

Legislative Council

Wednesday, 26 November 1986

THE PRESIDENT (Hon. Clive Griffiths) took the Chair at 2.30 p.m., and read prayers.

COAL MINERS' WELFARE AMENDMENT BILL

Second Reading

Debate resumed from 20 November.

HON. A. A. LEWIS (Lower Central) [2.34 p.m.]: The Opposition agrees to this Bill and believes that note should be taken of the wonderful contribution the coalmining companies have made to the Collie community. One tends to take for granted the amounts of money they have contributed to the Collie community—funds which otherwise would have had to be met by the local authority and by local subscription. Credit should be paid to the coalmining companies for their contribution to the welfare of the coal miners.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Hon. J. M. Berinson (Attorney General), and passed.

ENVIRONMENTAL PROTECTION BILL

In Committee

Resumed from 25 November. The Chairman of Committees (Hon. D. J. Wordsworth) in the Chair; Hon. Kay Hallahan (Minister for Community Services) in charge of the Bill.

Progress was reported after clause 76 had been agreed to.

Clauses 77 to 79 put and passed.

Clause 80: Installation of equipment emitting unreasonable noise—

Hon. A. A. LEWIS: I move an amendment—

Page 68, line 21—To insert after “noise” the following—

from the premises

I understand that the Occupational Health, Safety and Welfare Act covers the emission of noise within a premises. Why does the En-

vironmental Protection Authority want control over noise emitted within a premises? I would have thought that it would have been interested to ensure that there is no noise coming from a premises which disturbs other people. The employees in a premises are covered by the Occupational Health, Safety and Welfare Act.

Hon. KAY HALLAHAN: The member appears to be confused because there is concern about noise within a premises which goes beyond the bounds of those premises. I am not sure that there is any difference of concern about that. I ask the member to explain his concern further.

Hon. A. A. LEWIS: I do not believe I should have to because I have already explained my concern. The Occupational Health, Safety and Welfare Act deals with noise emitted within a premises; that is, noise which affects the people within those premises. The only problem of an environmental nature which I can foresee is where the noise emitted from a premises may impinge upon persons outside those premises. I cannot make it any clearer. Certainly, if the Minister cannot understand that, we are in real trouble.

Hon. KAY HALLAHAN: I agree with the concern expressed by the member and assure the Committee that that is precisely what this clause does.

Hon. A. A. Lewis: So you will accept the amendment?

Hon. KAY HALLAHAN: I cannot see any point in accepting it, and I ask the Committee to endorse the Bill as printed. This clause does precisely what we want it to do.

Hon. A. A. LEWIS: That is absolute nonsense and I urge the Minister to read subclause (1). Within the premises the Department of Occupational Health, Safety and Welfare controls the emission of noise. Will this Bill overrule that control? Many factories have high noise levels and certain equipment and vehicles—for instance, tractors—have noise levels above the accepted limit. Many farmers and shire councils have become aware of the problem and are providing earmuffs for the drivers of those vehicles or equipment. However, outside the cabin of the tractor, or outside the premises, there is absolutely no need for any controls under normal circumstances. The Environmental Protection Act comes into force when the noise level outside the premises or the vehicle exceeds the limit set down by the Environmental Protection Authority. The noise

levels inside the vehicle or the factory are monitored by the Department of Occupational Health, Safety and Welfare.

I ask the Minister why she will not accept my point about emission from the premises; that is obviously what we are aiming at.

Hon. G. E. MASTERS: Hon. A. A. Lewis has an important point, and we should not allow the Minister to say there is no need to include the words because that is the intention of the clause. In fact, the occupational health, safety and welfare legislation went through this Chamber after a great deal of debate, and we raised our concerns at that time. As a result, most of the work done by the Department of Occupational Health, Safety and Welfare has been by way of regulation rather than Statute.

A number of moves have been made in the workplace with regard to the noise levels machinery and equipment; industrial inspectors have been appointed to monitor the situation in factories, particularly in those areas generally recognised as being noisy. The inspectors may require certain actions to be taken—that is, noise levels to be reduced, equipment got rid of, or protective gear provided to the people using the equipment.

However, the Bill before us will have wide-ranging effects and could override other legislation. I refer to clause 5 of the Bill which states—

(1) Subject to subsection (2), whenever a provision of this Act is inconsistent with a provision contained in, or ratified or approved by, any other written law, the provision of this Act prevails.

Mr Lewis is saying that although laws control the noise levels in factories, it appears that this legislation will override it. We shall have one group of inspectors monitoring the laws relating to occupational health, safety and welfare, and another group of inspectors appointed under this legislation. The latter group may be from the local government area. They will be able to enter premises, and if in their opinion certain equipment emits an unreasonably high noise, they will be able to tell the proprietor to do something about it. It is perfectly reasonable that these words should be included.

The Minister says that is what is intended. However, if there is debate about what is intended in the final result, those three simple words should be inserted. Often when dealing with legislation a Minister will say that the intention of the Bill is to do certain things, but if the intention is not written in, it has no val-

idity. The inspectors monitoring this situation will have a set of rules and, on the basis of those rules, will decide they are entitled to take certain action. Therefore, it is perfectly reasonable to include these words to make the intention absolutely clear.

We are not asking for anything unreasonable; we are not suggesting altering the Bill; it will reinforce the intent of the Bill and the Minister has said that that is what we want anyway.

Hon. KAY HALLAHAN: In response to the two speakers on this clause, I advise that the clause was drawn up in full consultation with officers of the Department of Occupational Health, Safety and Welfare, and there is no inconsistency, as the member suggests. The officers of that department are responsible for what happens, as the member well knows, and for the safety of people within the confines of the premises. This debate is about the larger environmental question of noise coming from premises.

We could go on, if we wanted to, with double words for everything, but the meaning of "premises" is there. It says "on or in any premises". If we then put "from premises, out of premises", and so on, we could do that for every clause. I accept the concern of Hon. Sandy Lewis, but I do not accept that there is a necessity to add those three words into the Bill, which already adequately covers the situation.

Hon. G. E. Masters: Are you saying it will not make any difference at all?

Hon. KAY HALLAHAN: Yes, I am saying that.

Hon. A. A. LEWIS: I would like to have a reaction from the National Party on this, because it seems to be going along with the Government fairly well.

The definition of premises in the Bill reads "... means residential, industrial or other premises of any kind whatsoever and includes land, water and equipment". So every tractor that emits noise would be a premises, and every farmer is prepared for that. Well, I am glad to hear that the National Party goes along with that. Although I was not going to divide on this clause, I will now because I think the National Party ought to state where it stands on tractor noise and noise emitted from factories in the bush.

The Occupational Health, Safety and Welfare Act costs Pedericks of Wagin \$19 000, and the occupational health, safety and welfare people found they could not do the tests, nor do a thing about the noise emitted. Yet here,

with the Environmental Protection Bill, they are going to take action against these country businesses and any other business emitting noise. I think it is a disgrace. It is another unnecessary impost on private enterprise, for the sake of the insertion of three small words.

I believe the Government is being completely unreasonable about this amendment.

Hon. V. J. FERRY: Earlier in the debate on this Bill I expressed grave reservations about social engineering and so on. I am concerned now that there appears to be collusion between people who have had input into this legislation.

Hon. Kay Hallahan: Can't you think of something more difficult than that? Collusion!

Hon. V. J. FERRY: The Minister seems to be suffering from a very early morning. She has said that there has been discussion between various people and agencies, and they believe the wording as printed in this clause is appropriate. That will be tested at law, as are all Statutes from time to time. It is not for us to stipulate that all is well because whatever we pass here is always subject to the courts of the land. But for the Minister to say that the words proposed to be inserted have no substance to them, or words to that effect, is not an accurate portrayal of the fact, because as has been pointed out already by Hon. Sandy Lewis and Hon. Gordon Masters, noise emitting from premises is subject to other controls and regulations. That has been explained.

Another point that concerns me is that the provisions of this Bill tend to impinge upon private premises. One can argue that there is all sorts of policing of regulations and controls under various Statutes, but it is a fact of life that that is an intrusion upon premises. We in this society are getting bombarded with inspectors or other agents of authorities imposing their will upon people, not always with discretion. Mostly, I am thankful there is a responsibility in the carrying out of their duties, but in respect of this we already have the controls under the occupational health, safety and welfare provisions. I think that is quite appropriate for noises within the building, but we are concerned about noise emanating from a building to the outside world. It needs to be specifically stated in the legislation so that when it is challenged in the future that will be one of the factors upon which the defence will rest.

Hon. E. J. CHARLTON: I will make a couple of points to clarify this matter; not to clarify where the National Party stands, because we have many questions about the whole

Bill. Whether the Government agrees to every amendment or leaves them all out, we really will finish up with the same sort of Bill. It is like having a tractor with different sized tyres on each side; even if the farmer changes one, he still ends up with a problem. Whether or not the three words proposed in the amendment are added does not make any difference, because it is already clear-cut. I could understand the honourable member wanting to take some words out to simplify the clause, but to want to add more words to a Bill of this size is ridiculous.

As to the reference to the Noise Abatement Act, we all have reservations about that. Even though I have been driving a tractor for about 35 years, I am still able to hear. With the comments made by honourable members who have suggested a number of points of view on this Bill, maybe if the tractor had made a bit more noise I would have been better off.

For the reason the Minister has given, I do not believe the proposed words should be added because they will not do anything productive at all to clarify the problem that has been raised. Noise emitted from a premises is fully covered in the legislation.

Hon. G. E. MASTERS: I think the honourable member who just spoke has really missed the point. The clause makes reference to emitting unreasonable noise. Those words can be interpreted to mean that the noise is being unreasonably emitted on the property, in the building, or outside. What Hon. Sandy Lewis is saying is that we should make reference to the inspectors—the people who will do this job under this legislation, dealing with the noise as it comes from inside a building and worries people outside.

I say very seriously that this legislation allows two sets of inspectors to operate in the noise area, and that is the last thing we want. It allows two sets of inspectors to enter a property without warning, and that is exactly what happens, and is already provided for in the existing legislation. It has not been deleted. Two sets of inspectors can walk into a property or house without warning to take certain action and to progress the imposition of penalties which, under this clause, can be up to \$5 000.

That is what worries me. It is the job of this Chamber, and always has been, in this complicated and complex legislation, to put one or two matters right. If members are concerned the Minister will often accept words which will not change the intent of the legislation but will

clarify the points of concern. It is our job to put it right with a few words or the Minister should report progress, although I do not think it is necessary in this case. Alternatively, the clause can be deferred until later.

Although Hon. Eric Charlton did not seem to think the words made much difference, I assure him they do. If we do not alter the clause, two sets of inspectors will be able to enter a property without warning and impose a substantial penalty if the property owner does not take the required action.

Hon. A. A. LEWIS: Hon. Eric Charlton referred to the Noise Abatement Act and said that would handle it all.

Hon. E. J. Charlton: I did not say that. I said I had reservations about that Act and this Bill.

Hon. A. A. LEWIS: I thought the Noise Abatement Act was wrapped up in this Bill. The honourable member does not understand the provisions of the Occupational Health, Safety and Welfare Act. He comes in here and makes smart comments but has absolutely no knowledge that when this Bill is passed it is meant to repeal the Noise Abatement Act. That Act has not been repealed, and this Bill has not yet had a third reading. The member does not understand the legislation, but he wants to get his party off the hook by being smart. He should refer to the correct Acts and he should understand how they are all put together.

Hon. S. M. Piantadosi: He is making the right decision.

Hon. A. A. LEWIS: He may be doing so for a person who is caucused and told how to vote. Hon. Sam Piantadosi obviously knows how to obey instructions.

The CHAIRMAN: Order! Ignore the interjections.

Hon. Graham Edwards: We will ignore the speech.

Hon. A. A. LEWIS: Mr Edwards does so at his peril.

We are dealing with the problem of a tractor which emits noise.

Hon. E. J. Charlton: Out of the premises?

Hon. A. A. LEWIS: It emits noise—any noise whatever, inside or outside the premises. Hon. Eric Charlton is going to vote with the Government on this Bill. He should make sure he understands what he is doing because if people in the bush ask who brought in this horrific law dealing with tractors, I will say the National Party did with the Labor Government. I will say that I stood here for the Liberal

Party trying to defend the country areas. I am glad Hon. Doug Wenn is saying he is on my side, and I hope when it comes to a vote he will vote with me, although I am sure he will not.

The definition in the Bill refers to residential, industrial, and other premises of any kind. That includes land and water, which could mean ships and equipment such as harvesters, tractors, dozers and scrapers, and anything else which would come within the definition. I think I have explained that any noise outside a premises which disturbs people will come under the control of the EPA, and noise inside a vehicle, ship, or factory will come under the Occupational Health, Safety and Welfare Act. So it should because the people running the factory, the tractor, or the ship know the noise levels and provide the relevant gear such as earmuffs to prevent the noise affecting their employees.

There have been some arguments in this place in relation to industrial clothing, especially in my area of coalmines. The Coal Miners Union has been extremely worried about the expense; it is one of the few rational unions left, and it says this added expense adds to the price of coal. It is interested in what the end product will cost.

It appears to me that people in this Chamber have lost sight of how far each Act goes. I want the Minister to say whether she intends to take over the provisions of the Occupational Health, Safety and Welfare Act in this Bill. If she does not, she should vote for my amendment.

Hon. G. E. MASTERS: Is it intended that the authority operating under the Noise Abatement Act will be absorbed into this Bill, and is it the Government's intention not to appoint new inspectors to handle the legislation? Will local government inspectors who traditionally in the past have been vested with the authority to deal with noise in local government areas continue to do so? Will they be used to police the noise provisions of this legislation?

Hon. KAY HALLAHAN: Health surveyors will be transitioned across under this Bill, and powers will be delegated to local government authorities to carry out the same role. One of their concerns was that there would be an interruption to that arrangement, but it will continue under this Bill.

Hon. G. E. MASTERS: I guess we had been given an indication during the debate that that would be the case, but I wanted to have it reinforced. From what the Minister has just said, it is obvious that under this legislation

local government inspectors will be empowered to enter premises and take certain action to deal with noise being created inside or outside the building or property. It seems to me that industrial inspectors have similar powers under the Occupational Health, Safety and Welfare Act. So there will be two sets of inspectors who can take action, and I would have thought that was unnecessary.

The placing of these three words into the clause would not give the authority to inspectors under this legislation to enter a property or inspect equipment, which I think is totally unnecessary.

Hon. V. J. FERRY: It is becoming increasingly apparent that it is necessary to agree to the amendment before the Chair. The amendment would have the effect of defining the areas of responsibility and would tend to obviate double-dipping by way of policing of the environment. The inspectors will have overlapping duties. We are one of the most overgoverned and overregulated countries in the western world. It is strange to see the Government going down this path. The amendment is very necessary for the good order of society.

Amendment put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell, I give my vote with the Ayes.

Division resulted as follows—

Ayes 11

Hon. C. J. Bell	Hon. Neil Oliver
Hon. Max Evans	Hon. W. N. Stretch
Hon. V. J. Ferry	Hon. John Williams
Hon. A. A. Lewis	Hon. D. J. Wordsworth
Hon. P. H. Lockyer	Hon. Margaret McAleer
Hon. G. E. Masters	(Teller)

Noes 19

Hon. J. M. Berinson	Hon. Robert Hetherington
Hon. J. M. Brown	Hon. B. L. Jones
Hon. T. G. Butler	Hon. Garry Kelly
Hon. J. N. Caldwell	Hon. Tom McNeil
Hon. E. J. Charlton	Hon. Mark Neville
Hon. D. K. Dans	Hon. S. M. Piantadosi
Hon. Graham Edwards	Hon. Tom Stephens
Hon. H. W. Gayfer	Hon. Doug Wenn
Hon. John Halden	Hon. Fred McKenzie
Hon. Kay Hallahan	(Teller)

Pair

Aye	No
Hon. P. G. Pandal	Hon. Tom Helm

Amendment thus negatived.

Clause put and passed.

Clause 81: Noise abatement directions—

Hon. A. A. LEWIS: I move—

Page 69, after line 28—To insert the following subclause—

(4a) A direction under subsection (1) shall not be given by a police officer between 6 a.m. on one day and 9 p.m. on the same day.

I do not believe we should need the police when we have inspectors, other than at times when, for example, the factory is not working or when inspectors would be expected to be off duty.

Hon. KAY HALLAHAN: The situation is not understood as it works in a number of places. Local authorities do have their inspectors available during the day, and they want to continue in that role. However, there are situations where local government authorities do not have, for example, health surveyors or anyone carrying out that role. In addition, it is necessary for the police to attend noisy parties. We need to keep that flexibility in the Bill because some authorities will not have the personnel to handle the situation. Where they do, they will have that role but where they do not, we need the opportunity of having the police to take action if there is a complaint.

Hon. A. A. LEWIS: It is obvious we will load up the police with extra work.

Hon. Kay Hallahan: That is rubbish.

Hon. A. A. LEWIS: As I understood the Minister, she said that if there is a complaint the police will need to take action. As I said, it is loading the police up with extra work.

Hon. Kay Hallahan: It is just continuing the work they already have.

Hon. A. A. LEWIS: What does the Minister mean?

Hon. Kay Hallahan: Precisely that.

Hon. A. A. LEWIS: Has the Minister ever tried to get a policeman to go to a noise abatement case as the Act stands at the moment? I see by the grin on her face that she probably has. It is like a domestic situation. The police will not interfere.

A Government member: She has never been in a noisy one yet.

Hon. A. A. LEWIS: She has been in this debate. The member should not knock her, because she is doing a superb job and the debate has been ruined by other members coming into it. I am paid to debate with the Minister.

The Minister's answer was not quite accurate. She would agree with me. The inspectors are appointed by the department—whether it is a health inspector or any other inspector—and they have to work within their hours, and the policemen will work in the hours when the inspectors are not at work.

I think that is a reasonable assumption. It is not asking too much of the Government, but it is fascinating that with a flick of a coin the Government can say, "Okay, let the police do that." I do not know how accurate it is, but I have heard some people in my party referring to the fact that the police seem to be getting a raw deal from this Government. Their numbers are not increasing and the Premier has made all sorts of statements about a 38-hour week, and the extra money promised to them has gone into the 38-hour week and not into providing more officers. It seems to me that this is simply loading a little more onto the police, and maybe the police should not take that extra burden. I hope the Minister will address this point.

Hon. V. J. FERRY: We are expecting police officers to carry out extra duties. In practical terms, I would be very surprised if the police are able to take effective action upon complaints under this legislation when we consider the facts of life.

I say that because the police under this Government are understaffed. There is no question about that, and one does not have to talk to too many policemen and women to realise that this is the case. They have been given a 38-hour week, and their time is very precious. It is known to the world that the police, when dealing with a complaint from the public, attend to various complaints on an order of priority. They give complaints priority, as people do everywhere in their daily lives and work. I wonder what sort of priority this particular provision would have in the minds of the police when one considers they might have to deal with traffic accidents, murders, assault and battery cases, domestic quarrels, and incidents where life and property are threatened. What sort of priority are the police going to give this provision? It seems to me that this is a Clayton's provision. It will read very well, but in actual practice I wonder how it will be implemented.

Amendment put and negatived.

Clause put and passed.

Clauses 82 and 83 put and passed.

Clause 84: Excessive noise emissions from vehicles or vessels—

Hon. A. A. LEWIS: I move an amendment—

Page 71, line 10—To delete "6 weeks" and substitute the following—

one week

Why is this six-week period needed? Initially the Chamber of Mines said that it agreed to the six weeks and subsequently, by phone yesterday, I have been told that it is quite prepared to accept the one-week period. Previously the Chamber of Mines may have indicated to the Minister that it was opposed to the one-week period; I do not want the Minister to use that as an excuse. I want to know the reason for this six-week period because it seems a very long time.

