation of committees, although we realise these are necessary under certain circumstances. However, if we want to disregard those rights and give the advisory council the power to inflict fines, then it should also have the power to do something other than merely advise. If we look at the functions of the council, as contained in clause 21(1), we find that the very first line of that clause states—

Subject to this Act, and as directed by the Minister,

It then goes on to state what the council may do, as directed by the Minister. The Minister may not feel it incumbent upon him to direct the council if pressure is applied from certain parts of the community; and let us not pretend that pressures are not applied at various times. I have seen plenty of lobbying during my nine years in this House and I can imagine that if the Minister was not so disposed then he would not direct, and the provisions of paragraphs (a) to (h) of clause 21(1) could be completely meaningless. Then, of course, if we refer to sub-clause (2) of the same clause we again find the words, "The Council shall, as directed by the Minister, confer and co-operate. . ." So I cannot see that the council has any initiating force because in each instance it must be directed by the Minister. That provision is contained in the most important clause in the Bill which relates to the physical environment council.

I will not labour the point any further. I hope I have made it quite clear that on both occasions the board shall do things only as directed by the Minister. Much play has been made of the matters which are to be referred to the council by the Minister. It has been said that Ministers of the Crown shall do certain things under certain circumstances, and those things are contained in clause 23. Let us have a look at the practical application of the supposed direction contained in that

clause. I say, "supposed direction" because it is a rather vague direction to my way of thinking. Subclause (1) states—

A Minister of the Crown under whose administration any of the following matters are being done, namely—

Then follows paragraphs (a) to (d). The subclause continues—

shall, as soon as practicable, refer the matter to the Minister for his consideration and advice.

No-one would suggest that a Minister who is required to do certain things under certain legislation would not obey the law. However, once again we all know of many circumstances under which a matter may not be referred to the Minister in charge of the department and, therefore, may not get as far as the Minister for environmental protection who will have control of the legislation and the statutory body. Assuming that the matter does get as far as the Minister, he then may do certain things. He does not have to do anything. He "may" do certain things if he feels so disposed. This is another weakness in the Bill.

The Bill should at least read, "The Minister shall" do something. He should be given a direction by Parliament. We do not want Ministers to be told, on the one hand, that they have to refer something to the new Minister for environmental protection and then, on the other hand, having got that far the new Minister may say, "I am not going to do anything about it." Here is something that could put some teeth into the legislation without necessitating any great amendment. We should provide that it shall be incumbent upon the Minister to do certain things once the information is made available to him. Then, if the Minister is disposed to ask the council to do something about the matter which has been referred to him, the council has a fairly wide scope for making inquiries and it could bring down a comprehensive report, depending on its enthusiasm, which would then be referred to the Minister for his direction.

Having received the report, what does the Minister do with it? He shall send a copy back to the Minister who initiated the matter and a copy to the Premier; but he does not have to send all of the recommendations of the physical environment council. He is not bound to send any of those recommendations to the Premier and the other Minister. He could select from a report of the council such matters as he feels are of interest to the Minister and to the Premier and forward those. I think we should make it mandatory for the Minister, having received the report of the council, to send the complete report to the Minister of the Crown who initiated the matter and to send a further copy to the

Premier. Those are two obvious weaknesses which place too much responsibility on the new Minister. We could easily delete the word "may" and insert the word "shall." Nothing would be lost, and we would know that no information could be withheld.

Sir David Brand: The Minister, in accepting the portfolio, knows what is his responsibility. The provision eases his responsibility.

Mr. DAVIES: The Minister in charge of the portfolio shall send to the initiating Minister of the Crown and to the Premier copies of such recommendations of the council as he thinks fit. The words used in the Bill are "so forwarded, as the Minister thinks fit to make." It places the responsibility entirely on the Minister. Why should the council carry out research—it has the power to seek such information and to set up such subcommittees as it may deem reasonable—and, after having received expert advice, make recommendations to the Minister saying, "This is what needs to be done. This is our opinion," when the Minister can say, "Well, that might be your opinion but I will act upon recommendations (a), (b), (c), and (d), and do nothing about recommendations (e) and (f)"?

