

Legislative Assembly

Thursday, 20 November 1980

The SPEAKER (Mr Thompson) took the Chair at 11.00 a.m., and read prayers.

ABORIGINAL LANDS TRUST

Removal of Chairman: Petition

MR PEARCE (Gosnells) [11.03 a.m.]: I have a petition from 115 Aboriginal citizens of this State which reads as follows—

We the undersigned Aboriginal people of Western Australia are asking the Parliament of Western Australia that Ken Colbung resign his position of Chairman of the Aboriginal Lands Trust, on the grounds that he's failed as an Aboriginal person to defend and speak to the best of his ability to protect the Aboriginal people's grassroots, the Aboriginal beliefs and culture and law and sacred sites and burial grounds at Noonkanbah.

The Government is responsible for putting him in his position yet without the likes of Aboriginal people he wouldn't be in that position.

Aboriginal people don't want a lone black adviser to a white cause which is drilling on a sacred site at Noonkanbah. He is not a tribal lawman. He only speaks in favour of the white man, we are asking the Parliament that he resign.

We're speaking from within our bodies that the sacred sites of Noonkanbah are important to us. Ken Colbung has failed, we the Aboriginal people by making statements saying the Aboriginal people want drilling to go ahead at Noonkanbah which we the Aboriginal people don't want. We are calling on this Parliament to ask Mr Colbung to resign and your petitioners in duty bound will ever pray.

In certifying the petition conforms with the Standing Orders, I draw the attention of the House to two slightly unusual features of it. One is that a number of signatories to the petition have affixed their marks which have been duly witnessed and I have accepted those marks as signatures.

Secondly, the petition has been circulated with a cover sheet which I have left attached to the petition. In my opinion, the cover sheet provides a model for other people who circulate petitions. It contains a warning to people to sign the petition

only if they believe in what it sets out to do. The cover sheet reads as follows—

This petition is asking the West Australian Parliament for Mr Ken Colbung Chairman of the Aboriginal Lands Trust to resign because he's failed to respect the Aboriginal Peoples' beliefs and culture and tribal laws at Noonkanbah.

To be signed by Aboriginal people. Everyone, men and women, of their own freedom of choice.

Each person must read this carefully first before signing and those who cannot read must have it read to them and if then they wish to sign their name it must be of their own freedom of choice. If they can't sign their name, make their mark and witnessed.

I believe that shows the seriousness with which the petition was viewed by those who signed it and, therefore, I have accordingly left the cover sheet attached to the petition.

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

(See petition No. 41.)

CLOSING DAYS OF SESSION

Standing Orders Suspension

SIR CHARLES COURT (Nedlands—Premier) [11.07 a.m.]: I move—

That so much of the Standing Orders be suspended as is necessary to enable Bills to be introduced without notice, to be passed through all their remaining stages on the same day, and Messages from the Legislative Council to be taken into consideration on the day they are received.

Normally this motion would have been moved earlier than this as part of another motion; but at the time I moved that motion I indicated that, bearing in mind the way in which the notice paper was being dealt with, it did not seem to be necessary.

I do not believe we will need to use this provision very frequently; but there could be occasions on which the House might like to expedite the passage of Bills, particularly the receipt of messages from the Legislative Council referring to Bills and amendments.

I have mentioned the provision to the Leader of the Opposition and it would be normal to confer with the Opposition in order to inform it that we would like to invoke the provision before actually using it.

MR DAVIES (Victoria Park—Leader of the Opposition) [11.09 a.m.]: As the Premier said, this motion is generally moved some time during the final stages of a session. In the past, it has been necessary for the motion to be moved earlier and one of the principal reasons for that was there was no provision for a Bill to proceed directly from the second reading to the third reading stage on the one day. However, several years ago, that position was changed under Standing Orders and the provision exists now that, if there is no objection from members of the House, the third reading of a Bill may be taken forthwith. From time to time the Government avails itself of this procedure in order that legislation may be dealt with as quickly as possible. It is a very proper procedure.

We are quite happy to see legislation move from one House to the other with the least possible delay and, as the Premier has said, he intends to confer with us on occasions when it may be necessary to deal with messages or amendments from the Legislative Council without waiting for the usual "qualifying" time to pass.

We understand the reasons for the Premier moving the motion and we support it.

Question put and passed.

LOCAL GOVERNMENT SUPERANNUATION BILL

Report

Report of Committee adopted.

Third Reading

MRS CRAIG (Wellington—Minister for Local Government) [11.10 a.m.]: I move—

That the Bill be now read a third time.

MR CARR (Geraldton) [11.11 a.m.]: The Minister's handling of this Bill continues to be disappointing. Yesterday, in Committee, I raised several points which she was unable to answer at that time. I do not blame her for this because those questions required advice to be given. However, I had hoped that during the third reading stage, answers would be given to the questions I raised.

I raised a point on clause 22 (5) and also I raised a question on clause 21 which states that there is a lien, by the council, on any benefit accruing to the member. I said I objected to that and said that it appeared to be in conflict with clause 27 (t) which stated that the regulations would be drawn up so that there would be no assignment of benefit. I asked the Minister to qualify the contradiction on those two points and I had hoped she would be able to do so.

I had hoped also for a comment on the question of the amendment in the second schedule and hoped she could confirm the correctness of the amendment we made last night. It appears the original word was a misprint and we corrected it.

MRS CRAIG (Wellington—Minister for Local Government) [11.12 a.m.]: In reply to those few comments of the member for Geraldton; so far as clause 22 is concerned and the question he raised, the situation is that if a person did have to take action in the Supreme Court the cost of legal representation would be his cost.

In relation to the matter of the lien in clause 21, that is a clause which was taken from the existing scheme and has always been the situation that pertains to superannuation schemes and to which no objection was raised during negotiations.

With regard to the matter of members' interest: I did refer the member to paragraph (b) but I have checked the matter with the Crown Law Department today. The people there believe that what I said to the member last night was quite correct and that would not be considered to be a direct interest and would not have a disadvantageous effect on those cases coming before the board.

With the last comment, I have confirmed that the amendment moved by the member last night to correct the misprint was in fact correct.

Question put and passed.

Bill read a third time and transmitted to the Council.

ENVIRONMENTAL PROTECTION AMENDMENT BILL

Second Reading

Debate resumed from 13 November.

MR BARNETT (Rockingham) [11.14 a.m.]: Prior to the introduction of this Bill there was considerable speculation and gossip abroad within the community as to what the content of the legislation would be when it came before the House.

Mr Mensaros interjected.

Mr BARNETT: We hope to get away from this place by next Wednesday but we will not be able to do so if we have inane interjections.

The rumours reached alarming proportions and by way of a number of leaks from the department, information was received from extremely reputable sources. This information came from a source from which other information has been provided in the past and has proved to be correct.

The unfortunate aspect of these rumours, which came to the public's attention by way of television and newspaper coverage, was that neither the Premier nor the Minister took an opportunity at any time to refute these allegations.

It is a tactic of the Premier to skirt around questions that are embarrassing, especially when he knows that the situation will take its course. Rather than answer questions in this House, he skirts around them and that is what he did in this particular case.

The allegations abroad within the community were that the Minister for Conservation and the Environment would be given the power to direct the Environmental Protection Authority. This question was asked of the Premier and the Minister on a number of occasions and in every instance they skirted around the question of whether they intended to introduce this provision in the legislation.