Hon. KAY HALLAHAN: It is based on a philosophy underlying the Bill, which is to encourage people to think about noise abatement. If the Government were to accept the amendment now before the Chamber, it would bring about a punitive way of dealing with the matter. We could pull people in and serve upon them whatever punishment we wanted. The reason for this six-week period is that this time will enable people to deal adequately with a problem. I agree the six-week period is generous, but I do not think we want to move to the other end of the scale; that is, the punishing end of the scale. The Government generally wants to engender in the community a consciousness, which I think is now coming about, of noise abatement as a community problem for everyone. It is very important that people have the time and the opportunity to get a problem fixed up. That is what is behind this clause, and for that reason I would like the Chamber to defeat the amendment.

Hon. A. A. LEWIS: It is fascinating. When I tried to move for consultation to be given in this area, the Minister said that it would be done automatically and administratively. After having been assured by the Minister that consultation was going to take place—

Hon. Kay Hallahan: We are talking about a specific instance where somebody has not complied with the noise emission requirements.

Hon. A. A. LEWIS: I am too. The Minister can shake her head, but I will look at a particular case. Where there is a noise emission problem from a factory or from a tractor—

Hon. Kay Hallahan: We are looking at the clause dealing with vehicles and vessels, not factories.

Hon. A. A. LEWIS: Okay, let us look at noise emission from a tractor. The local country policeman—because he has not enough to do in a country area—is sent out to bludgeon the poor cocky again and say, “Your tractor is making too much noise. Mrs Jones says that as you plough around your paddock on the edge of town, the tractor noise disturbs her kids.” A complaint is made and at 9.30 a.m. or at 9.30 p.m.—which will be allowed under a clause we previously dealt with—the policeman can go to the farmer and deliver that complaint. He can say, “Your tractor is making too much noise and Mrs Jones has complained to me, and I am telling you that you are to fix it up.” I would imagine that that would be consultation. The first visit would be a friendly warning.

The poor old policeman would use all sorts of excuses because he would not like to be involved in that situation anyway; he has enough problems. However, this Government has forced the policeman into a position of taking on extra work. I believe the policeman would go out and deal with the problem in a consultative manner and would discuss it with the farmer who, in turn, would blame the dealers or the manufacturers of the tractor for not sending him out a spark arrester. The fact is that the cocky has not ordered the damn thing and has known for 12 months that the dealer or the manufacturer has not been able to supply it at the right time.

That is very interesting. I remember a case of a tractor where the effect of the muffler on the spark arrester was just about nil. As a matter of fact, the effect of the spark arrester was just about nil. However, the manufacturers did not know that the thing was constructed overseas. The dealers’ association provided a new model muffler and spark arrester within a fortnight.

The policeman is out there negotiating. We really do not want to take a person to court. We do not want to invoke all the power of the law. The policeman goes out and negotiates.

Hon. E. J. Charlton: I bet he says that is a good argument.

Hon. A. A. LEWIS: That may well be so. That would allow the whole situation to change. He would be out in the back paddock. There would be no need for Mrs Jones to complain; everybody would forget it because a little negotiation had been allowed.

As the National Party opposed my amendment on negotiation, I think I now have the message through to Hon. Eric Charlton about the way things should be done. However, this clause does not allow for negotiation.

Hon. E. J. Charlton interjected.

Hon. A. A. LEWIS: The member said he would never fix it at all.

Hon. E. J. Charlton: No, I did not.

Hon. A. A. LEWIS: The member said he would go to the back end of the paddock. He had no intention of fixing it at all. That does not overcome the problem.

Hon. J. N. Caldwell: I wonder what they say in the Queensland legislation.

Hon. A. A. LEWIS: It is interesting. Has the member read it?

Hon. J. N. Caldwell: Only what you have said.

Hon. A. A. LEWIS: Negotiation in Queensland is the main aim of the legislation. I have not read it for a year or two, but as I understood it, the aim was primarily negotiation.

Hon. E. J. Charlton: Like everything else!

Hon. A. A. LEWIS: Let us face it, Sir Joh Bjelke-Petersen has run a very good State. It is first-class. I do not think he is the be-all and end-all because he has made a few slip-ups in his Administration, but that does not matter.

Hon. H. W. Gayfer interjected.

Hon. A. A. LEWIS: The member would not know because his party voted against the sort of suggestions I made earlier in this Bill. The amendment was taken directly from the Queensland legislation. The National Party here seems a totally different body from the National Party in Queensland.

Hon. H. W. Gayfer: Why do you not answer Mr Caldwell’s question?

Hon. A. A. LEWIS: Which one?

Hon. H. W. Gayfer: He asked you what the Queensland legislation does in respect of this matter, and you said, “I do not know, I have not read the Queensland legislation for two years.” So how could you have taken your amendments out of the Queensland legislation? Or did you not write these amendments?

Hon. A. A. LEWIS: I took the amendment from the legislation all right. I have not checked the latest legislation. I can get it for the member so that he can conduct a sensible debate.

Hon. H. W. Gayfer: Answer Mr Caldwell.

Hon. A. A. LEWIS: I have answered him. I said I have not read it fully for two years, but I took a lot from what I received two years ago. If that is not good enough for the member, if the Queensland Government has changed its legislation, let him stand up and debate it. The National Party is trying to wriggle off the hook because it is nowhere near the National Party in Queensland.

Hon. E. J. Charlton: It is 3 000 miles away.

Several members interjected.

The CHAIRMAN: Order! We are talking about noise emission.

Hon. A. A. LEWIS: I am prepared to wait. I have been waiting for a very long time.

I believe that negotiation is the key to this clause. One week would be better. If the National Party and the Government do not believe it, it is their right to vote that way. I think we are making it too punitive with not enough consultation.

Amendment put and negatived.

Hon. G. E. MASTERS: I refer to subclause (1) As I understand it, an inspector could enter a premises, see a vehicle or vessel, make an inspection, and find that the noise emission standards prescribed by regulation for the purposes of this proposed subsection were not met, even though the vehicle or vessel was not being used. It may have been in a shed for many years, or certainly many weeks. It may not have been going to be used at all.

I cannot understand the reason for this sort of provision in the legislation. Surely to goodness the vehicle or vessel must be used before any action can be taken. Simply for an inspector to come in and see a vehicle or vessel parked, even on dry land, and say it does not comply with emission standards set by regulations should not make the owner liable.

This legislation is draconian. Not only does it override other legislation, but it gives immense powers to inspectors, and indeed the Minister. It penetrates into areas we have never considered even remotely possible before. This piece of legislation may not be misused, but there is a chance it will be. There are always energetic and vigorous people appointed as inspectors who overdo their duties. I am deeply concerned with this clause and draw it to the attention of the Chamber.

Clause put and passed.

Clause 85: Excessive noise emissions from equipment—

Hon. A. A. LEWIS: I move an amendment—

Page 71, lines 16 and 17—To delete “is at the time of its use capable of emitting” and substitute the following—

emits

As the clause is presently worded, a piece of equipment could be sitting in a garage or a factory and not being used but, were it to be used, was capable of emitting a noise, so creating an offence. That seems unreasonable. The amendment stands on its merits.

Hon. KAY HALLAHAN: I ask members to oppose the amendment. We are looking at trying to prevent the emission of excessive noise. We could accept the amendment if we were happy enough to move only after excessive noise had been emitted.

A lot of complaints concern large generators, refrigeration units, and certain vehicles which, once they are started, create an excessive noise and a nuisance, and we must now act after the event.

The clause provides that we can act if a piece of equipment does not comply with any noise emission standard. We all know of cases in the community where a nuisance exists but we cannot do anything about it unless the person creating the noise can be caught in the act. We are trying to overcome this problem by saying that if the equipment does not comply with the standards, an offence is committed.

I guess Hon. Sandy Lewis will bring up a bizarre suggestion about people losing their freedoms and everyone being overrun with inspectors, and the police being called in.

Hon. A. A. Lewis: The Minister is telling the story. I haven't got that bizarre as yet.

Hon. KAY HALLAHAN: I am just showing that others can be colourful at times. This is a commonsense clause that ought to remain as it is. I ask members not to accept the amendment.

Hon. G. E. MASTERS: This clause is a gross abuse of power and leaves the door wide open for overenthusiastic inspectors to take action over equipment the owner of which may not have used for some time and may have no intention of using again. It is all very well talking about equipment that may be used, but who is going to decide whether it will be used? Surely only the owner can make that decision.

I understand part of the Minister's argument, but the fact remains that the clause will allow inspectors to go onto a property and look at equipment there and decide that, if a certain piece of equipment were to be used, it could emit a noise nuisance—even though it may not have been used for a year or two but was simply capable of emitting a noise nuisance.

Hon. Kay Hallahan: Where will the complaint come from?

Hon. G. E. MASTERS: There need be no complaint. Where does it say there needs to be a complaint? I understand the Minister's predicament, because it may well be that a complaint has been lodged and the equipment has been turned off and is therefore making no noise when an inspector arrives.

Nevertheless the clause leaves the door open wide for an overenthusiastic inspector—and there are a few of them—to enter onto someone's property, look at equipment, decide it could emit a noise nuisance if it were to be used, and say to the owner that he should spend money on improving the equipment, even though the equipment has not been used for a couple of years and the owner has no intention of using it again.

Hon. Kay Hallahan: It has to be used and it has to be measured.

Hon. G. E. MASTERS: It will be used only if the inspector says to the owner, "Start up the equipment and I will measure the noise it emits." It may not have been used for some time and the owner may not have any intention of using it again. He may be intending to sell it. It may be equipment that has stood on his farm or in his workshop for some time.

Sitting suspended from 3.46 to 4.00 p.m.

Amendment put and negatived.

Hon. A. A. LEWIS: I will not move my next amendment, but I point out that people seem to think that this clause allows a person who is the owner of the equipment six weeks to get that equipment fixed. It does not. It gives the department six weeks in which to prosecute.

I will not press the amendment because I know the National Party believes the department should have more time.

Hon. KAY HALLAHAN: I refute what Hon. A. A. Lewis just said. Clause 114 refers to complaints of an offence being made within 12 months. I think the member has misled this Committee. The six-week time limit gives people the opportunity to get their house in order.

Hon. A. A. LEWIS: Clause 114 has absolutely nothing to do with this clause. I urge the Minister to read the Bill she is handling. What is stated in clause 85(2) has absolutely nothing to do with clause 114. We are talking about evidence in clause 85 and the institution of proceedings in clause 114. I admit it is confusing, but the Minister is wrong.

Hon. KAY HALLAHAN: I am afraid that the Minister is not wrong and I think that the member should read the Bill as he so insultingly suggested to me. Clause 85(2) refers to an alleged offence and an inspection six weeks later. It gives the owner of the equipment time to get the vehicle or vessel in order. That is quite clear and I resent the line the member is taking. As much as he is reasonable under certain circumstances, in these circumstances he is not being very reasonable.

Hon. A. A. LEWIS: I wish the Minister would ask the Attorney General to read the clause because I discussed it during the suspension and I understand that legally I am absolutely correct. I do not want the Minister to make a fool of herself. As I have said, clause 85(2) has absolutely nothing to do with clause 114. That clause relates to the Chief Executive Officer taking action up to 12 months. Clauses 84 and 85 refer to a period of six weeks from the date of inspection. I think the Minister agrees with me.

Hon. Kay Hallahan: No.

Hon. G. E. MASTERS: I have difficulty in understanding the legislation. When I first read clause 85(2) which is a direct follow-on from clause 84(2) I understood it to mean what the Minister says it means, even though it is a very complicated way of stating what is intended. After listening to Hon. A. A. Lewis and reading the subclause more closely, I now wonder whether it means what the Minister says it means. I understood her to say that a person has six weeks to get the problem fixed.

Hon. Kay Hallahan: That is right.

Hon. G. E. MASTERS: But the subclause does not really say that. I think Hon. A. A. Lewis is right and it could be a drafting mistake. If what is intended by the Government is not reflected in this subclause, it should be re-examined to see whether it needs to be reworded. I put that proposition seriously to the Minister. I think that she is wrong in this respect and it is no good her shaking her head and saying she will not do it.

Hon. Kay Hallahan: She is not saying that. She is saying it is quite clear.

Hon. G. E. MASTERS: It is not.

Hon. Kay Hallahan: It is to me.

Hon. G. E. MASTERS: The Minister should defer the clause while the rest of the Bill is being fixed up. If the Minister is going to dig her toes in and say everyone else is wrong, there is no purpose in our debating these matters unless we persuade the majority of members to defeat the clause.

Hon. KAY HALLAHAN: I have taken note of what Hon. Gordon Masters said, and I must accept that he is genuine in putting forward his point. He is right in asserting that subclause (2) contains the words "not more than six weeks". It does not have to be six weeks; it could be three weeks, or a month. The intent of the subclause is to give people the opportunity to rectify any faults with their equipment. We have all expressed some concern about the punitive aspects of noise abatement legislation. This legislation is a constructive way of moving from a punitive model by providing that an assessment of equipment can be undertaken up to six weeks after the date of an alleged offence. It might be possible for the person committing the alleged offence to negotiate for a six-week period in which to fix faulty equipment. It is a very good clause and I do not see any need to refer it out of the Chamber for consideration by legal or other persons.

Hon. A. A. LEWIS: I will not take the matter any further: Be it on the Minister's head! The Minister has given her explanation with the benefit of advice from an adviser. We do not get that sort of advice. I obtained a legal opinion. That opinion was that I am right; the Minister is taking a conservation opinion that tells her she is right. I do not know where the Chamber can go after that. An inspection can be made up to six weeks after the date of an alleged offence and that inspection can be taken as evidence that the offence would have occurred six weeks before.

We are all trying to achieve the same ends. However, there is a definite division of opinion here. I am not a legal eagle, which is why I asked the Minister to show the provision to the Attorney. I am sure that the Attorney would have some doubts about the clause, as did the legal people to whom I spoke about it. It seems to me that the clause should be altered, but there seems to be some fetish about its not being altered.

Hon. G. E. MASTERS: I still maintain that a very serious mistake has been made in this clause. Subclause (1) says that a person who

owns equipment which may be capable of emitting noise commits an offence. Subclause (2) states—

In any proceedings for an alleged offence under subsection (1)—

That is the person who owns equipment which may make a noise—

evidence that any equipment was found on inspection, measurement or test made by an inspector not more than six weeks after the date—

Hon. Garry Kelly: It doesn't say "may be capable"; it says "is capable".

Hon. G. E. MASTERS: I am putting my interpretation first and I am saying that the subclause then gives the inspector up to six weeks in which to make the inspection. That is simply wrong. Hon. Sandy Lewis is saying that the inspector ought to have no longer than one week in which to inspect the equipment. However this clause does not give the person who may have committed the offence six weeks to fix the equipment; it gives the inspector six weeks in which to inspect the equipment.

Hon. Garry Kelly: But it gives the owners up to six weeks to comply, doesn't it?

Hon. G. E. MASTERS: Obviously, there is a misunderstanding. The Minister should be prepared, even for an hour, to take back this clause. I know what she is trying to get at and if the clause said what she intended, I would agree with her, but it does not. If the Minister refuses to make any changes, the Committee should refuse to accept this clause. If we are really concerned about doing our job properly, reviewing legislation and finding mistakes in it—this is a genuine mistake—we should reject this clause. If the intent were reflected in the legislation, I would support the clause. However, that intent is not reflected in the words of the legislation. I repeat that subclause (2) does not give a person six weeks in which to fix a problem; it gives the inspector six weeks in which to inspect the equipment.

Hon. C. J. BELL: With respect to the emission of noise, I would like to know whether there are any exemptions for certain machinery. I illustrate my concern by reference to an agricultural museum, in which there may be many noisy pieces of machinery. Much of it is kept in working order as a living museum of our history. However, there is no possibility that if a complaint were to be made an exemption from prosecution could be granted to such a museum. The alternative would be to make the machinery inoperative so that it was no

longer capable of making a noise. The machinery could never more be used as a standing display or as a moving display in parades in streets and the like, as sometimes happens in some country towns in the Eastern States. I do not think it has happened here, but it will. It may be a one-off situation, but such displays would not be possible unless there were some provision for an exemption for such machinery.

Clause put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell I cast my vote in the negative.

Division resulted as follows—

Ayes 18

Hon. J. M. Berinson	Hon. Robert Hetherington
Hon. J. M. Brown	Hon. B. L. Jones
Hon. T. G. Butler	Hon. Garry Kelly
Hon. J. N. Caldwell	Hon. Tom McNeil
Hon. E. J. Charlton	Hon. Mark Nevill
Hon. D. K. Dans	Hon. S. M. Piantadosi
Hon. H. W. Gayfer	Hon. Tom Stephens
Hon. John Halden	Hon. Doug Wenn
Hon. Kay Hallahan	Hon. Fred McKenzie

(Teller)

Noes 10

Hon. C. J. Bell	Hon. Neil Oliver
Hon. Max Evans	Hon. W. N. Stretch
Hon. V. J. Ferry	Hon. John Williams
Hon. A. A. Lewis	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer

(Teller)

Pairs

Ayes	Noes
Hon. Tom Helm	Hon. P. G. Pandal
Hon. Graham Edwards	Hon. N. F. Moore

Clause thus passed.

Clauses 86 and 87 put and passed.

Clause 88: Inspectors—

Hon. A. A. LEWIS: I move an amendment—

Page 74, line 2—To insert after "person" the following—

who has passed the appropriate prescribed examination or who otherwise satisfies the Chief Executive Officer that he possesses a professional or technical qualification that necessarily implies a training and experience relevant for the purpose of carrying out the duties of an inspector

The amendment is self-explanatory, it is a reasonable requirement and I hope the Minister will accept it.

Hon. KAY HALLAHAN: I ask members not to support the inclusion of these words. There are good reasons for this. It is a normal requirement that inspectors have certain qualifications. However, it is sometimes necessary to appoint inspectors in remote areas with very limited qualifications. We need to protect that flexibility in the Bill because it will be necessary to appoint people with lesser technical qualifications in some areas. We would be making quite an impost if we went along with this amendment. I ask the honourable member to consider that along with what he is trying to do. It would be necessary to have powers of exemption if the member's amendment were to prevail, because in some circumstances it would be quite unworkable. I ask that this amendment not be accepted by the Committee.

Hon. A. A. LEWIS: It appears that the Chief Executive Officer's powers will allow him to delegate his authority to inspectors of lesser class. We are talking about inspectors as defined in the Bill. The delegation powers would be perfectly satisfactory for allowing a health inspector or a particular person to do the job. I do not believe that people with lesser qualifications should be given those powers. The Chief Executive Officer should hold those powers for himself.

The Minister is cutting the bottom out of the Bill because she is allowing lesser people to make those decisions. That is not very wise.

Hon. C. J. BELL: Like Hon. Sandy Lewis, I am very concerned about this aspect because the Bill contains substantial penalties. Mr Lewis has also indicated that the Bill contains delegation powers.

I am very concerned that unqualified people may be running around with major powers to impose penalties with a high cost upon those who may have transgressed against the provisions of the legislation, yet those people may not be qualified to do so. I have grave reservations about this aspect and reject the proposition to give unqualified people this extreme power.

Too many Acts are in force which give unqualified people these extreme powers. I will have no part in passing on such powers to unqualified people in this Bill.

Hon. A. A. LEWIS: Clause 88(1) of the Bill states that—

88. (1) The Chief Executive Officer may appoint a person to be an inspector for the purposes of this Act and, in particular, for the purposes of—

- (a) taking measurements and collecting samples of any waste before, during or after its discharge into the environment;
- (b) inspecting, evaluating and analysing the records of monitoring and other equipment and installations approved for detecting the presence, quantity and nature of any waste and the effects of that waste on the portion of the environment approved for receiving that waste;
- (c) recording, measuring, testing or analysing noise, odour and electromagnetic radiation emissions;
- (d) inspecting, evaluating and analysing the records of monitoring and other equipment and installations approved for detecting the presence, level and other characteristics of noise, odour and electromagnetic radiation;
- (e) ascertaining whether or not any circumstances, conditions, procedures or requirements imposed by or under this Act are being complied with; and
- (f) performing such other functions as are conferred or imposed on him by or under this Act.