I know there is a responsibility on the Minister, but if he desires for some reason not to forward the whole of the report of the council, who is going to know? The council may never know, the initiating Minister may never know, and the Premier may never know. We are placing too much responsibility on the Minister. We should make it mandatory upon the Minister to send to the Premier the whole of the report of the council and such recommendations as he thinks fit to make. I think it should be incumbent on the Minister to send to the initiating Minister of the Crown and to the Premier the whole of the report, and he can make such recommendations as he himself feels desirable.

He could say, "I believe recommendations (a) to (d) should apply but that recommendations (e) and (f) should not apply." Then the Premier and the initiating Minister may decide for themselves. This system is included in clause 25 (1), which states—

Any individual or any body of persons, whether incorporated or not, may refer in writing to the Minister any matter, which he believes or they believe on reasonable grounds, requires investigation.

Of course, we cannot place a compulsion on a private individual to refer a matter to the Minister, although he may do so if he desires. However, having received a suggestion from a private individual the Minister in charge of the department may, if he so desires, forward it to the council.

The council itself can make such recommendations, once again drawing on whatever expertise is offering, and make a report to the Minister in charge. Here again, the Minister in charge may decide that he does not hold with any of the recommendations made by the council. He is required to send a copy of such recommendations to the Premier and to any Minister who may be interested in them together with any recommendation he may make himself. Here again we have gone to the trouble of having a matter investigated by experts and recommendations being made by them, and now we intend to leave it to the Minister in charge to decide whether or not the recommendations are sound, and whether a copy of them should be forwarded to the Premier, or to any other Minister interested.

This is the great weakness in the Bill. We need not appoint these statutory bodies in the form suggested. The Minister himself could ask certain individuals to carry out an investigation and make recommendations, because in the ultimate he is the one who will decide whether the recommendations from the committee shall or shall not be handed on to other authorities.

Mr. Court: I cannot follow your line of reasoning in the last few minutes. I understood you to say that when reports came from the council, the Minister in charge of these committees may send them on. He shall send a report on.

Mr. DAVIES: I am sorry if I did not make that clear; that is, that the Minister shall send a copy of the report to the Premier and to any other interested Minister.

Mr. Court: He can add any comments he wishes, of course, but he must send a full report.

Mr. DAVIES: The relevant provision reads—

... and each copy shall be accompanied by such recommendations and comments on the report and recommendations of the Council so forwarded, as the Minister thinks fit to make.

I understand from my reading of that the Minister does not have to send on the whole of the report.

Mr. Court: Yes, he does. You read clause 22(3).

Mr. DAVIES: No, that clause only deals with the remuneration that shall be paid to members of a committee.

Mr. Court: I am sorry; I meant to say clause 23(3) which appears on page 11 of the Bill, and which reads—

All reports and recommendations of the Council . . . shall be submitted in writing to the Minister, who shall, as soon thereafter as is practicable, forward a copy thereof to the Minister of the Crown . . .

Mr. DAVIES: As I read it, the Minister can send it on with any of his own recommendations that he sees fit to make.

Mr. Court: He must send the report on. The provision says that he shall send it on. He can, of course, make any comments he likes.

Sir David Brand: He shall forward the report on to the Premier and to a Minister of the Crown so that he shall not forget about it.

Mr. DAVIES: This is to be expected, but the impression I gained was that the Minister can make such recommendation as he so desires, but he need not send the report on.

Mr. Court: The provision says that he shall send the report on. He may think that the council has gone far enough, or he may say something else; that is up to him.

Mr. DAVIES: If this is true, I thank the Minister for stopping me at this point and saving me from continuing with my remarks. Having sent on his recommendations, how will they be implemented? Do we say that we will have to bring in an Act of Parliament to implement any recommendations? Do we say that we shall ask the people concerned to be nice and not to continue in the way they have been going? This is where the whole thing seems to fall down. Certainly, we can use existing legislation if the matter is brought within any one of the many Acts that were mentioned by the Premier during his second reading speech. He listed quite a number of them, saying he was not sure whether all the Acts were to come under one Minister or not.

After these recommendations have been made, if there is no law to cover them, do we have to rush a Bill through Parliament to meet an emergency? Do we say that we shall ask the people concerned not to continue performing a certain act until it can be prevented by law? Should not the Minister at least be given a staying authority in some part of the legislation? If he receives a recommendation from the council that such-and-such would be bad for the community as a whole, but there is no law in existence to prevent the individual concerned from continuing to operate as he has done, is it reasonable to suppose that the Minister can be given at least a staying power until some recommendation is made? Otherwise, probably if I were the individual concerned and wanted to do something I would go about my own selfish way and perform what I wanted to do if there were no law to prevent me from so doing, despite the fact that this expert body which the Act proposes to set up can make recommendations that the action taken by the individual was most undesirable.