Mr Davies: I think the Minister said he did not know.

Mr BARNETT: That is true. He has become what might be termed as "His Master's Voice", as it was in the olden days and those are the days the Premier will remember very well.

Eventually, the Minister was forced into a situation where he had to enter a debate on television on the "Terry Willesee's Perth" programme. The Minister was asked whether it was the Government's intention to provide ministerial power over the EPA. The Minister said he was not aware of any legislation in this State which gave a Minister power over a department and power to direct what its reports would be.

I do not know how long the Minister has been in the Parliament but he needs to be here for only one year, or even less than one year, to know because that is precisely what occurred with the Minister for Cultural Affairs. The Minister for Cultural Affairs did that in his involvement with the Noonkanbah issue and it is well known that he did this with the Museum Board. He directed the Museum Board as to what report it should make and what should be in that report.

If these Ministers have skirted the issues, it would appear there was some foundation for what was said. It was also said that the Government would sack the Director of the Environmental Protection Authority and this has occurred. Another rumour abroad in the community was that the Government intended to place the Environmental Protection Authority under the direction of the Department of Resources Development. This would have been a heinous

move and there is no need for me to explain how bad it would have been. I am pleased that at this stage that provision has not appeared in the Bill.

Another rumour was that the Government intended to drop the requirements which are provided in section 57 (1) of the Act. This provides for a Minister to advise the EPA of any project which would come under the auspices of the department and which could cause environmental problems throughout the State. This is a very important requirement within the Bill. These fairly substantiated rumours were circulating in the community and one would have thought the Premier or the Minister would have made a comment one way or another about them. However, that was not the case.

The public reaction to these rumours was so strong that there was considerable newspaper comment. Even *The West Australian* saw fit to criticise the Government and the Premier and asked for a reply to its criticisms.

A number of rallies were held, including a successful rally outside Parliament House. Hundreds of citizens attended this rally at a fairly inconvenient time—it was during the meal break. I notice that even the Liberal Party members of this House whose usual wont is to attend a rally by looking out of the windows of the upper storeys of this place, spent their time in the dining room.

As a result of the rallies and a considerable flow of correspondence—I have received an enormous number of letters and I suppose this has been the experience of other members—it appears that the Government mellowed its original intentions and did not introduce the Bill it had intended to introduce.

When the measure was finally introduced, the Opposition—my committee, other interested members from this side of the House, and I—investigated the matter considerably. I personally took what I considered to be an unprecedented step; I telephoned all three members of the Environmental Protection Authority—Mr Colin Porter, Mr Adams, and Mr Main. As would be expected, of course, none of these men was prepared to comment. In fact, the reply I received from one gentleman typifies the attitude of the three. He said, "This is too hot, it is red hot, no, I will not comment."

Mr O'Connor: Where did you contact Mr Adams?

Mr BARNETT: I contacted all of them by telephone.

Mr O'Connor: Locally?

Mr BARNETT: Yes, I obtained their telephone numbers, and I telephoned them from here.

I held discussions with representatives of the Conservation and Environment Council of Western Australia on a number of occasions. We spent many hours considering all aspects of the Bill.

Mr O'Connor: How long ago did you contact the members of the authority?

Mr BARNETT: I think it was late last week or Monday of this one. I cannot remember the exact day.

Mr O'Connor: The exact day does not matter.

Mr BARNETT: I contacted each member individually, and although I did my utmost to determine their opinion as to whether this was good or bad legislation, none of the members of the authority would talk with me. They would discuss other matters with me, but not the Bill.

I want to make it perfectly clear that I went to a great deal of trouble to try to obtain as many opinions as possible.

After a study of the measure, the Opposition has formed the opinion that the Government, in its stated belief that it is tightening up the Act and making it stronger, is not genuine. We hold the view that Her Majesty's Opposition in this State cannot support the Bill. We agree that to a certain extent it tidies up sections of the parent Act, but many measures we discuss here are machinery type Bills to do just that, and this is not one of those.

I want to list the things this Bill does. It actually weakens the EPA considerably. It will remove the right of the EPA to make public its recommendations. That was one of the strongest provisions of the 1971 legislation, and it is to be removed.

The Bill will sack the director of both the EPA and the Environmental Protection Council. It gives us no indication at all about his replacement. The Bill reduces the involvement of genuine environmentalists in positions of authority within the EPA, and what it does not do is probably just as bad—it leaves in one of the most obnoxious sections of the parent Act. I will come to that a little later.

It behoves me to outline to members, as briefly as possible, what the EPA is. I will take one or two minutes to do that.

Mr Davies: Take your time, you have all day.

Mr BARNETT: That is the point, I have all day today and some of next week.

Mr Davies: And the week after if necessary.

Mr BARNETT: I will go through this fairly quickly, because we have other more important points to come to.

Mr Stephens: I hope it will not be along the lines of the speeches given by the Minister for Transport.

Mr BARNETT: This will be an educated speech, and one of some substance. I feel convinced that when the member for Stirling has heard it, he will vote with the Opposition.

As I said, it is important that members should understand what the Environmental Protection Authority is. The Department of Conservation and Environment is a Government department of some 48 members set up to advise the three-man authority. I have already named the three men; Mr Colin Porter—the director of the department—Mr Main, and Mr Adams. These three men then have the opportunity to advise the Government, and I use the word "advise" on purpose because they do not tell the Government what to do, they merely advise it.

So as well as these three men as its direct heads, the department has a staff of 48 professionals to advise its heads. It has also an Environmental Protection Council. This is a 16-member council representing all sections of the community—and I will have more to say about that later—and this also is chaired by the director of the department.

It is interesting to note that when the director sits as Chairman of the EPA—the three-man authority—he has a deliberative vote, and there is good reason for that because otherwise only two people would be voting on issues. However, when he sits as Chairman of the EPC, he does not have a deliberative vote. As I continue with my remarks, it is important to remember that point. When the director sits as chairman of the 16-member council, he has a casting vote.

I realise that is a very brief resume of the set-up of the EPA as established under the parent Act—an Act that has served us well since 1971. I am proud to say that the Bill for this Act was introduced by "honest" John Tonkin during the term of the Tonkin Government.

I have mentioned some of the effects of the Bill before us. Our main objection to it is that it will sack the director of the department from the chairmanship of both the EPA and the Environmental Protection Council. We are opposed to that.

The Bill will delete those sections of the Act which were included to handle the coming into

operation of the legislation initially. That is fair enough, and we have no objection to it. Later on the Bill introduces safeguards against officers of the EPA entering private property without warrant. Of course we could not object to something which will prevent an invasion of privacy. However, the Bill makes particularly bad recommendations in respect of membership of the Environmental Protection Council. Certain actions could have been taken in respect of this council, but they have not been taken, and the recommendations that have been made are particularly bad. As I said, in a number of instances it will remove the ability of the EPA to publish its recommendations.

So, the Bill contains six main items of thrust; the Opposition considers four of those items to be very bad amendments and only two to be of minor, consequential gain, and on that basis, we are forced to oppose the Bill.