The Minister is telling me that this power can be given to people with lesser qualifications. Even a health officer employed by the shire must pass certain examinations. The Opposition has a strong argument, because a health officer is at an approved level. The Minister is saying that anybody can have the job. Anyone can do it without any prescribed examination, so long as the chief inspector thinks it is all right, or he is a mate, or anything else. Does not this sound like the Labor Party? Jobs for the boys!

Hon. Kay Hallahan: Don't get insulting. I have a resolution for you, if you would like to hear it.

Hon. A. A. LEWIS: But the Minister did not give it to us. I will allow the Minister to tell us the resolution.

Hon. KAY HALLAHAN: My position with regard to the Bill stands as is. What we have is a provision that local government authorities

have qualified people, but if an authority does not have a qualified health surveyor—and some do not—will the member lock that authority right out of this legislation? I do not think that would be very popular.

Training would have to be given to people carrying out the duties, there is no doubt about that. In view of that, and to safeguard it because it is a valid point, I give Hon. Sandy Lewis and all members an undertaking to see the spirit of this included in the regulations. I think it would have to go in the regulations. We do not want to lock people into situations right across the State in the way in which this amendment would. That would be a retrograde step. However, I take the point that people should be able and be trained to do the job, and we could ensure that by way of regulation. I do not know whether the honourable member finds that a satisfactory way of handling this matter. Despite his opinion, I accept the point that the provision needs to be made whether or not the honourable member wants it in the regulations.

I think the Bill must stand as is because we should not lock out certain authorities where qualified people as such are just not on the ground.

Hon. A. A. LEWIS: The powers of the inspectors include an ability to require the production of books, gain additional powers of entry, require details of certain occupiers and others, and there are powers concerning the delay or obstruction of inspectors and other authorised people. Therefore inspectors under this Bill have extremely wide powers and I believe there must be some training for them.

Hon. Kay Hallahan: Agreed.

Hon. A. A. LEWIS: The Minister is saying she will put that in the regulations, so why will she not put it in the Bill?

Hon. KAY HALLAHAN: The regulations is where it should be. I do not want to lock it up in the Bill where it will create problems.

I think the member is justifiably concerned, but the regulations are the appropriate place for this matter to be included. I think the wording is taken almost directly from the top of page 2 of the Australian Institute of Health Surveyors' letter. It is another indication of the various interest groups that have shown interest in this Bill.

Hon. A. A. Lewis: We do not have a copy of the letter from the Australian Institute of Health Surveyors.

Hon. KAY HALLAHAN: I must say that the amendment put in the honourable member's name is remarkably similar to the first paragraph on page 2 of their letter. I cannot imagine that the institute did not send the member a copy.

I ask members to support the clause as it stands.

Amendment put and negatived.

Clause put and passed.

Clause 89: General powers of entry of inspectors—

Hon. G. E. MASTERS: I feel very strongly about this clause. If members look at the principal Act, they will see that inspectors going onto property are required to obtain a warrant. I will read the appropriate part of the present legislation and urge members to think very seriously about the proposition of an inspector intending to enter and inspect a property or premises. Section 68(3) of the Environmental Protection Act 1971-1980 reads—

(3) No person shall enter any premises under subsection (1) of this section unless—

(a) the occupier has consented to the entry;

I emphasise again that the occupier could be a farmer or anybody else, but must give consent. The section continues—

(b) a Justice of the Peace has issued a warrant under subsection (4) of this section; or

(c) subsection (5) of this section applies.

Subsection (4) provides that a Justice of the Peace may issue a warrant empowering the entry of inspectors. Section (5) reads in part—

(5) A member of the Authority or any inspector may, together with other persons as mentioned in subsection (1) of this section, enter any premises for the purposes of that subsection without a warrant and without the consent of the occupier if . . .

and only if. Subsection (5) continues—

. . . a member of the Authority considers that such entry is urgently required for the purposes of that subsection. . .

What we are saying is that under the present legislation an inspector cannot simply walk onto a property or enter premises without the consent of the owner, and if there is not a consent forthcoming, without a warrant. If any members have doubts about my sincerity in this area, let me remind those who have been here as long as I have—and that is not all that

long; 12 years in parliamentary terms is not a great length of time—that I have consistently taken the stand that an inspector from any department entering a property should require a warrant of entry. In my first year in Parliament, 1974, when Hon. Graham MacKinnon was dealing with the Fisheries Bill, he made provision for inspectors to enter without a warrant. I was one of those—I think there were two of us—who crossed the floor on that point. I have consistently taken that attitude. Let me give the Committee some examples.

On 26 November 1980, when I was Minister for Conservation and the Environment, amendments were brought forward to the principal Act which introduced the measures I have just read out. In other words, prior to 1980 the Act contained no provision for a warrant to be required before entry onto the premises could be obtained by inspectors.

Indeed, there was a great deal of debate in 1980. I refer to the words of Hon. Win Piesse who was a very effective member of this Parliament and this Chamber. I introduced a provision that inspectors, before they entered premises, must obtain the authority of the owner of the premises. If that authority was not forthcoming the inspectors must go to a justice of the peace and obtain a warrant unless there was some urgency about the matter. In debating this amendment Hon. Win Piesse said, and I quote from *Hansard*, page 3931, of Wednesday, 26 November 1980—

I give members an example of this—

That is, of entry being obtained by someone without a warrant. The speech continues—

—by relating what occurred in my electorate a year or so ago. A landowner in my electorate has a small swamp area, which has been classified as a nature reserve, in the middle of his property. It is not visited by anyone; it is surrounded by his own land, which he farms. On one occasion he was riding around his property in his utility, rounding up some sheep; he had a gun in his utility.

As he rode near the swamp, a gentleman came out of the nature reserve, approached him, and said, "Do you have authority to be here?" The farmer replied, "I think I have" following which the gentleman from the swamp asked, "Do you have a gun in your utility?" When he was told that, in fact, that was the case, the gentleman from the swamp, who was an EPA officer, said, "Do you know you are not allowed to be

here and not allowed to carry a gun? Do you know there is native fauna in this reserve and you are not allowed to bring a gun into this area? In fact, I could issue you with a heavy summons."

The landowner turned to the officer in utter amazement and said, "Do you have permission to come onto my property? This happens to be my property and I do not know you or what you are talking about!" These people were both conservationists at heart, but there was a great deal of misunderstanding and ill-feeling on that occasion. The same situation has arisen in many other areas.

I am pleased the Bill seeks to amend section 68 of the Bill. In order that members are well aware of the proposed amendment to section 68, I will read the relevant passage as follows—

She then read out virtually the words of the amendment now before this Chamber. Hon. Win Piesse very strongly supported that amendment. It is interesting that although the then Opposition opposed the Bill, Hon. Howard Olney who was a most effective member of this Chamber, had no objection whatever to that amendment; nor did the Labor Party which did not oppose the clause being introduced into the Act.

There is absolutely no reason not to include this provision from the Act. There is no reason why the Bill should not require an inspector to get the permission of the landowner, and if he or she does not do that, to obtain a warrant, unless there is extreme urgency. That is set out in our amendment. It will not in any way affect the Bill. It will insert a standard provision so that the property owner has certain rights and protections. This legislation is quite extreme and draconian in some of the things it permits. I know members have supported the provisions of the Bill, albeit with some reservations, but this amendment would have no effect whatever on the legislation apart from giving a landowner his rightful protection. I would find it difficult to understand members voting against this clause, bearing in mind that we regard our properties, homes and farms as being things which we jealously guard, and there must be some sort of recognition of our rights as landowners.

Hon. C. J. BELL: I support the Leader of the Opposition in this matter. I am very concerned about the unbridled use of power by officers. I would like to relate an incident which

happened at my home three years ago, shortly after I was elected to this place. About 8.00 p.m. or 9.00 p.m. two fisheries officers knocked at the door of my house. I was here at Parliament, and my wife and son were at home. They said, "Is this the house of so-and-so?" I will not name the person they were seeking. My wife said it was not. They said, "We do not believe you. We were given the address of this house and we are here to examine your house and see if you have illegal rock lobsters on the premises." My wife reiterated that she was not the person they sought, but they forced their way past her at the front door—I remind members that this is at night, almost the middle of the night—and examined the contents of the fridge. If members think that is a fair and honest way for inspectors to use their powers they have a different idea from me of what is fair and just.

If those officers had had to get a warrant to enter the premises they would have been much more careful to make sure they had the correct house and the right address before they entered.

Hon. Garry Kelly: Have you raised this matter before?

Hon. C. J. BELL: I do not believe so. I have raised it with the Director of Fisheries, and I have an apology from him and from the officers. That is not the point; I am raising the principle which should be in the Bill. We should not have a bar of this in a free country. I do not believe inspectors should be able willy-nilly to barge into a house without ascertaining whether an offence has been committed and that they have the correct address. I would like the Minister to consider that point.

Hon. A. A. LEWIS: I move the following amendments—

Page 75, line 20—To delete "An" and substitute—

Subject to subsection (1a) an

Page 75, line 22—To insert after "any" the following—

reasonable.

Hon. KAY HALLAHAN: I understand the strong feeling of Hon. Gordon Masters about this clause, but both he and Hon. Colin Bell gave examples which related to wildlife issues. I do not think members understand that this clause relates to pollution. I like the rhetoric about living in a free country and everybody having a right to be free of all sorts of con-

straints. We all have a right to clean air, and if someone is burning plastic and causing noxious smells and gases, whose rights come first?

Hon. G. E. Masters: Our amendment allows for that.

Hon. C. J. Bell: A justice of the peace is not that difficult to come by.

Hon. KAY HALLAHAN: That is all right if one is not living next door to the person who is burning the plastic. The whole issue in this clause is pollution control, and that is a bit different from the situation of fisheries and wildlife officers barging into homes. If I can give a few examples of the sorts of matters related to the entry of inspectors onto properties without a warrant, I point out that it is seen by officers in the field as necessary particularly where backyard pollution occurs fairly frequently. It is regrettably commonplace for small, noxious trades to be carried out on properties, particularly small plastic-based industries. These include plastic fabrication and surfboard manufacture. In both cases extremely obnoxious resins are used which cause considerable effects in the neighbourhood.

The burning of plastics in backyards results in the emission of dense black and harmful smoke. There have been cases of skin allergies, rashes, and eczema stemming from the burning of plastics and similar waste on properties. Resin odours from plastics stored or used in areas without appropriate air circulation equipment and emission controls cause neighbourhood nuisance and health problems. It is put very strongly to me, that it would be too restrictive on inspectors to have to go to a justice of the peace prior to entering a property when pollution is actually taking place.

Members must bear in mind that the Clean Air Act, which has been in operation since 1964, and the Rights in Water and Irrigation Act, do not require an officer to obtain a warrant for the right of entry to any premises. Hon. Gordon Masters argues that they should obtain a warrant. I have spoken to officers who enforce the provisions of the Clean Air Act and they advise they have not been abused and there have been no complaints in regard to their actions.

It comes down to the question that landowners have rights, and I agree with that. I am a part landowner and I certainly do not want my neighbour polluting the atmosphere. I am glad that is not likely to happen in my present

circumstances, but it is a problem which concerns parts of my electorate. It is of concern to every member in this Chamber.

The clause should proceed in its present form.

Hon. A. A. LEWIS: Will the Minister tell me how many cases there have been under the provisions of the Clean Air Act where the occupier has not consented to the entry of an inspector? The Minister has been talking about how hard it is for an officer to obtain a warrant from a JP. The Minister did not say that it is required in only one out of every 500 cases; she is arguing against my amendment.

Hon. Kay Hallahan: It is serious when there is pollution.

Hon. A. A. LEWIS: It may be even one out of every 1 000 times.

Hon. Kay Hallahan: You tell that to the person who reacts.

Hon. A. A. LEWIS: The Minister can give me facts and figures to show the number of occasions on which the owners have refused the right of entry of inspectors. She is talking about the next door neighbour burning rubbish and I am sure that in 999 cases out of 1 000 the offender would say, "Sorry, I will fix it."

Hon. Kay Hallahan: You live in suburbia and see what happens!

Hon. A. A. LEWIS: Perhaps the Minister lives in a rotten borough. I do live in suburbia, and I do not have that much trouble.

Hon. Kay Hallahan: You should live in some areas in my electorate.

Hon. A. A. LEWIS: I cannot help it if the Minister lives in a rough area.

Hon. Kay Hallahan: Those people still have to breathe clean air.

Hon. A. A. LEWIS: Is the Minister telling me that if the people in her area received a reasonable request they would not douse the fire or control the pollution?

Hon. Kay Hallahan: I can cite an example where it continually happened. I think it has now been relocated, but the persons concerned offended continuously.

Hon. G. E. Masters: The inspectors fixed it.

The CHAIRMAN: Order! I advise members that we are debating the amendment, because they seem to be debating a different subject. If the amendment is passed subclause (1)(a) will read, "at any reasonable time any premises is

used as a factory or any premises in which an industry, trade or process is being carried on." I have not put the other proposed amendments.

Hon. A. A. LEWIS: I seek your indulgence Mr Chairman, because it would be ridiculous to debate this amendment if we did not refer to proposed new subclause (1a). We must refer to it to decide whether we should pass the amendment before the Chair. I seek your ruling on it.

The CHAIRMAN: The clause refers to an industry.

Hon. A. A. LEWIS: It states, "any premises". The definition of premises means residential, industrial, or other premises of any kind whatsoever and includes land, water, and equipment. The Minister is right in saying that backyard burnings are carried out on a premises.

I ask the Minister why she would not accept this amendment. I hope she will provide me with figures to show the number of people who have obstructed inspectors and have prevented them from carrying out their job. I do not believe people can be so nasty that they would attempt to stop an inspector from carrying out his duty by, for example, asking them to stop burning plastic because it is polluting the atmosphere. People may be affected by all sorts of things—the smell of the chops cooking on a barbeque may affect a person. The amendment should be included as a safeguard for the public.

Hon. G. E. MASTERS: There appears to be some confusion. My understanding is that we are dealing with an amendment to subclause (1)(a). The proposal is to include the word "reasonable" which will allow for an inspector to enter any premises at any reasonable time. The other argument members have been debating at length refers to an inspector obtaining a warrant before entering a premises. We are debating two different amendments.

We should first debate the amendment which allows for the addition of the word "reasonable". Surely to goodness the entry by an inspector to any premises should be at a reasonable time. I understand that industrial inspectors are required to enter business areas and the like at times considered reasonable by the people operating the businesses. That is fair and proper. I compliment the member on the use of the word "reasonable" because it is reasonable.

[Questions taken.]

Amendments put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before appointing the tellers, I cast my vote in the affirmative.

Division resulted as follows—

Ayes 12

Hon. C. J. Bell	Hon. N. F. Moore
Hon. Max Evans	Hon. Neil Oliver
Hon. V. J. Ferry	Hon. W. N. Stretch
Hon. A. A. Lewis	Hon. John Williams
Hon. P. H. Lockyer	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer

(Teller)

Noes 19

Hon. J. M. Berinson	Hon. Kay Hallahan
Hon. J. M. Brown	Hon. Robert Hetherington
Hon. T. G. Butler	Hon. B. L. Jones
Hon. J. N. Caldwell	Hon. Garry Kelly
Hon. E. J. Charlton	Hon. Tom McNeil
Hon. D. K. Dans	Hon. Mark Nevill
Hon. Graham Edwards	Hon. S. M. Piantadosi
Hon. H. W. Gayfer	Hon. Tom Stephens
Hon. John Halden	Hon. Doug Wenn
	Hon. Fred McKenzie

(Teller)

Pair

Aye	No
Hon. P. G. Pandal	Hon. Tom Helm

Amendments thus negated.

Hon. A. A. LEWIS: I move an amendment—

Page 76 after line 17—To insert the following subclauses—

(1a) No person shall enter any premises under subsection (1) of this section unless—

- (a) the occupier has consented to the entry;
- (b) a Justice of the Peace has issued a warrant under subsection (1b) of this section; or
- (c) subsection (1c) of this section applies.

(1b) A Justice of the Peace may issue a warrant empowering a member of the Authority or any inspector together with such assistance as he may require, on such occasions as may be required in the circumstances, to enter any premises if the Justice is satisfied by information on oath that such entry is required for the purposes of subsection (1) of this section but that the consent of the occupier has been withheld, or the premises are unoccupied, or the occupier cannot be found or his identity is not known.

(1c) A member of the Authority or any inspector may, together with such assistance as he may require, enter any premises for the purposes of subsection (1) without a warrant and without the consent of the occupier if a member of the authority considers that such entry is urgently required for the purposes of that subsection and the delay in obtaining a warrant under subsection (1b) of this section, or obtaining the consent of the occupier, would significantly impede the purpose of the entry.

Hon. G. E. MASTERS: We have already debated this issue at length and far be it from me to differ from Hon. Sandy Lewis, but I made reference, before we voted on the first amendment, to the fact that I thought they were two separate amendments and certainly the one we are now debating could stand well and truly on its own.

I ask members to consider very seriously the proposition we are putting forward in this amendment. On Wednesday, 26 November 1980, there was an amendment to the Environmental Protection Act which required an inspector, before entering a property, to gain the permission of the owner or to go to a justice of the peace and obtain a warrant. The matter of urgency is covered in other provisions of the amendment. If a hazard was caused, the inspector would be able to enter the property. It may well be that in certain areas there is a need for that action to be taken.

I support Hon. Sandy Lewis, who asked us if we had ever heard of an inspector, after being informed of a hazard, knocking at the door of a premises, showing his authorisation, and being refused entry. I do not think there would be one in 1 000 cases. There would be the occasional time when a warrant would need to be obtained but in most cases it would not happen. If there is a matter of urgency, it is catered for under another provision.

I urgently put it to members that it is reasonable and proper for a landowner to be consulted before there is entry onto the property. We are not talking about a paddock or an industrial property. We are talking about someone's home. The Bill specifically mentions that an inspector can enter a private dwelling house.

The Fisheries Act—and I opposed the provision by crossing the floor—enabled an inspector to enter a property but not a dwelling house. We are now saying an inspector may

enter premises but not a dwelling house. It may happen, but not very often, that an inspector without any warrant or authority from the landowner may enter property if he thinks there are reasonable grounds. The Minister said that this matter only deals with the question of pollution.

Earlier, the Minister accepted my comments when I said the whole of this legislation is intertwined. When we talk about pollution, we mean pollution of the environment. If one looks at the definitions of pollution and environment, one finds they go on and on and cover anything and everything.

I sincerely put it to members that what we are asking is to retain all the provisions in the existing Environmental Protection Act. I challenge the Minister to give one example of where this requirement has caused any problem at all. If she can, it would certainly be the exception. In any event, far too often we have introduced legislation which embraces everyone because of the odd difficulty. We have done it with taxation and environmental Bills. We seem to encompass everyone with rules and regulations to get back at the very unusual circumstance that may occasionally prevail.

I ask members to think seriously and to put themselves in a position where they may find someone knocking at their door saying, "Excuse me, Madam or Sir, I want to enter your property." I am not talking about noise. I am talking about pollution, and the social environment.

I ask members not to support this clause. It will have no effect on the thrust of this legislation whatsoever. It will simply protect the land or property owner.