Sir David Brand: It is fairly obvious that if Cabinet had decided in favour of the recommendations, the Government as a whole could take action. I cannot imagine that a company or an individual would make a decision which meant that it was prepared to take on the Government. I can hardly appreciate that in a matter of major consequence a firm would continue to defy the Government.

Mr. DAVIES: I think in this regard the Premier is being a little naive. We have enjoyed the fruits of big business coming to this State over the last few years, and we have certainly suffered some of the evils it has introduced, whether consciously, or unconsciously. I really do not think that, if any one of the large companies wanted to continue with a particular project in a certain area which was claimed to be the habitat of the short-necked tortoise which was the last of such species in existence in the world, and Parliament was not to sit for another six months, such a company could be prevented from zooming through the area with its bulldozers.

I think the Premier is being a little naive if he thinks that, in those circumstances where no law existed to prevent a particular happening, the person concerned would not continue, in his own selfish way, to carry out his intentions. This Bill would certainly not stop him.

Mr. Court: I think if you read clause 23 (1) the matters are at a stage where the Government has control of the situation.

Mr. Tonkin: What certainty is there that anything will be done afterwards?

Mr. Court: We are dealing with one thing at a time. The member for Victoria Park was asking what the statutory position would be in a certain situation, but in regard to those matters which are referred to in clause 23 (1) the Minister has power to refer them to any Minister concerned for his consideration and advice at any appropriate time.

Mr. Tonkin: The Government may know nothing about them.

Mr. Court: Why is a copy to be sent to the Premier? It is because of his responsibility, as the representative of the State, instead of his responsibility as an ordinary Minister.

Mr. Tonkin: When we get to the clause we shall see then what it means.

Mr. DAVIES: I know the Minister for Industrial Development thinks big, and he is thinking of those huge projects that will probably come to the notice of the Minister, but no doubt there could be many smaller projects which would not come to the notice of the appropriate Minister.

However, as the Leader of the Opposition has said, we can argue that when we come to it. I think this is where we want

some teeth in the Bill. This would be achieved if the whole of the committee's findings were made known to the public and if some staying power were placed in the Bill to provide for an occasion when no law exists and when certain action is clearly necessary as a result of recommendations by the council.

Along with other members I support the Bill. I do feel, however, that even with the minor amendments suggested it could be made more effective than it will be in the present circumstances.

SIR DAVID BRAND (Greenough—Premier) [12.11 a.m.]: I do not propose to repeat what I said when I introduced the Bill. I would first like to thank members for their general support. Each member who has spoken has said he was very reluctant, or a little reluctant, to support the measure because it did not have any teeth.

We anticipated that the Opposition would say just this. It was wide open to the Opposition to say that the measure should have more teeth. Certain organisations have written in to express their opinions—and rightly so—and they have pointed out that legislation such as this should have been given more teeth.

Mr. May: That phrase originated from somewhere else; not from here.

Sir DAVID BRAND: It has been used regularly tonight.

Mr. May: It originated from the newspapers.

Sir DAVID BRAND: I have no criticism in that regard. It was merely an expression of an opinion made by private members and, indeed, by the Leader of the Opposition. It has been suggested that I introduced the legislation because I anticipated certain protests in this connection. This, of course, is just not true. I can honestly say that.

Consideration was given to these matters as a result of the opinion expressed by the public; as a result of our own opinion, and as a result of travel overseas. Some overseas countries had not acted in time and we felt that some action should be taken here.

The real cause of the delay for such action whether it be in America, in England, or in Western Australia, is the fact that it was felt that the solution of the problem was not an easy one. Indeed, while I have listened to the debate I have noticed that not one member has put up a forthright, clearcut, idea on how this matter can be resolved.

This is because members realise it is a human problem; it is loaded with difficulties associated with our standard of living and the development of the State generally. This creates a great deal of enthusiasm on the one hand, but the progress,

expansion, and development that has taken place has made its impact and has created dust and noise. Accordingly there has been some reservation on the part of most people in connection with this progress.