I intend to deal individually with each objection. I turn first to the proposal to sack the Chairman of the Environmental Protection Authority and the Environmental Protection Council. Members will recall that I outlined a little earlier in my remarks that the Environmental Protection Council is a 16-member body which is chaired by the Director of the Department of Conservation and Environment, who advises and recommends; he does not have a deliberative vote but he does have a casting vote when necessary. Incidentally, I have been unable to find any occasion when the director has had the opportunity to use his casting vote, although that is not to say he has never used it; it is merely to indicate a casting vote is used on only rare occasions.

The Opposition was concerned to ascertain whether the Government was genuine in its efforts to remove the influence of the director from the EPC, and to allow it to act independently of the department. Having examined the amendments, we have come to the conclusion the Government is not genuine because the legislation will allow for a situation where the EPC must advise the director of any of its meetings and the director or his representative may attend any of its meetings. He will be permitted at those meetings to give advice, and to enter into discussions. The only thing he will not be able to do is vote; he will be allowed neither a deliberative nor a casting vote; nor will he be permitted to chair the meeting; he will be there purely in an advisory capacity.

The Opposition wanted to ascertain whether the Government adopted the same sort of policy in regard to its other authorities and departments.

If that were the case, it would be a fair assumption to make that the Government were genuine in respect of this legislation. So, the Opposition asked a series of questions both in this House and in the Legislative Council seeking to establish how many organisations, authorities and boards the directors of the various departments sat on and whether in fact they had a deliberative vote at such meetings.

I think the Minister will agree that if the Government were heading in that direction with regard to all its organisations, authorities and boards, it would be fair that it should be heading in that direction with the EPA and the EPC.

Mr O'Connor: It depends. There may be a new move which has just started which may not apply to many other authorities; in future, those authorities may be so treated. It depends on the time we start moving in the way we believe is most correct or beneficial.

Mr BARNETT: As a result of our questions, the Opposition established that in all cases—I repeat, in all cases—the directors of the departments referred to enjoyed full voting status on all the boards on which they were represented. That in itself may not appear too serious when taken out of context; the House no doubt would want to know to how many we referred. I will select a few at random; however, I remind the Minister that in all cases, the directors or commissioners enjoy full voting rights.

The Director of the Department of Fisheries and Wildlife sits on 12 boards and authorities, and has full voting rights on each one. The Director of the Department of Conservation and Environment sits on 20 authorities and, once again, has full voting rights. However, I imagine that after today or tomorrow, he will not have full voting rights on all those organisations.

The Under Secretary of the Public Works Department sits on 23 such organisations, the Under Secretary of the Department of Labour and Industry, 15, the Chairman of the Public Service Board, 34, and the Director General of Transport, 19; all these people are given full voting rights on each organisation on which they are represented.

Mr O'Connor: Do you think they are represented on too many authorities?

Mr Davies: Yes, I think they could be.

Mr O'Connor: So do I.

Mr Davies: The Commissioner of Public Health sits on 36 authorities, which must be too much.

Mr BARNETT: I think a number of these directors and commissioners could be represented

on too many authorities, which may affect their work in other areas. The Opposition considers that 34 such authorities would be too many; perhaps 20 would be a reasonable figure. The Director of the Department of Conservation and Environment is represented on 20 organisations which he could probably handle, because he is a full-time director.

Mr O'Connor: Would it not depend on the time it takes on each of these authorities?

Mr BARNETT: Yes, but if a person is a dedicated public servant and a full-time director of a department, he must expect this sort of thing. Members of Parliament sit on at least that many, and we manage to fit it into each day.

It is clear, therefore, that the Government is not embarking on a programme of removing its directors or heads of department from these individual authorities, and is not taking away their individual voting rights. It is doing this only in respect of the Environmental Protection Council.

So, we will have a situation where the director who once was chairman of the EPC, and who once had the opportunity to lodge a casting vote, now will be summoned to the meetings—because that is what the Bill says—and he will go along to the EPC meetings, cap in hand like a school boy. He will no longer speak with the authority of the Chairman of the EPC. His role within the EPC will be considerably weakened because he will no longer exercise the authority he possesses under the current legislation. He will be allowed to enter into discussion and give advice, but he will not be permitted to lodge a casting vote should the need arise.

The three-man Environmental Protection Authority is a completely different kettle of fish. Although it has been in existence for nine years, it is a completely new concept; in fact, I could not find any other Government department with which I could liken the EPA. So, there was no other example to which I could refer when making my assumptions on the EPA.

Under this legislation, the EPA will remain a three-man body, whose function is to advise the Government on the basis of recommendations put to it by the 48 fully qualified staff within the department. It is important to remember that the original legislation provided that the EPA would be made up of three men, and the chairman of the authority would be the Director General of the Department of Conservation and Environment.

One could assume that this man would be environmentally aware; that he would be an environmentally experienced man. We would have

one man already on the EPA who was environmentally aware, concerned, and experienced within that field. The legislation went on to say that at least one other would be environmentally aware and concerned. So we have the situation where at least two of the three are environmentalists.

However, what we have now is a situation where the director has been sacked or, if members would prefer, removed, although I see no difference.

Mr Davies: Moved sideways.

Mr BARNETT: The Bill allows for one of the three to be an environmentalist and I do not object to that; it is a fairly smart move on the part of the Government and one of the very few the Government has made in this legislation.

One of the other three is to be a legal practitioner who has had no less than seven years' experience in his field. For the life of me I cannot understand why it is necessary for one of those people to be a legal practitioner. We have a number of legal practitioners in this Parliament, which is partly the reason I cannot understand the necessity for one of the members to be a legal practitioner.

Mr Skidmore: They are more likely to support the Government.

Mr BARNETT: The Minister may remove me from this path completely by advising me just why it is necessary to have one member who is a legal practitioner. Has something happened over the last nine years which has led the Government to believe it is necessary that one of the members should be a legal practitioner?

Mr O'Connor: I will do that when I reply.

Mr BARNETT: So we have the situation where the director can still attend the meetings of the EPA but only in a non-voting capacity and, as I said earlier, in an out-of-command situation; he will be commanded to attend to advise and discuss matters but he will no longer be able to make any firm decisions. As with the case of the EPC he would go cap in hand, like a school boy summoned by his headmaster, to give advice. This director, who is chairman of both the EPA and the EPC, would be one of the most eminent environmentalists in the world—we are not talking about Western Australia, the backwater of the world, or Australia but the entire world. Throughout the world he is eminent and renowned.

• We will have the situation where only one of these three men will be environmentally concerned and he can be summoned cap in hand

to give advice. The board members will decide whether or not they will accept advice from a man with this sort of expertise; in fact, not only his advice but also that of the 48 fully qualified people in the department.

So we are left with the situation of wanting to know who the third member will be. For the life of me I cannot see why he could not be mentioned in the Bill as being one who is environmentally aware and experienced. That at least would leave the same number of people on the authority with environmental experience. Under the present circumstances we are forced to fear the worst, that any Government sycophant, any person the Government wishes to choose, could be placed on the EPA to do the Government's bidding. That concept is entirely foreign to us in respect of this matter. It may not be the case within the Public Service, but with the EPA we have a situation where advice only is given. It is completely foreign to our beliefs to have a situation where the Government is increasing its control over the department by allowing its minion to be the EPA's head.