Hon. KAY HALLAHAN: This is a worrying matter and the honourable member has argued very persuasively. There are a couple of things that do need to be said and one is this: Under the current EPA legislation, which the honourable member referred to, the fact of the matter is that the EPA does not do much of this work at all because under the Act other authorities can do it. It is only when they do not do it that the EPA does. It is not a real test of how it works in practice. That is the problem.

This clause is not about environmental social surroundings as Hon. G. E. Masters said, it is about pollution control. It is a grave worry and I think we need to get a couple of facts quite clear.

Hon. A. A. Lewis: It is about enforcement of the whole legislation. It is not about pollution control, so let us not use the pollution argument.

The CHAIRMAN: Order! Hon. A. A. Lewis will have his chance to correct the Minister.

Hon. KAY HALLAHAN: The problem is that if we go down this track—attractive as it is—we have a problem. It is all right for Hon. Sandy Lewis to say that nine times out of 10 someone will knock on the door and receive permission to come in. They are people of goodwill and we can negotiate with them. We need to have laws to enforce people who are not people of goodwill or do not have a conscience about their neighbours and what they think. For that reason, the argument has to have some strength to it and that is why I put my case very strongly.

Suppose it is late in the evening and there is a complaint about a terrible odour or annoyance coming from an emission and we need an officer at that late hour. It is not always easy because the officer has to find a JP at that hour of the night. It is a safeguard and that is why the honourable member wants to put it in, but it is also a slow down.

Hon. G. E. Masters: Not if it is a matter of urgency.

Hon. KAY HALLAHAN: It is a real problem for a person on the spot looking for a JP. I have a situation in my electorate where, in one area, there are loads of JPs but most of them are of advanced years and one cannot often locate them at that late hour. I think access to a JP is just not as available as we sometimes like to think.

I leave this amendment to the good judgment of members. Those in the field are quite happy because the power has not been abused in the past and there have been no complaints. The same people will be involved in its enforcement. I would like to see the Bill stand as printed.

Hon. A. A. LEWIS: I think the Minister said to the Chamber that this clause is only to do with pollution. I take issue with that. This clause deals with the total enforcement of the whole Bill; it is not only to do with pollution. I do not believe the Minister should lead the Chamber along that track. The Minister is trying to tell members that this enforcement only has to do with pollution; it has not, it has to do with everything in the Bill.

That is all the more reason for the words to be inserted than it would have been had the enforcement been only about pollution. The Minister has confirmed what we are asking. I know the Minister is sympathetic; one can see that by the twinkle in her eyes. If the Minister in another place will not allow this amendment to go through, that is his problem. However I believe the Minister should have a look at this Bill to make certain whether or not I am right. I may be wrong; but if I am wrong, the Minister should get up and tell me where I am wrong. The Minister berated members of the Opposition by saying that they did not know what they were talking about because in her opinion the clause pertained only to pollution. I believe the Minister should give this Chamber an answer; it is her duty to give an answer if she is right.

Hon. KAY HALLAHAN: I am in part right. One other clause deals with the monitoring and control of conditions on development. I think I was a bit exclusive when I said it dealt only with pollution control. I take the point made by Hon. Sandy Lewis. This clause is certainly necessary for the pollution control aspect; there is no doubt about that. On the other hand, Hon. Sandy Lewis is not accurate either when he sweepingly says, "It applies to the whole Bill." It applies to pollution control areas and the monitoring and control of the conditions on development.

Hon. A. A. LEWIS: Will the Minister tell me where the segregation appears? The Bill starts out in part VI dealing with enforcement and it talks about appointment of authorised personnel for enforcement, including inspectors who will be able to go into all areas. It then goes on to deal with the powers of entry of inspectors and what they can look at, and their powers to require books—these could be for a timber mill or for CALM itself—

Hon. Kay Hallahan: Only if they are polluting.

Hon. A. A. LEWIS: The Minister has admitted that enforcement covers the total area of the Bill.

Hon. Kay Hallahan: Only over pollution; I come back to that.

Hon. A. A. LEWIS: I will accept the Minister's word for it. However, I believe the Minister is wrong. I put on the record that the Bill does not say what the Minister is telling the Chamber. The Minister can talk about pollution as long as she likes, but the Bill can be interpreted in terms of enforcement and that

includes every part of the Bill—noise abatement, machinery, pollution—whether it be of the whole of the environment or not. The enforcement of this Bill comes in under part VI.

Hon. G. E. MASTERS: The Minister contended that this clause dealt with pollution. Hon. Sandy Lewis put forward a very good argument that the clause covers every aspect of the Bill, but I would pursue the comments made by the Minister who said that it deals with pollution. When one looks at the definition of pollution, one finds it reads as follows—

“pollution” means direct or indirect alteration of the environment—

When one looks at the definition of environment, one finds it reads as follows—

“environment”, subject to subsection (2), means living things, their physical, biological and social surroundings, and interactions between all of these;

If one looks at proposed subsection (2), one finds it says—

(2) For the purposes of the definition of “environment” in subsection (1), the social surroundings of man are his aesthetic, cultural, economic and social surroundings to the extent that those surroundings directly affect or are affected by his physical or biological surroundings.

When one looks at the proposed short title of the Act, one finds it is the “Environmental Protection Act”, so one is following definitions from environment to the title of the Bill, and of course it includes all of these aspects in the Bill.

Amendment put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell I cast my vote in the affirmative.

Division resulted as follows—

Ayes 12

Hon. C. J. Bell	Hon. N. F. Moore
Hon. Max Evans	Hon. Neil Oliver
Hon. V. J. Ferry	Hon. W. N. Stretch
Hon. A. A. Lewis	Hon. John Williams
Hon. P. H. Lockyer	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer

(Teller)

Noes 18

Hon. J. M. Berinson	Hon. Robert Hetherington
Hon. J. M. Brown	Hon. B. L. Jones
Hon. T. G. Butler	Hon. Garry Kelly
Hon. J. N. Caldwell	Hon. Tom McNeil
Hon. D. K. Dans	Hon. Mark Nevill
Hon. Graham Edwards	Hon. S. M. Piantadosi
Hon. H. W. Gayfer	Hon. Tom Stephens
Hon. John Halden	Hon. Doug Wenn
Hon. Kay Hallahan	Hon. Fred McKenzie

(Teller)

Pair

Aye	No
Hon. P. G. Pental	Hon. Tom Helm

Amendment thus negated.

Hon. A. A. LEWIS: I move an amendment—

Page 77, line 7—To insert after “notice” the following—

in writing

The Government has downgraded inspectors because it seems they do not need any formal qualifications.

I believe they should give notice in no other way than in writing so that the occupier definitely knows exactly what he has to do. The amendment is sane and should be accepted.

Hon. KAY HALLAHAN: I ask the Committee to endorse the Bill as printed. The Government believes it would be too restrictive to insist that notices should at all times be given in writing. I would have thought Hon. Sandy Lewis had a mind for this because in remote areas where mail deliveries are limited, written instructions might not arrive in time.

I agree with the general thrust of the amendment and that where possible at all times notice in writing should be mandatory. It all relates to the requirement for an inspector to access any discharge or to monitor the effects of a discharge and to notify the occupier within 14 days, and if the notice is to be in writing some difficulty may be experienced in the remoter localities. Inspectors would be constrained in fulfilling their duties if mail went astray. That is the dilemma.

Advice from Crown Law strongly recommends that the clause stand as printed because of the time factor. As I said, in general terms I agree with the spirit of the amendment.

It is interesting that certain members constantly speak about looking after the needs of country communities, and here the Government is trying to put a case for exceptional circumstances in a State as large as ours. We have a responsibility to consider everyone. I am one of the strongest proponents of provid-

ing safeguards for the people of our State, yet this time factor is the dilemma with which we are faced.

Hon. C. J. BELL: I urge the Minister to accept the amendment. It seems to me the wording of the clause is the wrong way around. The Minister is concerned about an area so remote that it may not receive its mail, which would indicate we are dealing with an area whose environment is also very remote from any major area of population.

Hon. Kay Hallahan: The mail may go astray.

Hon. C. J. BELL: I would hope registered mail did not go astray. If it did, someone would have to account for it. Notification by phone other than in very exceptional circumstances is a very unsatisfactory arrangement. How could the Government substantiate its view that notification had in fact been given by phone? Mention of remote areas is nothing but a red herring. The notification should be given in writing. The amendment should be accepted and should meet with the ordinary Government members' sense of fairness.

Hon. KAY HALLAHAN: I believe these days that people do need things like this to be in writing. I am a great proponent of this view. I suggest the problem may be overcome by including the requirement that the notice be given in writing in that provision relating to the conditions and the operations and functions of inspectors. The regulation could lay down what they should do. If members are happy to have this handled by way of regulation, the clause could stand as printed.

Hon. A. A. LEWIS: That is satisfactory, but I will wait until I see the regulation before I decide whether we need to disallow it.

The Minister told us a story about remote places. All that subclause (4) refers to is the drilling of bore holes for the purposes of taking and removing samples of rock. We can imagine the inspector will probably be on the premises at some stage a fortnight before the drilling to see it from ground level to decide whether there was a need to drill the bore holes. Is the Minister trying to say that an inspector is going to go out into the Warburton desert on a fix from the stars and drill bore holes because it is a remote area and the mail may not get through? Why can he not get out his pad, as with an infringement notice, and say, "I will come back in a fortnight to drill this", sign it, tear off a sheet of paper and hand it to the occupier there and then? Is the Minister trying to tell me that the inspector would come back all the way from

the Warburton desert and then send off a carrier pigeon to notify the bloke? The Minister is drawing a bow so long that even Robin Hood could not get a grasp of it.

I accept the suggestion of putting this into a regulation; but, really, this has not been one of the Minister's better efforts.

Amendment put and negated.

Hon. A. A. LEWIS: I move an amendment—

Page 77, lines 25 and 26—To delete subclause (7).

Subclause (7) seems unreasonable after one reads subclause (6). The right of appeal to higher courts should be allowed under all circumstances. I urge the Minister to accept the amendment.

Hon. KAY HALLAHAN: The amendment is not acceptable. In these circumstances, the Local Court is being used as an arbiter; it is not acting as a mainstream court of law and appeals to higher courts are therefore inappropriate. We want decisions to be made at the local level. We do not want people to become involved in the complicated court system and all the costs inherent in it.

I remember the former member for North Metropolitan Province, Hon. Peter Wells, attempting to introduce the concept of neighbourhood conciliation centres. This provision is in the same vein. It attempts to have matters determined at the local level without involving people in the complicated judicial system.

Hon. A. A. LEWIS: The Minister is handling this matter as if it were a community welfare matter. The amount of compensation could be huge. As I read the Bill, it gives general powers of entry to all inspectors. I remind the Minister that it does not cover just burning plastic in the backyard. The conservation issue could involve the Worsley refinery and millions of dollars in compensation.

Hon. Kay Hallahan: How could it be millions?

Hon. A. A. LEWIS: Under clause 38, any person may refer a matter to the EPA.

Hon. Kay Hallahan: That has nothing to do with this.

Hon. A. A. LEWIS: It has everything to do with it. The inspectors appointed under the enforcement provisions are inspectors appointed to police every aspect of the Bill. The Minister disagrees with me but she cannot explain where she disagrees.

I find this Bill the most horrendous and dangerous Bill that I have seen in my time in this Parliament. It is a series of landmines for anybody trying to develop this State.

The Minister said that the inspectors appointed under the legislation do not enforce all provisions of it. Of course they do. I wish the Minister would take the bit between her teeth, forget her riding instructions, and bolt and allow this amendment to go through. Of course the Local Court cannot be the last court of appeal. No fair-minded person in this Chamber would expect claims for damages to stop at that level.

The Local Court nearest the land may not have the knowledge or the facilities needed to hear the case. It is not just arbitration; it is the settlement of a compensation claim. That is a little more difficult than settling a mere domestic dispute. I implore the Minister to let us remove the words that I have moved to be deleted because of the problems the State will have if we do not.

Hon. KAY HALLAHAN: This relates to enforcement only and refers to pollution control and division 2 of part IV, which relates to the monitoring of environmental conditions.

Hon. A. A. Lewis: In what part of the clause does it say that?

Hon. KAY HALLAHAN: I will get that information for the honourable member.

This provision simply relates to instances when an inspector enters a property for the purpose of monitoring and in the course of exercising his duty does some damage. The owner of the property can go to the Local Court to have resolved the amount of suitable compensation for the damage caused by an inspector if such damage is caused in the course of the performance of his duty. That is all this subclause is about. Was that the understanding of Hon. Sandy Lewis, or was he speaking much more globally?

Hon. A. A. Lewis: But it can be more global. The project could be a huge one. The Minister is looking at it in a narrow sense. Under subclause (5), the inspector's actions could cause an enormous problem.

Hon. KAY HALLAHAN: I am advised that the matter can be satisfactorily resolved in this way. We do not seem to have much imagination with respect to possibilities. We have talked a great deal about farms and tractors and backyard problems. I make it clear to members that this provision relates to any damage caused by an inspector who enters a

property for the purpose of monitoring. The Clean Air Act also has a provision relating to an appeal to the Local Court and says that its decision shall be given effect to. The Local Court is the final avenue of appeal under the Clean Air Act.

Hon. A. A. Lewis: It must apply to the whole of this Bill.

Hon. KAY HALLAHAN: It applies to pollution control aspects.

Hon. A. A. Lewis: Where is it pointed out that the clause applies only to pollution control?

Hon. KAY HALLAHAN: It is about general powers. They apply to the pollution control area and to division 2 of part IV, which is about the monitoring of a development.

Hon. A. A. Lewis: Where in the Bill is that pointed out?

Hon. KAY HALLAHAN: That is how the Bill will apply.

Hon. A. A. Lewis: Nowhere in the Bill does it say that the enforcement provision applies only to pollution control.

Hon. KAY HALLAHAN: Where else would the member apply it? The rest is about drawing up environmental policies. I do not know what the problem is.

Hon. C. J. BELL: Subclause (6), which we agreed to, provides that compensation would be payable for loss or damage referred to in subclause (5). Subclause (5) relates to the exercise of power conferred in subclause (3), which relates to the ability of the inspector to enter a property and drill boreholes for the purpose of taking and removing samples of rock and so on. Let us assume that we were fortunate enough to get a smelter in Western Australia and that it was considered that some pollution was occurring on the site. Let us further assume that an inspector came onto the site to determine what was going on. In the course of his inspection he disrupted the power system while the potline was in process. It is my understanding that if the potline is turned off while the smelter is working it is necessary to reline all the pots completely. That job could cost more than \$1 million.

It seems to me that a Local Court may not have the expertise to deal with a claim for damages of that magnitude. It is not a matter of an inspector entering a property and cutting up the ground with the wheels of his vehicle as he entered. The damage could be to a major industrial installation such as that I mentioned

and the amount of compensation for damages could be very large. I am sure that no inspector would deliberately seek to create a major damage or loss, but the potential is there. A Local Court could not possibly be expected to assess that sort of damage. If it did, it would not be unreasonable to expect that there should be some sort of appeal mechanism because the competence of that court could come into question in that sort of situation.

Hon. A. A. LEWIS: I refer the Minister to the various parts of the Bill. Part I is titled "Preliminary". The titles of parts II to V are as follows: "Environmental Protection Authority"; "Environmental Protection Policies"; "Environmental Impact Assessment"; and "Control of Pollution". The Minister may think that part VI refers only to part V, but part VI concerns enforcement of the total Bill. Everything that happens under this Bill and under all the powers of the Chief Executive Officer or the inspectors comes under the enforcement section. I know it is a complex matter, but it is not good enough for the Minister to say that the provision in question refers only to pollution. It refers to the total Bill.

Sitting suspended from 6.00 to 7.30 p.m.

Hon. KAY HALLAHAN: During the dinner suspension I had the opportunity to speak with Parliamentary Counsel and on the basis of that discussion I can indicate that the Government is prepared to accept the amendment.

Hon. A. A. Lewis: I thank the Minister.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 90: Power of inspectors to require production of books, etc—

Hon. A. A. LEWIS: I move the following amendments—

Page 77, line 29—To delete "An inspector" and substitute the following—

the Chief Executive Officer

Page 78, line 3—To delete "inspector" and substitute the following—

Chief Executive Officer

Page 78, line 10—To delete "the inspector" and substitute the following—

the Chief Executive Officer

I have moved these amendments because the Minister has said that the inspectors will not need to have qualifications but will be able to go out and in writing require the occupier of any premises to produce any books or other sources of information relating to a discharge

or emission or to any manufacturing, industrial or trade process carried on at those premises, or any data from any monitoring equipment or monitoring programme in respect of a discharge or emission. The inspectors will be able to require any person to produce any books or other sources of information in the custody or possession of that person relating to any discharge, etc., and they may make copies of that information.

These powers are far too wide for an inspector and they should reside in the Chief Executive Officer or some other person delegated by him. No inspector should be allowed to have these powers.

Hon. KAY HALLAHAN: I ask the Committee not to accept these amendments. These powers are needed by inspectors because they cover the whole State and are needed in cases of emergency. The powers are no different from those powers currently contained within the Clean Air Act, the Noise Abatement Act, and the Rights in Water and Irrigation Act, to name a few. To reduce these powers would seriously limit the effectiveness of the inspectors.

Hon. Sandy Lewis said that the inspectors would not need to be qualified. For the most part they will be qualified people. Those who are not qualified will be trained for their task; they will be employed with that in mind.

If we delegate the power to other people we could have problems, and we all know of the bottlenecks created in bureaucracies. These inspectors will be responsible officers and they will not be endowed with unreasonable power. I ask that members accept the clause as printed.

Hon. A. A. LEWIS: I thank the Minister for her comments, humorous as they were. In an earlier clause I said that notice in writing should be given for the drilling of core holes, etc., and I was told it was doubtful whether the mail would get through to people in remote areas, causing them to be disadvantaged. In this clause, which gives inspectors the power to have people produce certain books and other information, we see that it provides for an inspector to notify a person in writing that the information is required. It seems the Government has different sets of standards.

I will not press my amendments but during the third reading stage I will explain what I intend to do.

Amendments put and negatived.

Clause put and passed.

Clause 91 put and passed.

Clause 92: Inspectors may require details of certain occupiers and others—

Hon. A. A. LEWIS: I move an amendment—

Page 79, line 25—To insert after “who” the following—

without reasonable excuse

This is an essential part of the Bill, and I will insist on this amendment. I will read this clause to members so that they might understand the point I am making—

92. (1) An inspector may by notice in writing require any person who appears to the inspector to be the occupier of any premises—

- (a) on or from which any waste or noise, odour or electromagnetic radiation has been, is being or is likely to be discharged or emitted; or
- (b) on which any waste is being or is likely to be stored,

to furnish to the inspector orally or, if so requested in that notice, in writing the name and address of any person who on a date specified in that notice was the occupier of those premises or any part thereof so specified or was in control of any equipment, trade, process or activity in those premises so specified.

That is an all-embracing clause. Subclause (2) goes on to say that a person who does not comply with a requirement made to him under subclause (1) commits an offence. We want to add the words “without reasonable excuse” because it could be that when the date is mentioned the person genuinely cannot remember.

I challenge members to tell me in detail which an inspector might need what they were doing 10 days ago at a specific time of the day. We are probably better organised than most people and have a diary which contains the details, but many people do not use diaries, and many works do have them. For that reason I believe the insertion must be made.

Hon. KAY HALLAHAN: The Government feels very strongly that this clause must remain in the Bill in its present form. The reason is that the amendment would allow occupiers an immediate defence against compliance in the same way as earlier amendments which the honourable member moved, for example including the word “knowingly”. It immediately

builds into the clause a defence against compliance. It would be regrettable if that were to happen.

This is a new provision; there is not one like it in the Noise Abatement Act or the Clean Air Act, and there have been many problems because of that. The problems arise because inspectors cannot get information on the type of waste that has been emitted and is causing pollution. In many cases people have evaded prosecution for causing significant pollution because there is no similar section in the two Acts I have mentioned.