On the other hand there is a very real hope that we will be able to resolve some of these difficulties. We have been chided for being late in introducing this measure. I would point out, however, that President Nixon is still grappling with this problem in spite of all the resources, personnel, and know-how at his command. His advisers have not been able to tell him how to cope adequately with the problem in order that he might provide for the future protection of the environment.

Accordingly we cannot be criticised any more than any other authority for being late with such legislation. It is simply due to the fact that the world has belatedly recognised the great dangers with which we might be faced if some action is not taken.

There is no doubt that there has been a great deal of exaggeration voiced by some people. I think the member for Belmont mentioned the heating of the atmosphere, and we have also heard about the heating of the ocean, and so on. Like the honourable member, I cannot believe that these assertions can be treated as a serious problem to be resolved.

The issues we must consider are those related to the local aspects of water, air, land, and the general environment in which we live. If we take action to ensure that there is no head-on clash between the various interests—vested or otherwise—and if we provide the necessary legislation, I believe we will secure the co-operation and help we need. This is how we will resolve our problems. Some of the folk who write to the papers have a biased opinion; they look upon the Premier of the State as a bad fellow because he does not go along with their ideas. This is the wrong attitude in which to resolve this very difficult and puzzling problem.

Accordingly, I presented to this House a Bill which was the result of a general visitation to all the other States by Mr. Doig, the Public Service Commissioner. We selected him to examine what the other States were doing by way of a start.

Mention has been made of an Act of Parliament in New South Wales and of an Act in Tasmania, but neither of those States has set up a Ministry; indeed they were only considering the establishment of a council—there is no intention to set up a Ministry of environmental protection. I would hazard a guess that it was felt by those States that the appointment of a Minister for environmental protection, or conservation—call him what we will—would be too binding

for a start. Accordingly they merely wanted to select a council as we intend to do here, but under a Minister.

As the member for Pilbara so very rightly said, we have at least established a department under this Bill, which we hope will become an Act of Parliament. We have named the Minister and it would seem to me that if we are to make this legislation work and get it well off the ground we should not arm the Minister with sweeping powers from the very onset, because there is a process through which we can work.

If we were not genuine—and surely the Government is as genuine as the Opposition in its desire to tackle this problem—why should we go to all this trouble; unless we intend to do something about the matter?

We want to say to the people, "Look what we have done in connection with the general improvement of the atmosphere. Look what has been done about the general improvement of the environment." I would not expect my political opponents to go too far along with me in this matter, because this is the order of the day; this is understood. Nevertheless the Government does not want to be criticised for not acting on this Bill and for appointing an authority such as it has.

When referring to the Minister whom I have chosen to control the Ministry of environmental protection, and having heard what he might or might not have done under the Clean Air Act, I would point out that this is a very difficult matter. We have made great progress in respect of it and the Minister has been very courageous when dealing with a number of matters. We are only human after all. I must say, however, that there has been recognition from the critics of the Government that the Minister for Health, Mr. MacKinnon, was the right man to appoint to this job, and I have great faith that he will continue to persevere in this matter.

I would like to think that the Minister will get in touch with all the organisations concerned whether or not they be supporters of the Government. I would like to see brought in people who are interested in a practical way; those who wish to find a practical solution to the problem. I would like to see them conferred with and general regard given to their attitude in order that we might be able to line up such organisations and achieve the ultimate purpose of the Bill. In connection with the representation on the council, I would point out that we will surely choose the best people possible. I do not think it is necessary for them all to be academics. As mentioned by the member for Pilbara we want results.

We want practical people and those who can achieve the objective; we do not want academics who can write long reports. By

and large we know the problem, and we want people who can advise the Government on how we can go about achieving the desired objective.

One member said that we should have prevention rather than cure. That is what we hope to achieve. Western Australia is a young State. We have been advised by the Prime Minister that he intends to set up an office of pollution. I presume this office will have regard to other problems affecting the environment.

We have already included in the Bill a provision which will enable the council or the Minister to co-operate with any other State or with any other country in respect of these matters. Because this is an overall problem, it is a very wise suggestion which Mr. Doig has made.