The EPA has worked well over the last nine years and this has been proved by the fact the Government has been in power for six of those nine years and has not seen fit to change the Act substantially. I feel quite confident that had the EPA not worked well, as is the case with many other bodies set up under legislation, it would have been subjected to change. The Government made a very minor machinery change in 1975. However, the Government now has the audacity to say that by introducing this Bill it is amending experimental legislation that has served this State very well for nine years! The Opposition wants to know why the Act is to be changed.

Mr Bertram: It is conservative.

Mr BARNETT: Conservative in thinking but not in making changes, not usually.

I would like to know why the Government wants to introduce this sort of legislation to reduce the powers of the EPA nine years after it came into being. One does not have to look back very far to see the reason the Government has actually produced this legislation. In fact, one has to look back only in multiples of nine because in the last nine months a number of things have happened within the EPA which I would assume would have severely embarrassed the Government, a Government which has tried over the last nine to 12 months to be extremely secretive about two particular issues.

I refer firstly to the Worsley alumina refinery. Members will recall that the Parliament passed

legislation not so long ago giving the okay to the Worsley agreement. Who can argue with our Premier when he rises to his feet in this Parliament, where one does not make untruthful statements—one should not—and tells us that our Environmental Protection Authority, established to safeguard our interests and to act as our environmental watchdog, has agreed with the Worsley environmental review and management programme? Who would argue with the Premier when he says that the EPA wants only a few minor changes and that we should pass the legislation and not worry too much about a second ERMP being developed because it is concerned only with minor changes?

When he gives us those sorts of assurances we as members of Parliament and adults should be able to believe that what he says is the truth. However, this is not the case, which is a terrible shame. It is a terrible shame that this State is being headed by a Premier who appears not to have told this place the full facts, who has not made a truthful statement about the Worsley alumina refinery.

What is even more shameful is the fact that most members of the general public will probably never find out about the situation. I will draw to the attention of the House a number of Press statements. I will not read them out but refer to them briefly. They were put out about January of this year and quote what the Premier said at that time of that session of Parliament to which I have referred. On 28 November last year the Premier released a statement which in part said that on the basis of the final environmental review and management programme the Commonwealth and the State environmental authorities recommended that the project could proceed. That statement was made by our Premier!

On the same day a man from the Campaign to Save Native Forests reported on a meeting he had had with the Chairman of the Environmental Protection Authority, the man who is to be removed from his position. It appears that after the meeting this man had with the chairman (Mr Colin Porter) he said that Mr Porter indicated his disagreement with the proposal. A newspaper article in January reported Mr Porter as saying that the EPA had made a recommendation to the Government and that the environmental review report was a reasonable basis for not continuing with the Worsley proposal.

We begin to see how the Government can be embarrassed by a man who is in a position to be able to know what is going on with environmental matters and also in a position under the old Act to

be able to speak out publicly and tell the people of this State precisely what is going on.

On the day after Mr Porter made that statement the Premier's own newspaper, *The West Australian*, in its editorial had the heading "Answers please" and went on and on throughout that editorial to ask the Premier for his answers. Mr Speaker, I think you will agree that such an indictment of our Premier is one which should not have been left unanswered. A number of newspaper articles refer to these matters. Mr Porter, being the excellent public servant he is, was reported on the same day as that editorial as saying that he declined to say what his recommendations were. I would say that was a fair comment from him and showed that he was a person genuinely concerned about the matter. What in fact all this shows so far is that we have an embarrassing situation, brought out by the Worsley document alone. I have the papers here. It is my intention to have these introduced into the debate at a later stage, if that is necessary.

I will not go on with this matter just now apart from saying that the EPA's recommendation on the Worsley refinery in part said that on the information available from the draft report, and the severe impact the conveyor would have on the forest—this is the conveyor belt system, and members will remember that we had three systems put to us in this House which the Worsley refinery could use to transport its ore—if undertaken as proposed, the authority had no alternative but to recommend that the rail option be adopted.

We all know from recent events reported in the Press that the rail option was not adopted. I venture to say that the way in which the legislation was rushed through the House the Government never proposed to adopt that recommendation. Of course, it would have been slightly more expensive but the situation would have been created by which our environment, the environment of Western Australian people, would have been safeguarded to a certain extent and certainly to a much greater extent than had a conveyor belt been installed, but that was not to be the case.

What has occurred is that the firm has opted for the cheaper alternative of putting in the rail system and imposing it upon our environment to the firm's benefit because it will be able to send its product to market at a much cheaper rate, and that of course is all the firm is concerned about. I do not blame the firm. I want to make it perfectly clear that I do not blame the firm for that; the firm's task is to produce something at the cheapest possible price. However, it is our task

and the task of the EPA to ensure that it does not do that to our detriment. This is a task which the EPA, and, particularly its director (Mr Colin Porter), see as being very important. The chairman saw fit to speak out publicly about it although it is one about which this Government is not particularly concerned. This Government has a poor record on environmental matters.

Another situation involves the system 6 approach. It is known to me that all Ministers have their copies of the system 6 documents, although the Premier said that they do not and that it is not before the Parliament. He said that in answer to a question I asked, but perhaps I framed my question in a way that allowed the Premier to slip away. I notice one of the Honorary Ministers is shaking his head. Perhaps he has not received a copy of the document because he is only an Honorary Minister. When he becomes a real Minister he will receive his copy.

Mr Mensaros: I have not seen it.

Mr BARNETT: The Minister says he has not seen it. I ask the Minister whether he has been to his office lately.

Mr Mensaros: The Premier said yesterday—

Mr BARNETT: The Minister stopped in mid sentence. Obviously he had to stop in mid sentence because he felt what he was about to say would incriminate him.

Mr Mensaros: That is nonsense. You have already said things which incriminate you.

Mr BARNETT: I will now cover points with which the Opposition agrees. Mr Speaker, I think you know from your time in the Chair that the Opposition is very reasonable. If something which is reasonable comes before this House we do not oppose it.

Mr Stephens: You do not bring politics into the Parliament!

Mr BARNETT: In answer to the member who interjected, we do not do so for the purpose of obtaining publicity but so that legislation coming before this House is legislation of which we can be proud.

Mr Young: I left my violin at home.

Mr BARNETT: The sections of the Bill with which the Opposition agrees are the ones which will update the Act and are necessary because of amending legislation passed through the House during the last few years. The updating clauses of the Bill will remove unnecessary sections of the Act which were originally brought in to enable its passage through the House during the

formulation of the department and the authority. Of course, we have no opposition to such clauses.

We have no objection to the clause which will safeguard industries by ensuring that a warrant will be obtained by officers of the department who wish to enter industrial areas to inspect problems with effluent and other matters. I note that in instances of extreme concern and urgency the warrant safeguard can be overcome provided the officers can show an emergent cause. In that case they will be able to enter without a warrant into the area used by a particular industry. I think it is a necessary clause which will to a large extent safeguard industries from an invasion of their privacy.

We will gloss over those two clauses because we cannot object; they are fair enough.

Section 57 of the Act demands that any Minister within the Government who intends to embark on a project which concerns environmental matters must report that project to the EPA. He must not continue with it until the EPA has had a chance to investigate, and put forward recommendations as a result of those investigations. That is a simple requirement, and one which appears to have caused the Minister for Conservation and the Environment some concern. I admit it should cause him some concern. The section means, for example, that any Minister embarking on a programme merely reports to the EPA. The project is then held up until the Minister receives recommendations back from the EPA, and he then embarks on a project adhering to the requests, not from the Minister for Conservation and the Environment, but requests from the EPA. The recommendations were going around him rather than through him, and he was not aware of what was happening in the department. I concede, the Minister would be concerned.