Hon. W. N. STRETCH: I am concerned about the aspect of electromagnetic radiation. How does this apply to a dental surgeon's premises? Difficulties have occurred with the inspection of x-ray equipment, particularly in country surgeries. Dentists pay fees already to make sure their equipment is monitored, and everybody wants to know that their surgeries are safe. How will this clause affect the present situation? How on earth can we prosecute a dental surgeon whose x-ray equipment may be malfunctioning when there is no way in the world he can know.

The same thing applies to microwave ovens in takeaway food outlets, cafes, roadhouses in remote areas, and even homes. How can a housewife be prosecuted when her microwave oven may be leaking? Nobody wants that to happen, but she could be liable under this clause.

Hon. KAY HALLAHAN: We have to keep in mind that no action would be taken under this clause unless a real detriment was being caused to the environment. I am told that other Acts would deal with the two matters raised by Hon. W. N. Stretch—the Radiation Safety Act would be more applicable to the instances he cited.

Hon. A. A. Lewis: You have the powers under this Bill.

Hon. KAY HALLAHAN: I am saying that in the cases the member put forward the Act I mentioned would be more appropriate. We do not want to build in defences where people are culpable of causing a grave nuisance to the environment through a polluting activity. It is a dilemma, but it is necessary that the clause remain in the Bill.

Hon. W. N. STRETCH: I accept the Minister's concern that people could cause radiation and try to get away with it. I am more concerned that unless we accept something like Hon. Sandy Lewis' amendment the Act will net quite unwitting offenders. A dental practitioner

or a roadhouse proprietor who has a snout on another business up the road could say that the other person's x-ray machine or microwave oven was malfunctioning. Any person can start an action by going to an inspector and lodging a complaint. There appears to be no protection for the person who is an unwitting subject of an investigation.

Hon. KAY HALLAHAN: If something was going on that was really detrimental to the environment—whether somebody has a snout on another person or not—it would be a good idea to bring the matter to the attention of somebody who has the ability and power to do something about it. I am not persuaded by the point of view the member has put.

Hon. W. N. STRETCH: I probably did not put it well enough. As far as a vendetta against another person is concerned, there may be no radiation leak at all, but there is nothing to stop a person lodging a complaint once a week if he wants to be silly.

Hon. Kay Hallahan: There must be something going on.

Hon. W. N. STRETCH: Not necessarily. I see no reason why I could not lodge a complaint against the Minister's microwave oven. Under this Bill I am "any person", and I can lodge a complaint. Does not the inspector then have to investigate the complaint?

Hon. KAY HALLAHAN: I presume whether there is a problem or not an inspector would have to measure whether the machine was causing a detriment to the environment and a pollution problem. If an inspector goes out and takes a measurement and there is no problem, I guess inspectors in the Department of Conservation and Environment do what we do in our electorate offices when people are vexatious and continually want to harass somebody—we ignore them. Having established there are no grounds for complaint, no-one is going to waste his time on that sort of case.

Hon. W. N. STRETCH: I accept the Minister's remarks about the nuisance factor. However, I am concerned about non-detectable pollution. It is one thing if oil spills onto a road from a tanker involved in an accident, but it is another thing if it involves electromagnetic radiation. There must be a let out for unwitting offenders. Radiation does not present a tangible problem; it could be doing a lot of dam-

age. No-one may know what is going on until after a time lapse of 15 years and a person dies from cancer due to exposure to radiation. It is not fair to leave this legislation without a natural defence. If unaware of the presence of radiation, how can a person be prosecuted for it?

Hon. KAY HALLAHAN: I do not see a problem. I refer members to subclause (1) which states that the person concerned must supply the information requested by the inspector. If there is a problem, why would they not want to provide that information? The problem which arises is the person who does not comply with the requirements and, in such a case, an offence is committed. It does not mean what the member is implying.

I do not think the Government is asking too much by ensuring that inspectors shall be provided with the name and address of the person involved.

Hon. A. A. LEWIS: The Minister and I have a difference of opinion. We will vote on the amendment to ascertain the outcome.

Amendment put and a division taken with the following result—

Ayes 8	
Hon. V. J. Ferry	Hon. N. F. Moore
Hon. A. A. Lewis	Hon. Neil Oliver
Hon. P. H. Lockyer	Hon. P. G. Pandal
Hon. G. E. Masters	Hon. Margaret McAleer (Teller)

Noes 16	
Hon. J. M. Berinson	Hon. Kay Hallahan
Hon. T. G. Butler	Hon. Robert Hetherington
Hon. J. N. Caldwell	Hon. B. L. Jones
Hon. E. J. Charlton	Hon. Garry Kelly
Hon. D. K. Dans	Hon. Tom McNeil
Hon. Graham Edwards	Hon. Mark Nevill
Hon. H. W. Gayfer	Hon. Tom Stephens
Hon. John Halden	Hon. Fred McKenzie (Teller)

Pairs	
Ayes	Noes
Hon. W. N. Stretch	Hon. Tom Helm
Hon. C. J. Bell	Hon. Doug Wenn
Hon. Max Evans	Hon. J. M. Brown
Hon. John Williams	Hon. S. M. Piantadosi

Amendment thus negated.

Clause put and passed.

Clauses 93 to 99 put and passed.

The CHAIRMAN: Members will recall that the Committee has dealt with clauses 100 to 110.

Clauses 111 to 117 put and passed.

Clause 118: Liability of directors etc. when offence committed by body corporate—

Hon. A. A. LEWIS: I move an amendment—

Page 92, lines 23 to 32—To delete subclause (1) and substitute the following—

(1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director or other officer concerned in the management of the body corporate, or a person who was purporting to act in any such capacity, he as well as the body corporate is guilty of the offence.

Under subclause (1) as it stands, a director is guilty until he proves his innocence. Is that the law in which we believe? I thought we believed in innocence until proved guilty.

This amendment provides that a person will be innocent until proved guilty. If the Government wants to go along with the concept of a man being guilty until proved innocent, that is on its head and so be it. The amendment should be considered and the Committee should vote for it.

As I understand the clause, a director living in England could be liable, without any knowledge of what was going on, for the actions of the managers at Alcoa in Western Australia.

Hon. Garry Kelly says that subclause (1)(a) will cover that situation, but it will not. The officer would have to prove that the offence was committed without his consent. The EPA does not have to prove that it was done with his consent. Therefore, he must prove his innocence. It is French law. It is an horrific clause and I shall push this to the limit.

Hon. H. W. GAYFER: I listened with interest to Hon. A. A. Lewis' condemnation of the clause, and indeed it is following the lines of the reception it had in another place. I did not read into the clause what Hon. A. A. Lewis read into it. In the first instance it states that, "Subject to subsection (2), when a body corporate is guilty of an offence under this Act". That is, the body corporate must be found guilty. It is not sufficient to say that the body corporate is guilty; the case must go to law and the body corporated must be found guilty. What follows from then on is the same as the provisions in Hon. A. A. Lewis' amendment, inasmuch as the person who is purported to have acted in any such capacity, as well as the body corpor-

ate, is guilty of the offence. Consequently, in both cases the body corporate is guilty and that is the law.

If one acts on a directorship, and a decision the body corporate makes is found ultimately to be wrong and deserving of action, the whole board is responsible. That very simply is what I read into this; when a body corporate is guilty of an offence under this legislation, it applies to the people involved. However, it must be remembered that first of all the body corporate must be found to be guilty.

Having said that, I advise Hon. A. A. Lewis that I support his amendment because I think it is worded better than the clause in the Bill. They both mean the same thing, but Mr Lewis' amendment is better. For the sake of argument we shall agree with Mr Lewis, and I will support him in this case.

Hon. KAY HALLAHAN: I find myself in conflict of opinion with both Hon. A. A. Lewis and Hon. Mick Gayfer, a very unusual position for me to be in, given my history in this place.

Hon. Mick Gayfer made the point that the body corporate must be found guilty, so the argument put by Mr Lewis in my view does not stand up to the facts in this Bill. We are talking about the situation in which the body corporate has been found guilty.

This clause has been deliberately cast and placed in the Bill to ensure that when a body corporate has been found guilty of an offence under the Bill, the persons responsible for the management are also deemed to be guilty unless they can prove they were not associated with such a direction. There is nothing horrendous about it, and it is not related to French law. The members of the body corporate have to live with the conviction; and those responsible for the decision-making which led to the act and the conviction are also liable.

I accept the wisdom of the Committee and that it may not go with the Government's position on this clause. It does not make the position any clearer or more acceptable generally in terms of how the provision will operate in the community, but I accept that reality.

However, I put it very strongly to the Committee that this clause has been given a great deal of consideration. To cast decision-makers in the role of being liable for their decisions is responsible, and there is nothing unreasonable about this, as put forward by Hon. A. A. Lewis. I ask all members of the Committee to

seriously consider their decision in relation to this clause, and I ask them to support the Bill as printed.

Amendment put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before appointing the tellers, I give my vote with the Ayes.

Division resulted as follows—

Ayes 14

Hon. J. N. Caldwell	Hon. Tom McNeil
Hon. E. J. Charlton	Hon. N. F. Moore
Hon. V. J. Ferry	Hon. Neil Oliver
Hon. H. W. Gayfer	Hon. P. G. Pendal
Hon. A. A. Lewis	Hon. W. N. Stretch
Hon. P. H. Lockyer	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer

(Teller)

Noes 12

Hon. J. M. Berinson	Hon. Robert Hetherington
Hon. T. G. Butler	Hon. B. L. Jones
Hon. D. K. Dans	Hon. Garry Kelly
Hon. Graham Edwards	Hon. Mark Neill
Hon. John Halden	Hon. Tom Stephens
Hon. Kay Hallahan	Hon. Fred McKenzie

(Teller)

Pairs

Ayes	Noes
Hon. C. J. Bell	Hon. Tom Helm
Hon. Max Evans	Hon. S. M. Piantadosi
Hon. John Williams	Hon. Doug Wenn

Amendment thus passed.

Clause, as amended, put and passed.

Clause 119 put and passed.

Clause 120 postponed, on motion by Hon. A. A. Lewis.

Clauses 121 to 128 put and passed.

New clause 44A—

Hon. A. A. LEWIS: I move—

Page 35, after line 28—To insert the following clause—

Confidential Information.

44A. In this part “confidential information” means—

- (i) Any information relating to a manufacturing process or trade secret used in carrying on or operating any particular undertaking or equipment;
- (ii) a secret formula or process;
- (iii) the cash consideration offered for the acquisition of shares in the capital, or assets, of a body corporate;

(iv) the current costs of manufacturing, producing or marketing goods or services; and

(v) any other information which a proponent satisfies the Authority is of a confidential nature.

The intention of this clause is to broaden the confidentiality of information handled by the Environmental Protection Authority and would be understood by all members. There is no need for a long debate on it.

Hon. KAY HALLAHAN: I strongly ask members not to include this proposed new clause in the legislation because the issue of confidentiality of matters referred to the EPA was amended in another place at the request of the Confederation of Western Australian Industry. That body is quite satisfied with such amendments, so we have covered what is required. For that reason the Government takes the view that the proposed new clause is an erroneous addition. While the honourable member may believe his proposed amendment broadens the legislation, in fact the need for confidentiality has been satisfied by existing clause 44.

I draw the attention of members to a fairly significant seminar organised by the Environmental Law Society as part of the consultation in the community in relation to this Bill. As a result of that seminar, the Confederation of Western Australian Industry made an approach to the Government for adequate coverage of confidentiality, and that was done. The relevant clause which existed when that seminar was held was amended to include trade secrets provisions taken from the Trade Practices Act.

We feel we have responded to the expressed needs of business. The confederation has said that the present clause suits its purposes and provides adequate protection. Therefore I feel we can move confidently in disallowing the new clause 44A proposed by Hon. Sandy Lewis.

New clause put and negatived.

New clause 88A—

Hon. A. A. LEWIS: I move an amendment—

Page 75, after line 17—To insert the following clause—

88A. An appointment made under section 87 or 88 shall be published in the *Gazette*.

The reason for this amendment is that the Minister said there will be a deletion, and that rather than fully trained people there will be extra inspectors. We believe the inspectors should be listed in the *Government Gazette* so that people know who the inspectors are.

Hon. KAY HALLAHAN: I would put a very strong case to the Committee not to accept this new clause. The honourable member said it would be nice for people to know who the inspectors are. If we are serious about curtailing red tape and expanding departments, we should consider this amendment very seriously. Where would we stop, once we started publishing in the *Government Gazette* the names of inspectors appointed under this Bill?

Hon. A. A. Lewis: But you are going to publish all the details of the proposals, the referrals, and everything else. This is a list of the inspectors.

Hon. KAY HALLAHAN: Those things are in the spirit of community consultation and are important.

Hon. A. A. Lewis: Aren't the inspectors important?

Hon. KAY HALLAHAN: I do not believe the inclusion of that list would add anything at all. The proposed new clause is in itself incomplete because it does not suggest that the appointment of inspectors is inhibited in anyway, or is not valid until it is gazetted—not that I want to encourage the honourable member to propose another amendment. However, I do not think the proposed amendment adds to the community's knowledge in terms of getting involved in and acquainting themselves with environmental or noise abatement issues.

I cannot see anything to recommend the honourable member's new clause. Sadly, as we approach the end of this Bill, I must appeal to members not to endorse the amendment and to strongly support the clause as it stands.

Hon. A. A. LEWIS: It is very interesting that clause 70 (2) says—

The Chief Executive Officer shall cause to be published from time to time in a prescribed manner such of the particulars recorded under subsection (1) as are prescribed.

The Minister claims that is in the community's interest, but when we ask for a list of inspectors to be published she says it is not in the community's interest. We are told there will be no increase in staff—we do not believe it—and

the present size of the staff is 118. Let us assume they are all inspectors—which they would not be because some are secretaries and research officers. The Minister says it is too expensive to publish in the *Government Gazette* the names of people appointed as inspectors. That is drawing a long bow with the best of them. With my weight I could not draw a bow back as far as the Minister has drawn this one. It is a nonsense, and I do not believe the Government has looked at the clause. It wants us to accept that it is too expensive to publish, and I do not accept that.

Hon. KAY HALLAHAN: The member is being quite misleading and does not understand how this Bill will operate in practice. That is the reason I feel even more strongly that the Bill should be supported. Inspectors will often be drawn from local government authorities, and the Bill provides for delegation of powers to authorities for inspectorial work. It may not suit local Government authorities. They certainly have not been consulted about the names of their officers appearing in the *Government Gazette* in this role. There would have to be more consultation on this issue, and I do not see a need for it.

The more processes we go on with, the greater the expense. People working in Government departments do a lot of exacting work drawing up matters for publication in the *Government Gazette*. If the honourable member has not been involved in the process, I can assure him from my short experience that that is the case. It is time consuming and expensive.

Hon. A. A. LEWIS: The names of local government health inspectors are gazetted, and the cost is negligible. The odd local authorities which do not have a health inspector can be noted. I am not going to push this new clause; it is obvious the Government will not accept it. It seems to be another of the matters which the Government wants to hide. It does not want people to know who the inspectors are.

Let us consider the turnover in staff of the Department of Conservation and Environment. It has a staff of 118, and I wonder how often they are going to turn over. They have not turned over in the past, so once the names are gazetted one would only have to update the list. Is the Minister going to tell me that that is too expensive? It is a nonsense to say the names of the inspectors cannot be gazetted.

New clause put and negatived.

New clause 124A—

Hon. A. A. LEWIS: I move—

Page 95, after line 29—To insert the following clause—

Duration of Act.

124A. (1) This Act shall continue in operation for 7 years from the latest of the days fixed by proclamation under section 2 and no longer.

(2) The expiry of this Act shall not affect the previous operation thereof or the validity of any action taken thereunder.

This is a real sunset clause to replace the clause which the Minister has put in to enable him to review his own department, and if amendments to the Bill are needed he will come back to the Chamber. That is a nonsense sunset clause. The legislation must expire, and the Minister must then have a thorough look and convince the Chamber that the legislation is needed.

Hon. KAY HALLAHAN: This is a little loopy, and I do not want to end our debate on that sort of note. Clause 124 provides for a review of the Act after five years, and I think that is adequate.

I am in sympathy with the honourable member's intention. There is a growing body of opinion which says sunset clauses are a good thing and some functions in our society, set up through Statutes, are not likely to be needed longer than five to seven years.

I ask members to consider protecting our environment because it will become an even more complex task and not a task which will simply fade away to the point where there will be no need for protection. That will not be the case as our pollution situation grows and as pollutants become more toxic and complicated to deal with. It has been the history of mankind that new developments cause greater hazards. There is a need to review the Act to see that it is working well. We do not want a situation where we are drawing many Acts into one piece of legislation. We all agree this is an overdue exercise and we are building that into the Bill. It is very sensible. The notion of a sunset clause, where the Act would not continue past seven years, is quite unrealistic. I ask members to defeat the amendment and support the Bill in its present form.

Hon. V. J. FERRY: I am surprised the Minister has not accepted the new clause. I refer to clause 124. The proposed insertion by Hon. A.

A. Lewis would ensure that there would have to be a review of the Act because it would expire seven years after proclamation. If the Government accepted this new clause, it would incorporate the Government's intentions. The strength of Hon. A. A. Lewis's amendment would ensure something positive is done and there could be no way out of it without coming back to the Parliament and having it completely overhauled.

Hon. A. A. LEWIS: I thank Hon. Vic Ferry for his remarks. That is the strength of my argument. The Minister can review it after five years, and after its review report to the Parliament. Under my sunset clause we can come back and have a look at the whole Act. It is interesting to hear the Minister say what a beneficial exercise it has been to the Government. The Minister has made assurances and numerous administrative matters have been undertaken with respect to some of the amendments. The benefit of bringing it back to the Parliament is obvious from the handling of this Bill last night and today.

New clause put and negatived.

Postponed clause 120: Secrecy—

Hon. A. A. LEWIS: I move the following amendments—

Page 93, lines 12 to 14—To delete "any manufacturing process or trade secret used in carrying on or operating any particular undertaking or equipment" and substitute the following—

the affairs of another person

Page 93, lines 17 and 18—To delete the lines and substitute the following—

(a) With the consent of that person;

This amendment has been altered. It originally referred to proposed new clause 44A, which was defeated. Legal opinion is that the new definition I propose is better than that which we have at the present moment.

Hon. KAY HALLAHAN: I am at a bit of a loss to know what the honourable member is doing. I accept he has had legal opinion and he thinks this amendment will improve the Bill. It is my impression that we are concerned that trade secrets are protected and held in confidence by any person.

Hon. A. A. Lewis: Any affairs, surely?

Hon. KAY HALLAHAN: This business of saying "the affairs of another person" is quite irrelevant. We are talking about trade secrets which need protection and are protected under clause 120 as it stands. I fail to see the basis for

such legal advice to the honourable member. I certainly cannot see any reason to agree to the amendment. I therefore ask members of the Committee to defeat the amendment and support the Bill in its present form.

Hon. A. A. LEWIS: The Minister therefore believes that when the books have been taken by an inspector or the Chief Executive Officer, financial implications can be disclosed by an officer. It is not their business and the matter may not have anything to do with the books of a particular workshop or premises at all. An officer can disclose figures to someone else and put a company in a very embarrassing position, I should think.

Hon. KAY HALLAHAN: I refer members to the present wording of clause 120. It is very inclusive, in my opinion.

Hon. A. A. Lewis: Where does it say anything about the books?

Hon. KAY HALLAHAN: That is part of running the show, surely!

Hon. A. A. Lewis: It does not say.

Hon. KAY HALLAHAN: It does say "any information".

Hon. A. A. Lewis: Relating to any manufacturing process or trade secret.