I think it was the Leader of the Opposition who referred to certain developments overseas. All of us who have travelled overseas have seen the problem that exists in other countries. Only a few months ago when I was at Expo 70 in Japan I saw pollution at its worst. Here was a great industrial country which up to that point of time had not done anything about pollution; but now it has taken the bit between its teeth, and it is applying its national resources to the solution of the problem.

I would hope that the Federal Government of this country will back up the State authorities, and will provide the money and, if necessary, the know-how so that we can maintain the general standard of the environment in one of the most attractive countries of the world.

Mr. Davies: In Japan or in Australia?

Sir DAVID BRAND: In Australia, and I was talking about the Federal Government. I do not think I need to traverse the whole area again. I explained the Bill—and it is a simple one—when I introduced the second reading. I explained the reasons for the legislation not having any teeth. As far as any amendments are concerned, they can be looked at; but I want to make it quite clear that all these points have been examined thoroughly. For 12 months we have been going over the provisions, almost word for word, in order to introduce a Bill that was acceptable, but one which would not start off in an atmosphere of fear, mistrust, and lack of confidence.

It seems to me that some members of the Opposition have expressed their attitude in such a way that they hope it will not work; but not all of them have adopted that attitude.

Mr. Bertram: They expect competition.

Mr. Jamieson: What about some provision to cover aspects of the problem which have proved to be obnoxious?

Sir DAVID BRAND: As the Bill is framed I believe that a department should be set up. As experience is gained we can enter the field of giving the Minister more powers and authority. I am quite convinced that if we are prepared to give this legislation a trial it will work, if we want it to work.

Mr. Jamieson: It will not work with the Minister you have in mind.

Sir DAVID BRAND: Yes, it will.

Mr. Jamieson: We will see!

Sir DAVID BRAND: That is a matter of opinion. All Governments have found this to be a problem: the personalities of Ministers, of Premiers, and of departmental officers. I know it is most important that a person of the right temperament be appointed as the Minister in charge of this portfolio, because he will have a difficult task to perform. At this point of time he should not carry the full responsibility of making some of the decisions.

If it is proved subsequently that he does require additional powers and further statutory backing then naturally the Government will give them, because the Government wants the legislation to work. I am sure that adjustments will be made accordingly. We cannot hope for any miracle or a magic-wand result. It is a case of Rome not being built in a day. To the extent that air is polluted and to the extent that damage is caused, we have to put the position right and we have to ensure that it remains right. I have pleasure in commending the Bill, and I thank members for their support of it.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Sir David Brand (Premier) in charge of the Bill.

Clauses 1 and 2 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr. I. W. Manning.

MARKETABLE SECURITIES TRANSFER BILL

Returned

Bill returned from the Council with amendments.

INTERPRETATION ACT AMENDMENT BILL (No. 2)

Receipt and First Reading

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

House adjourned at 12.30 a.m. (Thursday)

Legislative Council

Thursday, the 5th November, 1970

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (3): ON NOTICE

1.

EDUCATION

School Hostels Subsidies

The Hon. J. M. THOMSON, to the Minister for Mines:

As announced in the recent Budget that the subsidy paid to Country High School Hostels of 50 cents per student per week will be increased to \$1.50 per student per week, operative as from commencement of the next school year, is it intended that the \$1 increase per student per week be deducted from the "term fees" paid, thus resulting in financial assistance and benefit to the parent?

The Hon. A. F. GRIFFITH replied:

At present the maximum fee charged is \$160 per term. In such cases it is expected that the parents will receive the full benefit of the proposed hostel subsidy.

2.

EDUCATION

School Libraries

The Hon. G. E. D. BRAND, to the Minister for Mines:

- (1) How many Junior High Schools have a library for the use of teachers and students?
- (2) Are Junior High Schools considered as Primary Schools for the purpose of installing libraries?
- (3) Will the Minister investigate the situation with a view to the establishment of libraries in Junior High Schools, particularly those likely to become Senior High Schools in the near future?

The Hon. A. F. GRIFFITH replied:

- (1) Central libraries are not provided in Junior High Schools. All schools receive library book issues and will participate in the recently announced grants for library materials.
- (2) Yes, consistent with answer to (1). The annual grant for primary schools is as follows:—

Size of School	Grant \$
0 to 50	160
51 to 120	200
121 to 200	250
201 to 300	300
301 to 450	400
451 to 600	500
601 plus	600