I am not happy with the manner in which the Government intends to overcome this situation. Firstly, I would have thought—and I am sure this would be the opinion of other members on this side of the House—it would have been only common courtesy on the part of Ministers to send a copy of their project not only to the EPA, but also to the Minister for Conservation and the Environment. He then would have been made aware quite easily of what was going on without the need for legislation. That could have been done by adhering to common courtesy.

I concede we should amend the legislation so that it will be a requirement for the EPA, on making a recommendation to a Minister, to submit a copy of the whole project to the Minister

for Conservation and the Environment thereby keeping him fully informed, and overcoming the problem which this Government will cause by legislating for and demanding that any Minister who, under the present Act normally submitted a project to the EPA, will now submit the project direct to the Minister for Conservation and the Environment who will send it on to the EPA. There is no requirement that this will be done promptly. It will just go through the Minister.

I draw that fact to the attention of the Minister for Conservation and the Environment because I believe it is a very important aspect. The Deputy Premier would be aware that in the past a number of projects have been allowed to proceed, purely as a result of bureaucratic bog-downs in objections. That precisely is what will happen under the proposed changes to the Act. There will be bureaucratic bog-downs unless the Minister for Conservation and the Environment is requested, under a section of the legislation, promptly to forward projects which are referred to him on to the appropriate Minister in this State. So, we cannot agree to what is to happen there. We believe there is some other reason for the change. The changes which are proposed are wrong.

One of the most important aspects of the parent Act is the ability for the EPA to publish its recommendations. As the EPA is the public environmental watchdog, that sort of provision should not be removed from the legislation.

Under the old provisions of the Act the situation was that the EPA, on its own initiative, could ask a Minister to provide information about any project related to mining, land, or town planning. Until information and advice was provided by the Minister for Mines, the Minister for Lands, or the Minister for Urban Development and Town Planning, any related project had to stop while investigations were carried out. The EPA then made its recommendations to the Minister as to whether the project should proceed and if so, what changed circumstances should apply.

The EPA then was permitted, should it see fit, to publish its recommendations and make them public to the people of Western Australia. After all, we represent the people of Western Australia in this place; we are not just representing ourselves. After the Government has been informed of the recommendations of the EPA, they should not be hidden from the public. So, it was very important that that provision should have been inserted in the original legislation. However, that section will be removed as a result of the Bill now before us. There will be no ability

for the EPA to publish its recommendations to the Minister.

I had some conversations with the three members of the EPA—and members should bear in mind they would not talk about the legislation now before us, or the part of the legislation aimed at removing the director—and an important point which came out of those conversations is that during the nine years the EPA has been operating no-one could remember one case when the EPA had found it necessary to use that provision in the legislation. So, it has never been abused because it has not been used. There has never been any reason.

The Government can have no good reason to remove this provision from the legislation. It can only mean that the Government wants to be more secretive, and that is a particularly bad situation. We should not allow for a Government to be secretive.

On that point I want to refer to the last document which I will use to assist my argument. It is headed "World Conservation Strategy". The Deputy Premier will recall that his colleague, the Premier, launched this document in March this year. When he launched the document, he actually endorsed it. As I have said, the Government should not be secretive, but it intends to remove the provision from the Act which allows for the publication of recommendations after they have been made to the Minister.

The Premier launched the document, and endorsed its contents. Because of that, I want to remind him and his Ministers—and the back-benchers—precisely what it says. It states—

The extent of public involvement in the development planning process depends on both the attitude of the Government and the interest of the community.

Ideally, however, public participation should be at all stages of the development process from policy making to project formulation and review.

Not only did the Premier endorse that document, but so too did the Federal Government or the Commonwealth Government—whatever it is called at the moment. So we have a situation where both Sir Charles Court, as Premier of Western Australia, and Sir Malcolm Fraser, as Prime Minister of Australia, endorsed that policy.

Mr E. T. Evans: When did he get his title?

Mr BARNETT: Did I call him "Sir"?

Mr E. T. Evans: Yes. I have heard him called a lot of things, but never "Sir"; unless it is spelt "cur".

Mr BARNETT: That was a shocking slip of the tongue for which I sincerely apologise.

So we have a situation where in less than a year, having received all that publicity in respect of endorsing and launching the document to which I have referred, the Premier has gone back on his word and performed a complete turnaround on what he said should happen in respect of the world conservation strategy.

I ask members: Is this a genuine Government? Is this a genuine attempt to tighten up and strengthen the Environmental Protection Authority? Or is it an attempt to weaken the EPA? So far I have not found anything in the Bill which could lead me to believe in any way whatsoever that the Act is being strengthened.

In respect of representation on the Environmental Protection Council the Bill goes on to say—and I will go into this more fully in the Committee stage; but I hope you, Sir, will permit me to refer to it now—that one member of the council shall be a person possessing such qualifications or representing such bodies or persons as the Governor thinks fit. What, might I ask, may the Governor think fit in this respect? Whom will he think to be a fit person to represent some bodies' interests on the Environmental Protection Council? What is this supposed to mean?

Mr O'Connor: I will reply to that.

Mr BARNETT: I am sure the Deputy Premier will not reply to it because I did not see him jot it down and I do not think his memory is good enough for him to recall everything I have said. However, if he does not answer my question he may be assured I will raise it again at a later stage.

Mr Pearce: You had better listen carefully. There is a test coming.

Mr BARNETT: The interesting part about that clause of the amending Bill is that if the Government were genuine in its endeavour to strengthen the Act it would have strengthened an earlier section in the Act which allows for public representation on the 16-man committee. That provision allows two persons with special knowledge of or experience in environmental protection to be represented on the committee. One of those is Mrs de la Hunty, and the name of the other person escapes me at the moment. However, to my knowledge neither of those persons has ever consulted with the Conservation and Environment Council, which is the most eminent body in environmental matters in this State. I agree the council has caused the Government some concern over some time, but it

is composed largely of sensible, reasonable, and responsible people who are concerned about the environment.

I would have thought that if the Government were genuine in its endeavours to tighten up and strengthen the Act it would have amended the section to say that the Environmental Protection Council may submit a list of, say, six names to the Minister or the Environmental Protection Authority; and from that list of six names three persons would be selected. It could be a list of 10 names; that does not matter. The important thing is that environmental interests would be represented by environmental people whereas at present they are represented by people who purport to be representative of environmental interests, but who have never seen fit to consult in any way to my knowledge with the Conservation and Environment Council. An amendment to remedy that poor section of the Act should have been a logical inclusion in the Bill, but that was not done.

Nowhere in this beastly measure can we find anything that is strengthening the Act; it simply weakens the Act.

Before I conclude, I want to draw the attention of members to a most heinous section in the Act, which is to remain even though there is an opportunity before the House now to amend it. Of course, I cannot move to amend that section because it is not even referred to in the Bill. I have a tremendous number of amendments I would like to make to the Act, but I cannot make them because the sections I want to amend are not dealt with in the Bill.

Mr O'Connor: To what page are you referring?