Hon. KAY HALLAHAN: Yes.

Hon. A. A. Lewis: It has nothing to do with the books of the company at all.

Hon. KAY HALLAHAN: As I read it, it encompasses everything to do with that manufacturing process. It is all-embracing and anyone who does disclose information, according to this Bill, commits an offence. I think that is fairly clear. We are back to the business of dissecting each clause in an exhaustive manner. I am not convinced this exercise is necessarily of great benefit to the Bill. I do not think this amendment is either.

Hon. MARGARET McALEER: It seems to me that the Minister is preferring a rather narrow definition of the matters that might be revealed under privilege, to a definition which is much wider and which totally encompasses all the privileged information obtained by inspectors for very special reasons. Therefore, there is good reason for the Government to ensure that the information which is obtained in this way should be confidential and should be preserved. A number of Acts use this particular phraseology, so the Liberal Party is not proposing anything new.

Amendments put and negatived.

Clause put and passed.

Schedule 1—

Hon. A. A. LEWIS: I move an amendment—

Part III, item 30—To delete "\$2 000" and substitute the following—

\$10 000

I suggested a figure of \$10 000 because in my opinion people could have \$50 000 invested while the people working within the department could release information which was confidential and yet be fined only \$2 000. If one looks at the numerous Acts such as those dealing with income tax assessment, the Public Service Board, health, and so on, the fines are far greater for breaking the secrecy requirements. I believe this schedule should be amended.

Amendment put and passed.

Schedule 1, as amended, put and passed.

Schedules 2 to 4 put and passed.

Title—

Hon. A. A. LEWIS: Although Hon. Graham Edwards is getting happy that we are almost at the end of this debate, I would remind him that I have yet to deliver my third reading speech.

The Government has insisted all the way through that this Bill is to protect and to set standards for the environment and will not interfere in any way with the management of the environment, and that its job was to set and police standards. So in the title of this Bill the Government has provided—

An Act to provide for an Environmental Protection Authority, for the prevention, control and abatement of environmental pollution, for the conservation, preservation, protection, enhancement and management of the environment and for matters incidental to or connected with the foregoing.

I do not think the Government has been dinkum in its conduct of this Bill, even in the management provisions of the Environmental Protection Act in its long title.

I will not move amendments; I just believe that this shows how dinkum the Government has been about this matter.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

HON. KAY HALLAHAN (South-East Metropolitan—Minister for Community Services) [8.47 p.m.]: I move—

That the Bill be now read a third time.

HON. A. A. LEWIS (Lower Central) [8.48 p.m.]: Firstly I would like to compliment the Minister for the courtesy she has shown over a fairly hectic 30 hours. Had her ministerial colleague in the other place shown as much courtesy, we would have finished the debate on this legislation at 10.30 p.m. yesterday. However, that just happens to be one of the facts of life.

I give an assurance to the House that if this Bill is proclaimed in its present form, the Liberal Party, when it becomes the Government, will alter all those objectionable clauses that have gone through. These will all be put to rights and the Liberal Party will attempt, as the Minister has done in her own way, to make sure the environment is protected fully and fairly throughout the State.

HON. H. W. GAYFER (Central) [8.49 p.m.]: I take this opportunity to clarify the National Party's position in respect of this Bill.

National Party members received a certain amount of criticism during the progress of this Bill, none of which particularly made us happy as we were doing our job in our own way and after our research as we thought fit. The National Party does not like the Bill; we would have far sooner see the whole EPA Bill go right out the window.

It is the successor of a Bill that was originally introduced into Parliament by a great Liberal, Hon. G. C. MacKinnon. He was the first Australian Minister for Environmental Protection. This Bill was vetted in another place. We noted that some 24 amendments were moved in the other place, of which 20 were spoken to. We noted that last week Hon. Sandy Lewis talked to the Minister about 20 amendments, virtually the same 20 that were spoken to in the other place. Those 20 amendments then became 50 amendments, and on Friday another 28 amendments were added to this list of foreshadowed amendments, giving a total of 78 amendments. When we came here on Tuesday we were faced with what virtually amounted to a complete rewrite of the Bill.

Having seen what happened to many of the amendments proposed in the other place, there was no way that we were going to come out and support what we thought was a hastily researched Bill—as much as we may have wanted to in many respects. My colleague,

Hon. A. A. Lewis, wanted the Bill to have a seven-year sunset clause. The Bill itself provides for review after five years. However, the best thing that could happen to the Bill would occur in two years' time when we are again in Government, possibly in coalition with the Liberal Party. There will then be a complete rewrite of the Bill, because we are far from happy with it in its present form.

During discussion of the Bill the matter of the general powers of inspectors was raised. It was a most interesting debate, yet members of the National Party said nothing. We could have said something, but when the right of entry of inspectors was debated in another place, the then Deputy Leader of the Liberal Party, now the Leader of the Liberal Party, said that nobody could have any objection to inspectors entering properties for the purposes of inspection. In this House the self-same Liberal Party proposed amendments that were in complete contradiction of the attitude of the Liberal Party in another place. There was a complete reversal of the Liberal Party's position, and there was no time for us to get together.

Hon. A. A. Lewis: What absolute rot!

The PRESIDENT: Order! I just remind the honourable member that the facility of the third reading debate is not to be used for the purpose of discussing the content of the Bill, but for the purpose of a narrow debate as to why the Bill should or should not be read a third time. The time for discussing the things that the honourable member is discussing is the second reading stage. While I do not want to curtail what the honourable member is saying, I remind him that the third reading stage is purely an opportunity for members to give reasons why the Bill should or should not be read a third time.

Hon. H. W. GAYFER: Perhaps I contravened the procedures when I talked about the way some of the clauses were handled in another place.

In adherence to your ruling, Mr President, I point out with respect to whether the Bill should be read a third time that although the Bill has emerged from the Committee stage a slightly different Bill from what it was when it went in, it would have been a vastly different Bill if we could have made the contribution that we would have liked to make. We would have liked to delete a good deal of the Bill, rather than attempt to improve it.

We do not like regimentation. We believe that there is a lot of regimentation in the legislation. That will alter in time. We will support the third reading of the Bill. My colleagues and I have agreed on this, but we do so rather reluctantly.

HON. G. E. MASTERS (West—Leader of the Opposition) [8.55 p.m.]: I did not intend to make any comments, but after listening to the grandstanding of the previous speaker I will do so. A number of amendments put forward in all sincerity by the Liberal Party were protective measures which would have gone at least some distance towards softening the blows that would be dealt by this legislation. The opportunity was there for any member of the House to vote accordingly, and good arguments were put forward with respect to why some of the provisions should have been changed. Nevertheless, some members of the House decided that that would not be the case and they allowed the Bill to proceed almost in the form in which it was presented to the House. That is the end of the argument as far as we are concerned.

The third reading stage is before us. My party and my members were disappointed in the result of their attempt to have 60 or 70 amendments agreed to. Most of those amendments failed as a result of a combined vote against us. We demonstrated our sincerity and our wish to deal with the Bill properly. Hon. Sandy Lewis has given every indication that when we get back into Government we will take steps to implement the large number of amendments that we put forward in this House.

Quite obviously, after that disappointment, we oppose the third reading.

HON. NEIL OLIVER (West) [8.56 p.m.]: In view of the very major changes that will take place, particularly with respect to the role of the responsible Minister, when is it proposed that the Bill be enacted? When it is enacted will it supersede all other environmental reports that are currently under consideration and which would normally be subject to the 60-day publication rule. Before giving my support for the passage of the third reading of this Bill, I would like to know where we will stand in relation to that.

HON. E. J. CHARLTON (Central) [8.57 p.m.]: I refer to the comments of the Leader of the National Party in this place, Hon. H. W. Gayfer. I assure the Leader of the Opposition that he was not grandstanding; he was commenting about the validity of the amend-

ments sought to be made to the Bill. He alluded also to the comments made in another place by the National Party.

As has been said, the National Party wanted to make some other major changes to the Bill. We decided it would not be productive to continue with the large number of amendments on the Notice Paper or to make further comment on those amendments. That was the reason we contributed to the debate only on those clauses we thought had a particular bearing. We made our contribution in all sincerity; we certainly were not grandstanding.

HON. KAY HALLAHAN (South-East Metropolitan—Minister for Community Services) [9.00 p.m.]: I take the opportunity to express my appreciation to members for their attention and cooperation during a long debate, particularly given some of the reservations members now express. We are looking at hall-mark legislation in the area of environmental protection in this State. It is my view, sadly perhaps not shared by everybody in the House, that it is a very good piece of legislation. Members should keep in mind the fact that it is based on what is presently in place and functioning, so that may give comfort to some members.

The fact is that Parliaments can no longer avoid addressing the delicate areas relating to environmental matters, and some difficult decisions must be made. This Bill is a good balance of difficult decisions.

I commend the Bill to the House.

Question put and passed.

Bill read a third time, and returned to the Assembly with amendments.

BILLS (7): ASSENT

Message from the Governor received and read notifying assent to the following Bills—

1. Control of Vehicles (Off-road areas) Amendment Bill.
2. Superannuation and Family Benefits Amendment Bill.
3. Acts Amendment (Parliamentary Superannuation) Bill.
4. Agriculture and Related Resources Protection Amendment Bill.
5. Co-operative and Provident Societies Amendment Bill.
6. Friendly Societies Amendment Bill.
7. Foreign Judgments (Reciprocal Enforcement) Amendment Bill.

ACTS AMENDMENT AND REPEAL (ENVIRONMENTAL PROTECTION) BILL

Second Reading

Debate resumed from 12 November.

HON. A. A. LEWIS (Lower Central) [9.03 p.m.]: The Opposition agrees with this Bill because it is consequential on the previous one. We will not hold up the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Hon. Kay Hallahan (Minister for Community Services), and passed.

ROAD TRAFFIC AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 25 November.

HON. D. J. WORDSWORTH (South) [9.07 p.m.]: The Opposition concurs with this Bill. It allows a concession for pensioners registering a motor vehicle which is within limited weights. It was promised at election time, and we could not disagree with it. Pensioners are having a very hard time at present, and I certainly do not disagree with the Bill.

The Minister has stated that to obtain this concession a person will be required to make a declaration setting out his or her pension details. I am glad to see that it has been done in that way.

I asked the Leader of the House questions about another person seeking a concession where that person was required to give details, and the Government would be able to go to the Taxation Office to obtain details of that person's tax statements. I consider that a very serious infringement of one's rights, and I have never heard of it being done before. I do not believe Governments should approach the Taxation Office for these details.

Hon. D. K. Dans: That is not in this Bill.

Hon. D. J. WORDSWORTH: It might not be, but the example was of a person seeking a concession from the Minister for Transport. That same Minister is the person who signed his name to this request. The person concerned

was Mrs Peden. We have talked about her wishing to run a small boat up the river at Nornalup. Before being given that concession she had to reveal her full taxation details.

I am glad to hear that when Cabinet met at Manjimup, some members of the Government met her and agreed to grant her a concession. I hope she does not have to reveal her tax situation—and by tax situation I mean her full records with that department.

This Bill states the person has only to make a declaration. That is much more sensible and we support it.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Hon. D. K. Dans (Leader of the House), and passed.

ACTS AMENDMENT (PORT AUTHORITIES) BILL

Second Reading

Debate resumed from 25 November.

HON. D. J. WORDSWORTH (South) [9.11 p.m.]: The Bill amends various port authority Acts. At one stage it appeared we would have a common port authority Act, but we find now that is not to be the case. The Bill allows amendments to some half a dozen port authority Acts and allows port authority board members to be appointed for periods of up to three years, thereby allowing an authority to use for a short time the services of someone with a particular expertise.

I gather this will be the case with the Port of Fremantle where the reappointment of the retiring chairman of the board would be limited because of his age and would preclude his accepting another full term when his knowledge would be of benefit to the State over the period he was still eligible to serve.

The Opposition supports the Bill.

HON. H. W. GAYFER (Central) [9.13 p.m.]: The Bill is a further indication of a departure from the usual idea of setting up boards in general. In the past various boards, including port authority boards, have been set up with the idea of ensuring a certain amount of continuity of representation from various areas.

By altering the period of service to a maximum of three years—in other words a person could be appointed for just one or two years—we will have a situation where board members will virtually be able to be turned in and out and port authority boards will now be receiving direction from a vastly different set-up than was previously the case.

The Minister claims this will avoid a situation where the terms of office of many members terminate at the one time, with the difficulty that implies for continuity of membership. That is a strange argument because I notice that in some areas Ministers of the Crown today want boards to be elected for only 12 months and then to disappear entirely because the Ministers say there is no distinct advantage in having the boards for any longer period.

Here the reverse argument is used. The Minister says there should be a continuity of board membership by having a staggered retirement for the various members. This is the strangest part of the Bill. The Government is going from having the complete cessation of boards annually in many cases, to allowing for boards to have staggered retirements to avoid board members terminating at the one time.

I wonder whether we really need all these port authorities. I believe the Victorian system that is going to develop, where that State is reverting to one centralised authority, is the best idea. The WA Government arranged a ministerial investigation of this system which came out very strongly with the view that in WA we should have separate port authorities.

I believe our system is administratively top heavy and allows the setting up of Taj Mahals by officers of each port authority. I am sure our system allows for an overlap of administration and an overlap of many other theatres of operation because of having all these separate port authorities. The members of each port authority will say, "Cut it out. We are good for our districts because we are decentralised operations." Some of these ports which handle only one commodity do not need a separate port authority of the magnitude that has developed at these ports in recent times. Having read the Government's report, I know my argument will get no hearing.

We have too many port authorities by far and their officers are too magnificently housed at considerable expense. They are a drain on the community and do nothing to lower wharfage and other costs.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Hon. D. K. Dans (Leader of the House), and passed.

BETTING CONTROL (BUNBURY GOLDEN CLASSIC) BILL

Second Reading

Debate resumed from 25 November.

HON. V. J. FERRY (South-West) [9.20 p.m.]: I have pleasure in supporting this Bill. It is proposed to hold the race during the Anzac Day weekend in 1987. I commend the Bunbury Chamber of Commerce for accepting the task of conducting the race. I also understand that many people have had an input into the initial stages of the event and I give them full marks. However, my main appreciation goes to the Bunbury Chamber of Commerce for accepting the responsibility for conducting the event.

As I said, the event is to held on the Anzac Day weekend next year. I note from the Bill that the day and the place are to be notified in the *Government Gazette*. If the race is held on Anzac Day, its proceeds will go towards the Anzac Day trust fund. Members know that the proceeds from sporting events such as horseracing, the trots, or football matches held on Anzac Day are paid into that fund which benefits the work that ex-service organisations do for their members. It is a wonderful system.

I understand that the footrace known as the Bunbury Golden Classic will not be held on Anzac Day for a number of reasons, not the least of which is that proceeds will be required to stage the events in the future. The event needs to be self-supporting, and it is therefore appropriate that it be held on a day other than Anzac Day.

If, in the future, it is found to be a successful meeting, I hope that Bunbury will continue to enjoy such a prestigious event which is really based on the Stawell Gift, a footrace held in Victoria for many years.

This is the first such footrace of its kind to be held in Western Australia in the modern era. I mention "the modern era" because I recall, in my much younger days, that professional footraces were conducted in Western Australia and were particularly popular in country areas.

They were called sheffields and were held over 120 yards. I knew several competitors who travelled from meet to meet, and were very professional indeed. It is rather amusing to think about how those fellows trained when we consider the magnificent sporting arenas that are available to athletes today. These athletes ran around ploughed fields in an effort to get fit for the events, and they thoroughly enjoyed it.

Whether betting was legal or not, it went on. I was too young to indulge. First of all, I did not have any money, and secondly, I was not good at picking winners.

This sort of race is not new to Western Australia, but it is certainly new in recent years. I have no doubt that the Bunbury committee charged with the responsibility for conducting the event will have the benefit of experience from the Stawell Gift, which is conducted over the Easter weekend in Victoria.

The Bill contains a sunset clause terminating it on 30 June 1987. I do not disagree with sunset clauses, and it is important that this Bill contain one as this will be a trial event. If it is successful, as I am sure it will be, I expect another Bill will be introduced in the next 12 months so that the event can be conducted again. I have not checked this out with the organising committee yet, but I wonder whether the sunset clause will inhibit arrangements for future meetings, especially the meeting in 1988, if one is held. Sunset clauses ensure that the legislation will return to the Parliament for Parliament to deal with the matter again in the light of experience. I hope that the Parliament agrees to future events being held.

The Bill also allows for on-course betting, which is part and parcel of professional footracing today, as it is for so many professional events. The Totalisator Agency Board Betting Act will not be amended because it will not be possible to bet on the footrace through the TAB. I think, because of that, the atmosphere at the racetrack will be enhanced because only bookmakers will be allowed to accept bets. It is similar to what occurs at present at racetracks where patrons prefer to place their bets with bookmakers rather than with the TAB.

The original intention was for the footrace to be held during the 150-year celebrations of the city of Bunbury. A great number of functions and events have been held this year.

Hon. P. G. Pental: The Bussell family reunion.

Hon. V. J. FERRY: Yes, which Hon. Phillip Pental attended and which was most enjoyable, as far as I know. Many magnificent events have been conducted in Bunbury during the last year, and they have not finished yet. Here I pay tribute to Mrs Maggie Nolan, who is the executive director of the celebrations. Mrs Nolan has contributed beyond the call of duty in coordinating all of the functions over the last 12 months. It has been a mammoth task for her and the committee with which she is affiliated. I commend her and everyone associated with the Bunbury sesquicentenary for their tremendous efforts.

This footrace was to be part of the 12-month celebrations. It has not worked out that way for a number of reasons, but it is certainly not a bad idea to have it over the Anzac Day weekend next year. I hope that it is successful and that it will become an annual feature of the Bunbury scene. If it is anything like the Stawell event in Victoria, it will become a quite prestigious event as time goes by. I have pleasure in supporting the Bill.

HON. TOM McNEIL (Upper West) [9.31 p.m.]: The National Party is very much in favour of this legislation for the Bunbury Golden Classic. I noted with interest that the second reading speech made mention of the Stawell Gift run at Bendigo in Victoria. That would be a most interesting event, because if the starting line was in Bendigo and the finish line was at the Stawell Gift track, it would be the slowest run race in history because they are about 150 miles apart. I assume that what was meant was the Stawell Gift run at Central Park in Stawell. I have been there many times, for many most enjoyable weekends. In those days, we always used to come away with a pound because quite a number of footballers in Victoria had been running for a couple of years trying to get their marks shoved out from 5¼ to 6¼ and up to the 11-yard mark. I think it was a guy called L. Cooper who won the first one back in 1928 when the first Stawell Gift was held 58 years ago.

The Stawell Gift I always like to remember was that held in 1951. It was won by Gerald Hutchinson, who was not only a schoolmate of mine but also a football club mate.

Hon. D. K. Dans: Did you back him?

Hon. TOM McNEIL: We came away with a lot of lolly. We backed him in to 12 to one before they found out how good he was in the semi-finals. According to the timing equip-

ment, he actually crossed the line in second place. I cannot recall the name of the guy who inched him out, but the official judges—

Hon. E. J. Charlton: Did they back him?

Hon. TOM McNEIL: They must have. Anyway, they awarded the race to Gerald Hutchinson in 1951. He ran it in eleven and thirteen-sixteenths off eight yards and we all went home very merry and with a pocketful of money.

Hon. D. K. Dans: Including the judges, I'd say.

Hon. TOM McNEIL: I would not know about that.

However, it was quite interesting to see that the second reading speech referred to the Stawell Gift. I hope that if the Bunbury Golden Classic is run on that Anzac Day weekend—and I assume that since Anzac Day falls on the Saturday we would come back to the old hardy perennial where there would be a holiday on the Monday—the new board of directors of the Western Australian Football League will do the right thing and give some of the money that they make on that sporting weekend back into the fund for the old servicemen. The project is well worthy of support, and Hon. Vic Ferry and I raise the matter every year. I hope that in 1988 the Western Australian Football league will not avoid its responsibilities towards that sport.