Mr BARNETT: I am referring to section 7 (2) on page 4 of the Act. I cannot for the life of me understand how that provision was ever included in the Act. It says—

This section has no application to Acts ratifying agreements to which the State is a party.

Mr O'Connor: That must have been agreed to by both Houses of Parliament.

Mr BARNETT: Of course; but that brings to mind the fact that the Act was passed in 1971 when the Tonkin Government was in power in this Chamber. So I can understand why such a provision has slipped into the Act. It would not have slipped in in this place, but I can see that it could have slipped in in another place because in the history of this State the Labor Party has never controlled the Upper House. The situation may well have been that the Assembly had to agree to include that provision in order to have the

legislation passed. I do not know, because I was not here; but I think that would be a reasonable observation.

Mr O'Connor: You could have taken it to a managers' conference if you wanted to. I doubt that was done; I cannot recollect it being done.

Mr BARNETT: I was not here at that time, but I can understand how the provision was included. The Tonkin Government legislated on a number of issues in respect of which it had to concede certain points—hopefully not all as bad as this one—in order to get its legislation through. That is probably why section 7 (2) is included in the Act.

The important thing is that the Environmental Protection Act has no application to Acts ratifying agreements to which the State is a party. Does the Deputy Premier know what that means? In my opinion it means the environmental watchdog of this State has no control whatsoever over any company or industry which has an agreement with the Government. That includes the Worsley alumina refinery, the Pinjarra alumina refinery, the Kwinana alumina refinery, CSBP & Farmers Ltd., Australian Iron and Steel Pty. Ltd., etc., etc., etc.

It includes the greatest polluters of Western Australia; it includes the companies with the greatest opportunity to pollute our environment. Such people are excluded from the provisions of this Act. This Government has introduced legislation which it says is endeavouring to tighten up the Act, but it leaves in the Act a provision which allows anybody who pollutes the environment not to be controlled by the Act. How genuine is the Government when it does that? It is not genuine at all.

I will not take any further time, because a number of members want to make a contribution to this debate. However, I have drawn the attention of the House to the major reasons the Opposition is unable to support this legislation, and I will repeat those reasons.

The Bill weakens the Environmental Protection Authority; and the comments I have made today leave no doubt in the minds of anybody that that is the case. I have no doubt I will not convince a number of members on the other side that they should vote against this legislation; but I have no doubt that I have convinced them the legislation is not what it purports to be.

The Bill removes the right of the EPA to publish recommendations. I remind members that that right has not been abused; but it is being removed.

The Bill sacks the director from the EPA and the Environmental Protection Council. It gives no indication of whom his replacement will be. With this Government's record, it could be Brodie-Hall, or anybody.

The Bill reduces the involvement of experienced environmentalists at the decision-making levels.

The Bill still leaves the most obnoxious section in the Act.

I find it very difficult to understand how a Bill such as this could have passed through the Minister, the Cabinet, the Liberal Party, and the Joint Government Party meetings and then have come to this place in such a shocking state. I have no hesitation in saying that I will be the first to vote "No" when the opportunity arrives.

MR STEPHENS (Stirling) [12.22 p.m.]: The Bill currently before the House is somewhat of an anti-climax.

Mr B. T. Burke: I do not think it is the Bill that was taken into the party room to start with, somehow.

Mr STEPHENS: I do not have the same sources within the party room that apparently the member for Balcatta has. Considering all of the newspaper stories, the Bill we have before us appears to be completely different from that which was suggested or which was implied in the newspaper articles. However, the member for Rockingham referred to that matter, so I will deal with some matters that have not been covered previously.

The EPA has performed very creditably; and it has brought to the knowledge of the public an awareness that we need to protect our environment. I think the public generally is aware of this now. At the same time, we have to be conscious of the need to maximise the utilisation of the resources we have while at the same time minimising any harmful degradation that may take place so that we leave this State in as good a condition, if not a better condition, than before we came here. We have been in this country for only 200 years; and it behoves all of us to take all action that we can to ensure that it is passed on to future generations in a manner in which it will continue to be a fit and proper place to live.

The awareness of the public has been improved by the activities of the EPA; and I pay a tribute to the personnel of the authority. The first chairman was Dr Brian O'Brien. I pay a tribute to the work he did, and the work which was subsequently carried out by Mr Colin Porter. I also pay tribute to the work that has been done by Professor Bert Main and by Mr Phil Adams. Those people have served the State particularly

well, and they can be proud of the work they have done.

On my interpretation, the amendments in the Bill before the House do not change things to any great extent; but by the same token, they do not improve the position. I do not accept the claim by the Government that the EPA will be strengthened. In fact, I believe the situation has been made marginally weaker. This may be because of public reaction to the newspaper articles which appeared some time ago. Perhaps the Government deliberately allowed leaks. Perhaps it was flying kites, to test public reaction; and that reaction was such that possibly the Government changed its mind. For that reason, the legislation is somewhat different from that which was originally mooted.

One thing that all this talk has done has been to arouse suspicion in the public mind. It has created a doubt as to the future effectiveness of the EPA. I believe that from now on the EPA will have to re-establish its credibility in the public mind. There is no question that until now the EPA had considerable credibility in the public mind. It will not have that credibility in the future; and it will have to restore and rebuild it.

I do not accept altogether some of the claims made by the Government and by the Deputy Premier in his second reading speech. I will not go into all of those claims; but one made by the Deputy Premier was as follows—

By restructuring the EPA we give it the freedom to stand aloof from the routine machinery of Government.

The EPA has shown in the past that it was prepared to stand aloof; and it has come up with independent thoughts; so that claim is false and the restructuring, naturally, does not improve the situation.

The Deputy Premier said also—

The Minister for Conservation and the Environment will now be able to get advice from two sources: From a totally independent EPA and, like all other Ministers, from his department.

Up till now, the EPA has shown its ability to be independent. The suggestion that as a result of these changes it will be totally independent is false; and the Deputy Premier is trying to mislead the House and mislead the public generally by saying so.

We say that the amendments do not improve the situation at all. If anything, they tend to weaken it. In *The West Australian* of Wednesday, 19 November, the Minister for Conservation and

the Environment (the Hon. G. E. Masters) was referred to as follows—

He also denied that the EPA's right to publish its recommendations was threatened.

I will just wait a minute because the Minister handling the Bill is now involved in another conversation. I was going to ask him to reply to this particular point.

The ACTING SPEAKER (Mr Blaikie): Order!

Mr Pearce: He is being briefed by the member for Bunbury.

Mr STEPHENS: I am assured he is not leaving the Chamber, but that I have his ear.

The ACTING SPEAKER: I ask the member to continue his speech.

Mr STEPHENS: I was trying to draw the Deputy Premier's attention to a statement made in *The West Australian* of 19 November 1980, by the Minister for Conservation and the Environment (the Hon. G. E. Masters) where he said—

He also denies that the EPA's right to publish its recommendations was threatened.

I hope when the Deputy Premier replies, he will mention this point, because as I understand the legislation at the moment, sections 54, 55, and 56(3) give the EPA power to publish its comments in relation to those areas when the Minister brings matters before it. I know it is not a procedure which has been used to a considerable extent; but the power is there. Under the amendment currently before the House, that power will be removed.

I realise also that most of the referrals to the EPA were under section 57 of the Act as a general referral, and under that general referral there was no power to publish its comments. Therefore, it can be seen there was a limited power to publish and that limited power will be removed by this Bill.

I should like the Deputy Premier in reply to point out how the Minister for Conservation and the Environment could make such a statement in the newspaper. Perhaps the Deputy Premier could confer with the Minister during the luncheon suspension.

The greatest weakness in the legislation is the way in which the Bill removes the Director of the Department of Conservation and Environment from being Chairman of the Environmental Protection Authority and also the Environmental Protection Council.

During the years the provision has been in operation, it has worked particularly well and I

can see no reason to alter the situation now. I am aware also, of course, that recently in South Australia the then Labor Government introduced amendments to the environmental legislation which in fact had the same effect this legislation proposes to achieve. However, that is not an argument in favour of having similar legislation in this State. I am merely making the point that another State has a similar approach to that adopted by this Government at the present time.

It is true also that in Victoria the two positions have always been held by different people, but once again that is not an argument we can advance in support of adopting the same practice in this State.

The situation has worked particularly well and we should leave it as it is. This amendment gives the Government the opportunity to appoint, as Chairman of the EPA, a political appointee. Government members can say what they like, but quite frequently these sorts of appointments are made on an outright political basis. I do not say this will necessarily be the case; but there is the opportunity for it to occur as a result of this measure.

This is a very serious weakness and if a political appointment is made, the person could very well act as a filter on behalf of the Government.

Mr Tonkin: I know a certain gentleman with 10 to 1 on that.

Mr STEPHENS: One of the worst features of this legislation is the effect it will have in relation to section 12 of the Act which reads as follows—

12. For the purposes of assisting the Authority in the exercise and performance of its powers, functions and duties under this Act, the Authority has, subject to the Minister and to the provisions of the Public Service Act, 1904, the administration and control of the department of the Public Service of the State known as the Department of Environmental Protection.

This gives the Chairman of the EPA the power to direct the Department of Conservation and Environment, completely bypassing the director of the department. It would allow the EPA to completely bypass the director so he would not know what was going on in his own department. This may be the little secret trick the Government is slipping in, in order to take over control of the department by making a political appointment.

For that reason, I have placed an amendment on the notice paper which in effect will mean that any direction must go through the director and be subject to the Minister. That is fair enough; I

have no argument with that point. However, it should go through the director and consultation with him should take place so that he is fully aware of what is going on in his own department.

I do not intend to embarrass anyone by mentioning any names; but the Deputy Premier would be well aware of the situation where we had a chairman of an authority and a director of a department. As a result of overriding and bypassing, we finished up with a situation in which neither the chairman nor the director spoke to each other. If we allow this legislation to go through in its current form, we could finish up with a similar situation.

That is the aspect of the Bill which frightens me more than anything else. I hope that, by placing my amendment on the notice paper, I have given the Government time to consider it and that it will accept it in the Committee stage.

I do not intend to say much more, other than to indicate the National Party does not accept the Government's claim that these amendments strengthen the legislation. We do not see the amendments as seriously weakening the legislation, but the possibility of weakening it is there. However, bearing in mind those comments, I should like to point out we will not oppose the second reading of the Bill.

MR TONKIN (Morley) [12.36 p.m.]: Once again, this legislation shows that anyone who gets in the way of the Premier will be crushed and anyone who gets in the way of this Government will be crushed. We have seen this trend time and time again and, of course, Colin Porter has fallen foul of this Government. He has gone as far as he possibly can to see that the EPA is some kind of a watchdog and we have become accustomed to the Premier doubting the patriotism, sincerity, and principles of anyone who gets in his way. We have seen the Premier behaving in this manner over the years. He has denigrated people for what the Premier believes is a crime committed by them in this regard.

It is clear Mr Porter is being sacked. That is what this Bill is all about. It is absolute nonsense to say the legislation is designed to put the EPA on the same level as other authorities.

This Government has an abysmal record on environmental questions. In 1970 when the Brand Government had lost a great deal of popularity, there was a march of environmentalists on Parliament. In a panic measure to try to hang onto power, a few months before the State election the Government rushed through the Physical Environment Protection Act.

This Government is a past-master in confidence tricks. If ever I had to nominate a bunch of confidence tricksters in Australia, I would say this Government is it. It has said, "We are doing something about the environment. We are passing this Act." I ask you, Sir, whether you find it hard to believe not one penalty was contained in that Act. Can you, Sir, imagine how well the Road Traffic Authority Act would have worked had there been no penalties under it? Imagine if a person was stopped by a traffic officer because he was driving at 100 kilometres an hour along a suburban street and a patrolman gave him a lecture then said, "There is no penalty. Drive on."

This Government and the Minister who introduced the legislation had the audacity to claim to be the author of environmental protection in this State, whilst at the same time being aware that the Brand Government had introduced a shabby piece of confidence trickery in the form of a Bill which did not contain any penalties. Therefore, the Labor Party was responsible for the first piece of effective and genuine environmental protection in this State.

It is quite untrue for the Government to say it was the author of environmental protection in this State, because the Physical Environment Protection Act in no way protected the environment. It was a piece of cosmetic trickery.

We have heard double-talk from the Government over the last few weeks when there have been allegations made that Mr Porter would be removed, or sacked, from the EPA. The Government in its bland way, in its angelic way, has said it is mystified by these allegations, it does not know from where they have come, and it does not know what is to happen. However, we find now that the most eminent environmentalist in this State is being taken from the EPA and made into a public servant. He is being made into a clerk, a head of a department.

He will not stay long. A man with his worldwide reputation and expertise will enter academic life or move to some other State or country where his expertise and sincerity will be used rather than accept this shabby exercise which will make him a clerk. He will not even be a clerk to the extent that the Director General of Education is a clerk or the other heads of departments are clerks because, as the member for Stirling so accurately indicated, section 12 of the Act states—

12. For the purposes of assisting the Authority in the exercise and performance of its powers, functions and duties under this Act, the Authority has, subject to the

Minister and to the provisions of the Public Service Act, 1904, the administration and control of the department of the Public Service of the State known as the Department of Environmental Protection.

So it is the EPA, from which Mr Porter will be removed, which will control the department, and not Mr Porter. He will not be the head of the department in the usual sense. He will have practically no power at all.

If the Government were sincere and were prepared to say, "Look, it is not appropriate for the head of the department to be on the authority" it would have taken the most eminent environmentalist in this State and made him the Chairman of the EPA; it would have made as head of the Department of Conservation and Environment someone who was promoted through the normal Public Service channels. This would have been done if the Government were sincere. The Government can still do this; it can still make Mr Porter the Chairman of the EPA.

But the Government has not done this, and why? Because Mr Porter has been a thorn in the side of this Government. He has gone as far as he can, given the realities of the Act under which he has had to operate and given the realities of our politics. He knows the Premier can pass any legislation he wants passed. The Premier has a throttlehold on this House and the Legislative Council, so that any of the Premier's whims can become the law in this State.

A person working under this kind of threat knows that even if he were to be exceptionally brave it would only be an exercise in futility because if he proved to be too much of a thorn he would be removed, which is what is about to happen, even though he has been very loyal to the Government.

One thing which will help people to understand politics is for them to look for consistency. This Government is being consistent and we know that political parties, forces, and Governments are usually fairly consistent, bearing in mind there may be superficialities which may appear from time to time. But basically they are consistent and this Government is being consistent.