I made note of Hon. Vic Ferry's reference to 120 yards. In 1973 it was 130 yards and after that it was 120 metres.

Hon. V. J. Ferry: It may have been 120 metres.

Hon. TOM McNEIL: The Stawell Gift is a most colourful day. The track is set out beautifully with streamers and bunting and the runners really fly. It is a race well worth seeing.

The Bendigo 5000, the Wangaratta Gift, and the Laverton Gift are all run around the same time. I hope that they will not be looking for a feedback from Stawell Gift runners as these events usually take place around Stawell Gift time. If they are held then, we will probably be deprived of having some of the top professional runners from the Eastern States run in the Bunbury Golden Classic.

I support the fact that there is a sunset clause in the Bill, but I found it a little confusing, because it was earlier said that the race would be an annual event and that this was to be a "one off" situation. I sincerely hope that if the

race is a success, the Government of the day will look at making it a day that goes down as a professional running event within WA.

Hon. D. K. Dans: You are simply looking at how the bookmakers operate.

Hon. TOM McNEIL: Certainly. If the first time the event is staged is a success, I hope it will be run as an event that will draw people from all over the State as well as from the Eastern States. I hope that the sunset clause will in due course be removed so that the race can become an annual event, and bookmakers will be a permanent fixture.

The Lions Club in Mullewa ran the Mullewa Gift this year. The first professional Gift was held in Mullewa in 1922. I understand it was the first professional footrace over 130 metres held in WA. However The Lions Club resurrected the race this year. There was prize money of \$500, very small peanuts compared with prize money of \$50 000 in Victoria. The Lions Club hopes to run the race again next year, so Mullewa might be able to get a spin-off from the Golden Classic runners from Bunbury.

The National Party strongly supports the legislation.

HON. DOUG WENN (South-West) [9.36 p.m.]: I am very proud that this Bill has come forth, as I have been very involved with it. I would like to comment on a few of the points that were covered by Hon. Vic Ferry and Hon. Tom McNeil, but first I will give some of the history with respect to this race.

Five years ago, a Mr Bob McCormack took the idea for the foot race to the Chamber of Commerce in Bunbury. He is a very staunch supporter of the Stawell Gift and he used to go to Victoria on an annual basis to watch the races. Unfortunately, at that time there was not enough interest among members or the chamber to follow through the idea. A year and a half ago, I picked up the idea and took it back to the Chamber of Commerce. This time, there were enough very interested young people in the chamber to see the benefits of the Golden Classic. At that time, we had not given it the name of the Golden Classic; that came about three months later. We thought the name fitted very well.

We thought, though not very seriously, about holding the race in the year of the 150th birthday for Bunbury, but there was not enough time for preparation. As a new venture, it needed a lot of work done on it, as we have found out in the last 12 months.

Hon. Vic Ferry pointed out that it is proposed to hold the Golden Classic on the Anzac Day weekend. During the early meetings of four of us we spoke very seriously about its being held on that weekend and we had no hesitation in deciding that any profits that might be made from the event would go to the RSL and the clubs that run Anzac Day. We are lucky that it is to be held on that weekend, because it will lock us into other events being held throughout Australia. The Stawell Gift is held at Easter. Most of the other States have a professional sprint similar to the Stawell Gift. The Victorian Athletics Association came here to give us all the advice it could and it offered to come back on that weekend to run our very first Golden Classic. That shows how keen the Victorian Athletics Association is to get the race going.

The Victorian Athletics Association registers almost every professional sprinter in Australia. Not too many of the other States have taken the trouble to set up their own athletic group to lock in on it. Interest is coming from overseas. From the day the Victorian Athletics Association came here, we had requests from Finland, Norway, England and all around the world from professional runners asking when the Bunbury Golden Classic would be held so that they could lock in on the Australian circuit. The circuit starts in Queensland and works its way down through New South Wales, South Australia and Victoria. Finally, it will end in WA from where the athletes will depart for their home areas.

With regard to the sunset clause, we asked for that as a one-off because if it did not work, we probably would not want to retain it and it would be hard to maintain enthusiasm.

The members of the committee are very keen to make it work and with their determination, I feel sure that it will. We have obtained assistance from the Tourism Commission in Bunbury. The Small Business Association and the South West Development Authority are supporting us very strongly, as are most of the business people in Bunbury.

In time this will become as big as, if not bigger than, the Bunbury Cup. Anybody who has been to Bunbury on that occasion knows how exciting Bunbury is during that week. Every one has a good time, spends money and promises to return next year, and they do. I believe the Bunbury Golden Classic will do the same for Bunbury.

HON. D. J. WORDSWORTH (South) [9.41 p.m.]: I congratulate Bunbury on promoting this idea of a footrace. A race is held not only in Stawell but also in Tasmania; it is called the Burnie Gift, and many people regard it equally as famous. This is part of the circuit and it is very popular in that State.

I ask the Minister for information on the subject of betting; I am not a betting man and I am a little ignorant in these matters.

Hon. Tom McNeil: What do you want to know?

Hon. D. J. WORDSWORTH: What is different about this Bill is that it will allow bookmakers to bet on the race and the totalisator will not be able to operate on it. The Betting Control Act of 1954 states which events bookmakers can bet on and the Totalisator Act states which events the tote can bet on.

Referring now to the America's Cup, we see odds quoted on the race coming from England. It would appear that people in England are more able to bet on a whole range of things, whether it be football or who will win the next election. We have very strict betting laws and this goes back to the days when it was thought that bookmakers ripped people off. It appears that the general philosophy has been that we do not bet on humans but we do bet on animals.

Hon. D. K. Dans: That is not correct either.

Hon. D. J. WORDSWORTH: I believe that by the time a jockey is put on the horse we may as well be betting on him; but there does seem to be some philosophy in this area.

Have applications been made to bet on the America's Cup—for example, from Tattersalls or other people—and if those applications have been refused, what reasons have been given? What is the general philosophy nowadays on bookmakers being able to bet on events such as the Bunbury Golden Classic?

HON. D. K. DANS (South Metropolitan—Leader of the House) [9.44 p.m.]: I thank members for their support of this rather simple legislation. I will endeavour to answer the questions posed by Hon. D. J. Wordsworth.

No, novelty betting has not yet been legalised in Western Australia; that is to say, we do not officially bet on football, for example. Of course, people bet anyway on a number of things. On this occasion we are allowing bookmakers to field at the Bunbury Golden Classic to see whether it works. If it does, I would be

inclined to think that in years to come perhaps the tote will become involved. Whether that is so, I do not know.

If it were planned to hold the Golden Classic race without the bookies, we may as well forget it. Members heard from Hon. Tom McNeil that he remembers vividly the Stawell Gift because he won money on it. He would not have been there had he not been able to bet.

In some States of Australia all manner of betting is allowed. For instance, in Sydney Harbour bookies field on the 18-foot and 16-foot skiffs. Bets can be made at the skiff clubs. Some people have become fairly wealthy as a result of gambling on that type of sailing.

It would be difficult to run a book on the America's Cup because in the final races only two boats will be racing. Therefore, the odds would be pretty restrictive. My advice to anyone who wants to bet on the America's Cup is to bet with his mates, as people do with football matches.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Hon. D. K. Dans (Leader of the House), and passed.

AGRICULTURE PROTECTION BOARD AMENDMENT BILL

Second Reading

Debate resumed from 20 November.

HON. W. N. STRETCH (Lower Central) [9.48 p.m.]: The Opposition has no great objection to this Bill although we wish to raise a number of points.

The Minister in another place admitted that the Bill was by no means perfect and that it was a compromise with conflicting community interests within the State. That is a reasonable statement; in fact, it is probably an understatement.

The situation with the old board was that the Primary Industry Association had two members, the Pastoralists and Graziers Association had one, and the Country Shire Councils Association of Western Australia had five members. Added to that were the Director of Agriculture, the chief of the Agriculture Protec-

tion Board and a member of Treasury. The Treasury man has been deleted from the new organisation; we have no objection to that and neither does Treasury.

The constitution then becomes a little more complicated and, of course, with the director and the chief executive as the only fixed officials, there will be nine vacancies instead of the eight in the previous board. It has been decreed that the PIA instead of having two members will have one and not more than two from a panel of seven submitted to the Minister. The PGA, which previously had one member chosen from a list of three names, will now have one chosen from six names. The Country Shire Councils Association will have not less than two members and not more than five from a panel of nine names, and previously it had five members.

The other new members are taken from the zones within the APB split-up of the State. That probably is a fair compromise and at this stage we intend to be charitable and say that the Minister has approved this submission to him because he believes it will give a reasonable spread of representation throughout this State. However, I believe it has an inherent danger for an unscrupulous Minister, if such a Minister were ever appointed, to allow the board to become very political, purely because of the choice the Minister has been given.

The best solution would be that each body submit to the Minister the names of the persons it wants on the board. The Minister of the day could then either accept or reject those names. He could say that a person was not acceptable, either giving his reasons or not, and ask the body to submit another name in place of the one he has rejected.

I am quite aware that the status quo was established under a Liberal Government and that it did have some imperfections; however, I do not believe the proposal in the legislation before the House is the way to go in the long term, and there is scope in the future to arrange the selection of members of the APB in the way I have mentioned; that is, by those members being nominated directly by their organisations. However, we will not move amendments in that regard because it has been accepted as a general principle by most people. The Country Shire Councils Association, being the major loser, is very unhappy about it.

I believe a tremendous responsibility devolves upon the Minister's shoulders to ensure that selection of the people to that very import-

ant board is completely and evenly spread throughout the State, and I am confident enough in the Minister that he will ensure this is so and that this very important role is carried on.

The depredation of plant and animal pests throughout the State into the agricultural industries is a matter of great concern to us, with the speed of modern transport and the extreme increase in the numbers of stock travelling interstate and from overseas. We have to be ever-vigilant. In my electorate at present we have the potential tragedy of Johnes disease, a wasting disease in cattle herds closely related to tuberculosis. It has crept up on us quietly, although it has been known for some time that it was in the State.

There is a tremendous responsibility on the shoulders of the board and its officers. While this is a small Bill, its implications for the State of Western Australia are enormous. I know the Minister is aware of his responsibilities and I am confident he will carry them out. I urge the Minister in charge of the Bill in this place to advise the Minister for Agriculture of our concern and our faith in him that he will choose suitable people for the task so that the remarkable work done by the Agriculture Protection Board and its officers over the years will be carried on.

The Opposition generally supports the Bill, and looks forward to the Minister's continuing fair administration of this body.

HON. E. J. CHARLTON (Central) [9.55 p.m.]: I support the comments of the previous speaker regarding the changes to the Act. The Agriculture Protection Board has had a changing role, from the time it was first brought into being up to the present day. Its main responsibility, and the one most well-known to people, particularly those in country areas, is to do with skeleton weed. I heard only in the last few days that another major find of this weed has been made in the wheatbelt areas. Certainly the problems associated with skeleton weed and the measures taken by APB personnel have been nothing short of outstanding. Skeleton weed also poses a great problem in other States, although what might be measured by some as a great problem is not considered so great by others. Be that as it may, it is certainly something that the agricultural areas of Western Australia would not like to face on top of the other problems before them at this time.

Some discussion has taken place about changes to the structure of the board, other than those envisaged in this legislation. These changes relate to where field staff will be centred, staff reductions, and so on. I apologise for the late notice of the amendment in my name that has just been circulated; however, I was not aware that the Bill would come before the House tonight.

Hon. D. K. Dans: Did you know that I will have to adjourn this Bill and have the Committee stage come on at a later date?

Hon. E. J. CHARLTON: I apologise for any inconvenience caused.

Hon. D. K. Dans: I do understand the circumstances.

Hon. E. J. CHARLTON: It is a very simple amendment in its mechanics, but is fairly important in the results it would achieve. I will move the amendment when we reach the Committee stage of this Bill.

We support the changes proposed by the Government, along the lines discussed by Hon. Bill Stretch.

HON. D. J. WORDSWORTH (South) [9.57 p.m.]: I would like to use this occasion to express a concern I have about the build-up in the number of rabbits in this State. Until now rabbits have been kept under control to a large extent, not only here but probably also almost everywhere in Australia. For 100 years they were the scourge of this country, and it is rather frightening to see them beginning to appear on our roadsides quite regularly. Every year the numbers seem to build up a little more, and I hope they will be controlled, although that control seems to be getting harder and harder to achieve.

For some time we have been expecting that this would happen—that the rabbits would overcome the diseases introduced by man and that more and more reliance would have to be placed on poison. I only hope the Agriculture Protection Board will be able to continue the job it has done in the past and that the problem will not get out of hand. There is no doubt at all that with the economic situation facing our rural community today it could not handle an outbreak of a plague of rabbits. It is remarkable that we have kept their numbers down for the last 30 or 40 years. I do not think many farmers complain very much about their contribution to the APB.

The board is a rather large organisation and it is remarkable how many four-wheel drive vehicles one sees with the board's badge on as one drives around the countryside.

This Bill deals only with the manner in which the board is selected. I am rather surprised to find that the Minister expects to have five, and in one case seven, nominees of an organisation. In the past when we were in Government there were complaints if three nominees had to be provided. The organisations felt they ought to be able to select the person on that board. I express a little concern at the power the Minister will have when he starts choosing from those seven. It removes practically all opportunity from those organisations to have a direct input as to who shall be on the board.

HON. N. F. MOORE (Lower North) [10.01 p.m.]: Being a conservative, I get wary when Governments seek to change bodies which are working well. The Agriculture Protection Board is one of those boards which has performed its functions extremely well over the years and is doing just that at present. The Standing Committee on Government Agencies recently met the Chief Executive Officer of the APB, and he gave us a very good explanation of the board's activities.

The activities of the APB are very important to my electorate because of the kangaroo problem there. I am worried that a future Minister—I am not suggesting this Minister for Agriculture—may decide to appoint people to the APB whose views are not sympathetic to the pastoralists who are my constituents, and the kangaroo problem could be exacerbated. There is a considerable push by animal welfare people against the culling of kangaroos, and the film "Goodbye Joey" was a classic example of the extraordinary lengths to which some people go to present a false argument.

I express my concern should some Minister in the future decide to take advantage of this amendment to put people on the APB whose sympathies do not lie with the landholders. The APB may become ineffective in pastoral areas. Many people who could be loosely termed "greenies" would prefer to see no pastoralists and would use any means at their disposal to get rid of them. Putting those sorts of people on the APB would be one way in which a left-wing Minister could achieve that end on behalf of the "greenies" or conservationists. I express my wariness at the alterations being made, bearing in mind that the APB has worked successfully in the past and now, and there is no great demonstration of need for change. I hope my concerns about the future are not realised.

HON. D. K. DANS (South Metropolitan—Leader of the House) [10.04 p.m.]: I thank members for their contribution. I am rather

astounded at some of the statements made by Hon. Norman Moore. It is the first time I have heard him describe himself as a conservative. I do not know why a left-wing Minister would do the things he said. However, I will take on board the comments that have been made.

Question put and passed.

Bill read a second time.

ADJOURNMENT OF THE HOUSE

HON. D. K. DANS (South Metropolitan—Leader of the House) [10.05 p.m.]: I move—

That the House do now adjourn.

Aboriginal Liaison Committee: Funds

HON. N. F. MOORE (Lower North) [10.06 p.m.]: I do not believe the House should adjourn until I draw members' attention to what I consider to be a most unsatisfactory response to a question I asked on 20 November, the answer to which I received yesterday. In question 629 I asked the Minister for Aboriginal Affairs the following—

(1) How much was expended by the Aboriginal Affairs Planning Authority to "administer" the Aboriginal Liaison Committee chaired by Mr E. Bridge MLA?

(2) Will the Minister provide details of how these funds were expended?

The reply was as follows—

(1) and (2) Exhaustive efforts conservatively estimated to have cost the Aboriginal Affairs Planning Authority in excess of \$13 500 have been made to provide the member with information about these and other matters. However, it is clear that there is considerable doubt about the member's bona fides. Accordingly, the member is advised that the Minister is prepared to see him personally to provide any legitimate assistance. At the same time the Minister will not assist the member on any "fishing" expedition designed only to reflect poorly on Aboriginal people in an unfair way.

I have been seeking information for a long time about the expenditure of Government funds. As far as I am concerned, I do not care who spent them; I want to know how they were spent, and on what conditions. The Aboriginal Affairs Planning Authority administered the Aboriginal Liaison Committee during the Seaman inquiry. I have to confess to the House

that when I was inquiring into the matter last year it did not occur to me that the authority was making money available to administer the liaison committee. It did not occur to me until the recent Select Committee was set up that money was being spent by the authority on the activities of the liaison committee. The liaison committee made \$440 000 available as grants to recipients and I assumed that was all the money that was involved until evidence was given that expenses were made available. The Select Committee was able to find out that \$18 000 was made available in expenses to members of the liaison committee.

I thought that if that money was made available perhaps other funds were made available by way of administration. I put a question on the Notice Paper because by this time the Select Committee had ceased to operate. It was a simple question which asked how much money had been spent to administer the liaison committee. It would be easy to answer, I would have thought, bearing in mind that the Aboriginal Affairs Planning Authority is a statutory body which would keep proper accounts of its books, unlike the liaison committee which I have criticised extensively. I expected a very simple answer to the effect that X number of dollars had been spent on this and that and Y number of dollars had been spent on something else.

Instead I got a political answer which says I am trying to cast aspersions on Aboriginal people in an unfair way. It has nothing to do with Aboriginal people. The question relates to the expenditure of Government money by a statutory authority. What that has to do with Aboriginal people and a reflection on them is beyond my comprehension.

To suggest I am on a fishing expedition is in a sense correct because I wanted to know how much money was spent, and I had no idea what I was looking for—whether it was \$50, or \$50 000, or 2/6½d. I had no idea what sort of answer I was going to get. I guess that breaks one of the rules of parliamentary questions; one should know the answers before one gets them. On this occasion I did not know the answer, and I am happy to admit that. The answer was that if I asked the Minister personally he might provide me with legitimate assistance. What is "legitimate assistance"? I would have thought it was legitimate for me as a member of Parliament to ask a Minister how one of his authorities has spent our money, because it is the taxpayers' money. That is what I am here

for as a member of Parliament. One of my jobs is to scrutinise the expenditure of Government funds.

We are entitled to know how the money is spent, so I am entitled to ask this question and not have to go to the Minister personally and ask in a private and confidential way if he is prepared to provide the information I seek. When I got this answer I thought perhaps I might start some research myself because clearly I was not going to get any real answers. I guess this is my own fishing expedition. I took out some information, and the first part relates to the statement of receipts and payment for the year ended 30 June 1984 for the Aboriginal Affairs Planning Authority.

The Aboriginal Affairs Planning Authority's accounts for the year ended 30 June 1984 show that a payment of \$466 097.81 was made to the Aboriginal Liaison Committee. I then looked at the accounts of the authority for the year ended 30 June 1985 and under the heading, "Aboriginal Liaison Committee", is the figure \$198 158.29. I added those figures together and arrived at a total of \$664 256.10.

The Aboriginal Affairs Planning Authority shows in its accounts a total expenditure under the heading, "Aboriginal Liaison Committee", of \$664 256.10. I felt that that figure was greater than it should have been so I went back to the Select Committee report and found that the amount allocated by the Aboriginal Liaison Committee to its recipients was \$449 539.14. If that figure is subtracted from the amount expended by the Aboriginal Affairs Planning Authority on the Aboriginal Liaison Committee, the difference is \$214 716.96—over \$200 000! It is some fish that I happened to come across when I went on a fishing expedition!

The question I asked the Minister was, "How much money was spent to administer the committee?" The answer should have been, "\$214 716.96." The accounts of the Aboriginal Affairs Planning Authority show that that is the amount that was spent. By subtracting the amount spent by the recipients, that is the figure with which I am left.

Where did that money go? Maybe it was spent legitimately on salaries and maybe it was spent legitimately on a whole range of things. When I received the answer to my question No. 629 which advised me to speak with the Minister personally and he would give me the answer, I began to wonder what was going on. I

wondered why I had to do that sort of thing to find out how the Government is spending taxpayers' money.

I would like to know what happened to \$200 000 without having to move for the formation of another Select Committee. I am sure that the Leader of the House cannot give me an answer tonight. I am entitled to know the answer and I am entitled to ask questions and to receive a better answer than the one I received.

HON. D. K. DANS (South Metropolitan—Leader of the House) [10.13 p.m.]: The answer given by the Minister for Aboriginal Affairs is quite legitimate. Hon. Norman Moore has asked numerous questions about this subject and, they have all been answered.

Hon. N. F. Moore: That is not true.

Hon. D. K. DANS: They have been answered to the tune of \$13 500.

Perhaps Hon. Norman Moore does not know that the Minister need not have answered any of his questions, and I will give him an example of what happened to me when I sat on the other side of the House.

Hon. N. F. Moore: I do not care what happened to you.

Hon. D. K. DANS: The Minister went further and offered Mr Moore the opportunity to meet with him in order that he could find out what he wanted to know.

Mr Deputy President (Hon. Robert Hetherington), you will recall the occasion when I asked a series of questions of the then Deputy Premier, Sir Des O'Neil, about the Police Department. I asked nowhere near as many questions as Hon. Norman Moore has asked about this subject. Finally, the answer I

received was, "I refuse to answer any more questions on this subject." That was the end of the story.

Mr Moore did not receive that kind of answer from the Minister for Aboriginal Affairs. He was given an invitation to meet with the Minister and his departmental officers if he desired to do so. There is nothing wrong with the answer that was given. It is a perfectly legitimate answer and, in my opinion, it is a sensible answer.

Hon. N. F. Moore: It is a typical answer by this Government.

Hon. D. K. DANS: It is better than the no answers given by a previous Government of which Mr Moore was a member.

I am pointing out that on numerous occasions the Opposition, when in Government, refused to answer questions, and that is on the public record. This Government has answered every question put forward and tonight the Minister advised Mr Moore that if he wanted to find out the information he could do so by meeting with him and, therefore, a further \$13 500 would not be wasted.

Hon. N. F. Moore: He has not answered every question.

Several members interjected.

Hon. D. K. DANS: Mr Deputy President you know as well as I do that the Opposition, when in Government, did not have the decency to answer questions if it did not want to, and that is on the public record.

Several members interjected.

The DEPUTY PRESIDENT (Hon. Robert Hetherington): Order! I will not have members interrupting when I am putting the question.

Question put and passed.

House adjourned at 10.15 p.m.

QUESTIONS ON NOTICE

EMPLOYMENT AND TRAINING: PRIORITY ONE SCHEME

Applicants

618. Hon. NEIL OLIVER, to the Leader of the House representing the Minister for Employment and Training:

Under the Federal Government's priority one youth traineeship scheme—

- (1) How many applicants have been placed in permanent employment, if any, in Western Australia?
- (2) If (1) is yes, in what categories of employment have appointments been made?
- (3) If (1) is yes, what are the number of appointments in—
 - (a) Government;
 - (b) local government; and
 - (c) private enterprise?

Hon. D. K. DANS replied:

- (1) to (3) The Australian traineeship scheme is designed to provide a mix of on and off-job training. It is not an employment scheme but an attempt to provide another form of structured entry training into the labour market for young people.

The scheme commenced in WA in late 1985 and intakes of trainees have continued throughout 1986. The majority of trainees are still in training at this time. A number of trainees have left the scheme before completing their traineeships to take up employment or to pursue further education.

The first intakes of trainees will graduate at the end of this year and early in the new year. Their subsequent employment will be subject to job vacancies being available and normal employer recruitment practices.

ABORIGINAL LIAISON COMMITTEE

Administration Expenses

629. Hon. N. F. MOORE, to the Attorney General representing the Minister for Aboriginal Affairs:

- (1) How much was expended by the Aboriginal Affairs Planning Authority to "administer" the Aboriginal Liaison Committee chaired by Mr E. Bridge, MLA?
- (2) Will the Minister provide details of how these funds were expended?

Hon. J. M. BERINSON replied:

- (1) and (2) Exhaustive efforts conservatively estimated to have cost the Aboriginal Affairs Planning Authority in excess of \$13 500 have been made to provide the member with information about these and other matters. However, it is clear that there is considerable doubt about the member's bona fides. Accordingly, the member is advised that the Minister is prepared to see him personally to provide any legitimate assistance. At the same time the Minister will not assist the member on any "fishing" expedition designed only to reflect poorly on Aboriginal people in an unfair way.

ROAD: BALLADONIA-FISHERIES ROAD

Vandalism

637. Hon. D. J. WORDSWORTH, to the Minister for Community Services representing the Minister for Environment:

- (1) Is the Minister aware of vandalism taking place on the south end of the road between Balladonia and the Fisheries Road east of Esperance whereby trees were felled with chain saws and dragged across the road?
- (2) Has any action taken place to prosecute such vandalism?
- (3) If not, has a warning been given to those responsible for such an action?

Hon. KAY HALLAHAN replied:

- (1) The blocking of the Balladonia track, by felling several live mallees and dragging these trees plus additional dead trees across the road, has only taken place on the northern end of the road—that is, within the Dundas Shire area. To the best of my knowl-

edge, these obstacles have been removed from the track. They are, however, apparently being replaced intermittently.

- (2) and (3) I understand this is a matter that comes within the jurisdiction of the shire council.

HOUSING CONTRACTS

Esperance

640. Hon. D. J. WORDSWORTH, to the Minister for Community Services representing the Minister for Housing:

- (1) Have contracts from Homeswest at Esperance recently been concluded?
- (2) If so, was a tender by a local builder rejected in preference for one greatly in excess of it and submitted by a builder normally resident over 400 kilometres away?
- (3) If so, why was such a tender rejected?
- (4) Is this a common practice?
- (5) Have exceptions been made in the past to allow a local builder or the lowest tenderer to comply with any special conditions?

Hon. KAY HALLAHAN replied:

- (1) Yes.
- (2) and (3) The local builder's tender did not comply with the conditions of tender concerning apprentices and was therefore invalid.
- (4) Yes.
- (5) To my knowledge, exceptions of this nature have not been made in the past.

WATER AUTHORITY: STAFF

Austmark Tower, Bunbury

643. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Water Resources:

- (1) Is it the intention of the department to move any staff into the Austmark Tower block in Bunbury?
- (2) If so—
 - (a) from what sections;
 - (b) how many from each section;

(c) what offices will they be vacating; and

(d) what will the offices mentioned in (c) be used for?

Hon. D. K. DANS replied:

- (1) No. The district and regional staff of the Water Authority moved into the Bunbury Tower on 6 October, 1986.
- (2) Not applicable.

BUILDING MANAGEMENT AUTHORITY: STAFF

Austmark Tower, Bunbury

645. Hon. A. A. LEWIS, to the Minister for Works and Services:

- (1) Is it the intention of the department to move any staff into the Austmark Tower block in Bunbury?
- (2) If so—
 - (a) from what sections;
 - (b) how many from each section;
 - (c) what offices will they be vacating; and
 - (d) what will the offices mentioned in (c) be used for?

Hon. D. K. DANS replied:

The member is referred to the reply to question 646.

CROWN LAW DEPARTMENT: STAFF

Austmark Tower, Bunbury

646. Hon. A. A. LEWIS, to the Attorney General:

- (1) Is it the intention of the department to move any staff into the Austmark Tower block in Bunbury?
- (2) If so—
 - (a) from what sections;
 - (b) how many from each section;
 - (c) what offices will they be vacating; and
 - (d) what will the offices mentioned in (c) be used for?

Hon. J. M. BERINSON replied:

- (1) and (2) Staff movements to the Austmark building are still being finalised, and I will advise the member of the details in due course.

**LOCAL GOVERNMENT DEPARTMENT:
STAFF**

Austmark Tower, Bunbury

647. Hon. A. A. LEWIS, to the Attorney General representing the Minister for Local Government:

(1) Is it the intention of the department to move any staff into the Austmark Tower block in Bunbury?

(2) If so—

- (a) from what sections;
- (b) how many from each section;
- (c) what offices will they be vacating; and
- (d) what will the offices mentioned in (c) be used for?

Hon. J. M. BERINSON replied:

See reply to question 646.

STATE PLANNING COMMISSION: STAFF

Austmark Tower, Bunbury

648. Hon. A. A. LEWIS, to the Minister for Community Services representing the Minister for Planning:

(1) Is it the intention of the department to move any staff into the Austmark Tower block in Bunbury?

(2) If so—

- (a) from what sections;
- (b) how many from each section;
- (c) what offices will they be vacating; and
- (d) what will the offices mentioned in (c) be used for?

Hon. KAY HALLAHAN replied:

See reply to question 646.

MINES DEPARTMENT: STAFF

Austmark Tower, Bunbury

649. Hon. A. A. LEWIS, to the Attorney General representing the Minister for Minerals and Energy:

(1) Is it the intention of the department to move any staff into the Austmark Tower block in Bunbury?

(2) If so—

- (a) from what sections;
- (b) how many from each section;
- (c) what offices will they be vacating; and
- (d) what will the offices mentioned in (c) be used for?

Hon. J. M. BERINSON replied:

See reply to question 646.

HOMESWEST: STAFF

Austmark Tower, Bunbury

650. Hon. A. A. LEWIS, to the Minister for Community Services representing the Minister for Housing:

(1) Is it the intention of the department to move any staff into the Austmark Tower block in Bunbury?

(2) If so—

- (a) from what sections;
- (b) how many from each section;
- (c) what offices will they be vacating; and
- (d) what will the offices mentioned in (c) be used for?

Hon. KAY HALLAHAN replied:

See reply to question 646.

**SPORT AND RECREATION
DEPARTMENT: STAFF**

Austmark Tower, Bunbury

651. Hon. A. A. LEWIS, to the Minister for Community Services representing the Minister for Sport and Recreation:

(1) Is it the intention of the department to move any staff into the Austmark Tower block in Bunbury?

(2) If so—

- (a) from what sections;
- (b) how many from each section;
- (c) what offices will they be vacating; and
- (d) what will the offices mentioned in (c) be used for?

Hon. KAY HALLAHAN replied:

See reply to question 646.

**CONSUMER AFFAIRS DEPARTMENT:
STAFF**

Austmark Tower, Bunbury

652. Hon. A. A. LEWIS, to the Minister for Community Services representing the Minister for Consumer Affairs:

(1) Is it the intention of the department to move any staff into the Austmark Tower block in Bunbury?

(2) If so—

- (a) from what sections;
- (b) how many from each section;
- (c) what offices will they be vacating; and
- (d) what will the offices mentioned in (c) be used for?

Hon. KAY HALLAHAN replied:

See reply to question 646.

**EMPLOYMENT AND TRAINING
DEPARTMENT: STAFF**

Austmark Tower, Bunbury

653. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Employment and Training:

(1) Is it the intention of the department to move any staff into the Austmark Tower block in Bunbury?

(2) If so—

- (a) from what sections;
- (b) how many from each section;
- (c) what offices will they be vacating; and
- (d) what will the offices mentioned in (c) be used for?

Hon. D. K. DANS replied:

See reply to question 646.

TRANSPORT DEPARTMENT: STAFF

Austmark Tower, Bunbury

658. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Transport:

(1) Is it the intention of the department to move any staff into the Austmark Tower block in Bunbury?

(2) If so—

- (a) from what sections;
- (b) how many from each section;
- (c) what offices will they be vacating; and
- (d) what will the offices mentioned in (c) be used for?

Hon. D. K. DANS replied:

See reply to question 646.

**SMALL BUSINESS DEVELOPMENT
CORPORATION: STAFF**

Austmark Tower, Bunbury

659. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Small Business:

(1) Is it the intention of the department to move any staff into the Austmark Tower block in Bunbury?

(2) If so—

- (a) from what sections;
- (b) how many from each section;
- (c) what offices will they be vacating; and
- (d) what will the offices mentioned in (c) be used for?

Hon. D. K. DANS replied:

See reply to question 646.

POLICE DEPARTMENT: STAFF

Austmark Tower, Bunbury

660. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Police and Emergency Services:

(1) Is it the intention of the department to move any staff into the Austmark Tower block in Bunbury?

(2) If so—

- (a) from what sections;
- (b) how many from each section;
- (c) what offices will they be vacating; and
- (d) what will the offices mentioned in (c) be used for?

Hon. D. K. DANS replied:

See reply to question 646.

ENVIRONMENT

Landscape Gold Star Programme

663. Hon. A. A. LEWIS, to the Minister for Community Services representing the Minister for Conservation and Land Management:

Since launching the landscape gold star programme—

- (a) how many have been sold; and
- (b) where are they obtainable?

Hon. KAY HALLAHAN replied:

- (a) Two subscriptions;
- (b) gold star subscriptions are obtainable at regional, district, and head offices of the Department of Conservation and Land Management. Landscape magazines will be available at most newsagents and book stores.

WASTE WATER

Sampling

664. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Water Resources:

- (1) Is it correct that the Western Australian Water Authority is demanding that local authorities sample waste water—
 - (a) if it is recycled; and
 - (b) if it is not recycled?
- (2) If so, what is the necessity for this if part (b) above applies?

Hon. D. K. DANS replied:

- (1) (a) and (b) The Water Authority has requested that samples from locally operated schemes be taken.
- (2) I understand the samples are required to test the effectiveness of the operation and maintenance of the treatment facilities.

SPORT AND RECREATION:
WATER-SKIING*Ellendale Pool*

666. Hon. P. G. PENDAL, to the Minister for Community Services representing the Minister for Environment:

- (1) Has an application been received to allow water-skiing on the Greenough River's Ellendale Pool?
- (2) If so, what is the likelihood of this application being approved?

- (3) If such an application is under consideration, is any thought being given as to how—

- (a) the cliffs along the pool banks will be protected from possible damage resulting from the wash of the skier's boats; and
- (b) the birdlife in the area will be protected from the noise created by the water-ski activity?

Hon. KAY HALLAHAN replied:

- (1) I understand that an application has been made by the Western Australian Water Ski Association to the Greenough Shire to allow water-skiing on Ellendale Pool.
- (2) The Greenough Shire will be considering the application shortly. I am not aware of the likelihood of the application's success or otherwise.
- (3) To assist the Greenough Shire in its deliberations on the application, the shire sought comments from the Department of Conservation and Land Management. The advice provided by the department is as follows—

The Ellendale Pool area is one of the few areas where the rare and endangered peregrine falcon is known to nest regularly. To date the nesting habits of these birds have not been affected by the passive recreational usage of this area.

The introduction of more intrusive recreation such as water-skiing is likely to heighten stress levels on these birds and this usually leads to cessation of breeding activity. This would be a matter of great concern given the status of peregrine falcons throughout Australia and the rest of the world.

To a lesser degree, the same argument holds for the many species of waterfowl which use this waterway. Stress levels determine nesting success, and eventually the very factors such as abundant wildlife and a peaceful natural location which attract people to this area will become diminished.

This would indeed disadvantage the large proportion of users of the reserve area.

MOTOR VEHICLE DRIVERS: LICENCES

Examinations

667. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Police and Emergency Services:

- (1) Is it correct that examinations for drivers' licences are conducted in English and one foreign language?
- (2) If so, what is that language?
- (3) Is there any intention to increase the number of foreign languages in this respect?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) Drivers' licence tests are being conducted in Vietnamese at the East Perth Licensing Centre on a trial basis. I refer the member to my media statement of 17 August 1986, a copy of which will be forwarded to him.
- (3) These tests are being monitored to determine whether or not they should be extended to other languages.

DAIRYING: MILK BOTTLES

Abolition

670. Hon. P. G. PENDAL, to the Minister for Community Services representing the Minister for Consumer Affairs:

- (1) Is the Minister aware that the packaging of milk in bottles is to be abolished in Western Australia in favour of carton packaging?
- (2) Is he aware that this change is causing concern to some consumers who have a strong preference for bottled milk?
- (3) Is it correct that whereas milk bottles have been manufactured in Western Australia, milk cartons are not and will therefore have to be imported?

Hon. KAY HALLAHAN replied:

- (1) Yes.
- (2) Yes. Carton milk is homogenised, bottled milk is not; and to that extent consumers' choice of product has been reduced.

- (3) This matter is being investigated. I understand that the cardboard from which the cartons are made is imported, but that it is moisture-proofed, printed, and assembled in Western Australia.

EDUCATION: HIGH SCHOOL

Greenwood: Noise Offences

673. Hon. N. F. MOORE, to the Minister for Community Services representing the Minister for Education:

Has any action been taken against the Education Department under the Noise Abatement Act relating to Greenwood Senior High School?

Hon. KAY HALLAHAN replied:

No.

CREDIT ACT

Amendment

675. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Consumer Affairs:

- (1) Is it correct that the Credit Act is not working and that the Government is operating under the spirit of the legislation rather than the Act?
- (2) Is the Government rewriting this Act or at least major sections of the Act; and, if so, when will it be presented to Parliament?

Hon. KAY HALLAHAN replied:

- (1) No.
- (2) At the recent meeting of the Standing Committee of Consumer Affairs Ministers (SCOCAM), Ministers for Consumer Affairs endorsed the desirability of uniform simplified credit laws and approved the formation of a working party to review the operations of the Act.

It is anticipated that the working party will report to the next SCOCAM meeting in July 1987.

MOPEDS*Legislation*

676. Hon. G. E. MASTERS, to the Leader of the House representing the Minister for Police and Emergency Services:

- (1) Does the Government plan to introduce legislation in the spring session of Parliament amending the description of mopeds under the Road Traffic Act?
- (2) If yes, will the amending legislation permit people with "A"-class licences to ride mopeds?

Hon. D. K. DANS replied:

- (1) and (2) No. It is anticipated that legislation to amend the Road Traffic Act will be introduced in 1987.

People with an "A"-class driver's licence are currently permitted to ride mopeds and it is anticipated this will not change.

QUESTIONS WITHOUT NOTICE**LEGISLATIVE COUNCIL COMMITTEE SYSTEM***Debate*

199. Hon. G. E. MASTERS, to the Leader of the House:

I refer to the Legislative Council Notice Paper and ask if debate will be proceeding on Order of the Day No. 23, committee on committee system, before we rise at the end of this session?

Hon. D. K. DANS replied:

I am not in a position to answer that today. I will speak to the Leader of the Opposition privately when I have determined the matter.

GOVERNMENT INSTRUMENTALITIES*Staff: Austmark Tower, Bunbury*

200. Hon. A. A. LEWIS, to the Attorney General:

Further to question 646 in today's questions on notice relating to the Austmark Tower, when is it expected that I will receive an answer to that question? The Attorney General said that I would receive an answer in due course. Does he know when that answer will be given?

Hon. J. M. BERINSON replied:

I do not know when I will be in a position to provide a substantive answer, but I expect it will be during the forthcoming recess.

JUSTICES OF THE PEACE*Appointments: Shire Clerks*

201. Hon. P. H. LOCKYER, to the Attorney General:

Can he inform the House as to the Government's attitude to the appointment of shire clerks as justices of the peace?

Hon. J. M. BERINSON replied:

In general it is not thought desirable to appoint shire clerks as justices of the peace as, in their official capacities, the clerks can be called on to launch prosecutions.