The Government was afraid of the environmental lobby in 1970 when it rushed through worthless legislation. Now it is getting rid of Mr Porter, a man who has worldwide respect in environmental matters. It is ironic because what happened was that the Government knew it had a bad record on environmental matters. It knew that in the minds of the public it was development-mad and that it had a policy of

development at all costs and that it believed the environment could go hang. It thought it would show the public this was not the case by appointing Mr Porter, a man famous for his contributions to protecting the environment. He was appointed and, of course, he bit the hand that fed him, to use the jargon of one member of the Government. Mr Porter has not done exactly as was wished; he has not been as compliant as the Government had hoped. The Government appointed this eminent man in an endeavour to prove it was sincere about protecting the environment.

But it was a cosmetic appointment because the Government did it for reasons of appearance and not with a general concern for the environment. The appointment did not work out because the man appointed was not a cypher. Mr Porter was not prepared to do just as he was told. He did not fit into this one-party State we have in Western Australia where one party has always controlled the Legislative Council and, most of the time, this House and, so most of the time, has controlled this Parliament. Even when the Government has lost control of part of the Parliament no other political party has ever had control of the Parliament and so no other political party has ever put on the Statute book of this State a single piece of legislation which has not been agreed to by the *de facto* Government in that other place.

It is true that if we look into a political vacuum and if we like to look at this legislation in the best of all possible worlds, it may seem all right; but we know that we are not in the best of all possible worlds. We are in a political situation where this Government detests the environmental lobby and where the Premier, time and time again, calls members of that lobby traitors, subversives, and fifth columnists.

This Bill is a device to sack Mr Porter. The Government has been very clever and we know that it is very clever at times. I can imagine members of the Government chortling away over this matter in the Cabinet or in the bar, wherever they discuss these matters, and saying, "We cannot be faulted on this. What is wrong with separating this position from the department? How can people argue against this?" Of course, if we are in a political vacuum it might be possible to imagine this legislation is all right, but the real test of what the Government is about is that Mr Porter must be the Chairman of the EPA.

Why would anyone take the most eminent environmentalist in this State and put him as a public servant in charge of a department over which he does not even have control because he is in fact subject to direction by the Minister and

the EPA? Why would anyone do this if his real concern was for the environment?

This is a shabby trick and the people are right to reject this legislation. The Opposition is right to reject it. The Opposition believes that Mr Porter has been the best thing to happen to the environment for some time. Opposition members applaud the fact that it was this Government which appointed him; we believe the appointment was a very good one even though we do not believe he was appointed for the right reasons. The Government believed he would be a cypher. He has not been a cypher and so he is to be removed.

It would be a most extraordinary thing if the person who was a former director of the EPA, who has apparently given the Government advice on this matter, has in fact written the Bill to give himself back a job. Would that not be a most extraordinary situation?

Mr Stephens: Don't you think he would have written only what he was told by the Government?

The ACTING SPEAKER (Mr Blaikie): The member for Stirling will not interject from the member for Subiaco's chair!

Mr TONKIN: When minds think alike there is no need to order something done. There has been a great controversy recently as to whether or not Adolf Hitler actually ordered the extermination of every last Jew in Germany. Some people have asked whether he did it, or whether Himmler did it. But what does it matter if they were in substantial agreement? What does it matter if we have a person who has written this Bill who is in substantial agreement with the Government? I have no doubt if the legislation was not to the Government's liking it would not be accepted. We will be looking at this appointment with great interest.

Mr Stephens: If you had an architect come to your house and tell you what you should have, you may say that you do not agree with him, and because you are paying him to do work you can say that you want it done a certain way. That is the same thing the Government is doing. If you appoint someone he has to follow your instructions.

Mr TONKIN: No doubt broad parameters were established within which the director had to work. However, I am not in a position to know what they were and I am not a mind reader. I am saying it would be extraordinary if a person paid to draw up legislation is not only paid the money, but also given a job at the end of his task. Of

course, that is a side feature of the issue and not the essential reason for our opposition to the Bill.

We believe, if one has a first-class man doing a first-class job, then he should remain in that job. If the Government wants to split the positions of chairman and director, then it should do that, and the first-class man with whom we are concerned would be left in the environmental field in which his expertise and obvious commitment to environmental matters—this is an important consideration—would leave him in a position by which he could provide the greatest influence. As it is he has been put into a situation whereby he will no longer have any influence on environmental matters relating to this State.

MR PARKER (Fremantle) [12.53 p.m.]: I wish to join with my colleagues in opposing this Bill. I believe that when one looks at the bland statements made by the Minister in his second reading speech one realises that his comments did not relate whatsoever to the true purpose of this Bill. If one accepts the basic premise which the Government put forward and accepts that premise throughout one's reading of the Bill, one can see a certain amount of logic in it.

However, in this respect I agree with the comments made by the member for Stirling. He said the most dangerous aspect of this legislation is that the Government will be able to do what it seeks to do without overtly undermining the authority of the department or Mr Porter because already in existence is section 12 of the Act which states that the Department of Conservation and Environment and, in particular, the director of the department have no power whatsoever. It is quite understandable that section was included in the Act at the time when the director of the department was the Chairman of the Environmental Protection Authority; it did not matter because he had control of the Department. He was also the Chairman of the EPA. That section is to remain in the Act; it will not be amended by this Bill.

The only thing the Bill does is to update the section by deleting the year "1904" and substituting the year "1978". Therefore, section 12 of the Act will remain and ensure that whoever has control over the EPA has control over the department. One might ask in those circumstances why one needs a director of the Department of Conservation and Environment. Any logic which might appear to be existent in the Bill which the Minister has put forward is completely destroyed by the fact that the director of the department will have no control whatsoever of the EPA; the EPA will have the control. As we know, the Chairman of the EPA is to be removed

from his position. Mr Porter is to be removed as chairman, and no qualifications will be required of the person to replace him.

We know that one of the other members of the EPA will retire shortly, so the only person remaining on the EPA will be Professor Main. Let me say I have the utmost confidence in his integrity and ability, but he is the only person who will be left and who has been on the EPA for all of its existence—the only person who possesses any special skills in this area. It would be possible for the Government to appoint any person to the EPA; it could appoint anyone irrespective of his knowledge in the environmental area. I would hazard a guess that it is most unlikely that the two people to be appointed to the EPA—one to replace the sacked Mr Porter and one to replace the retiring Mr Adams—will know anything about environmental matters.

I join with the member for Rockingham in asking why it is necessary to have legal practitioners appointed to the authority. I do not hold anything against legal practitioners, but I do not understand why one of the members ought to be a legal practitioner and ought to have seven years' standing in that profession. Why is that necessary? I can see no purpose in that. If the EPA required legal advice, it could obtain it from the Solicitor General or the Crown Law Department. If every authority set up had to have a legal practitioner on its board we would certainly be setting up a large number of jobs for the legal practitioners in this State. Possibly that is what the Government is after. I understand an over-supply of legal practitioners exists; possibly the Government's action is a way of mopping up a few of them.

I cannot see any reason whatsoever for saying that a legal practitioner of seven years' standing must be with the authority. I am not denigrating a person of such standing who has been on the authority for some years and appointed by our Government between 1971 and 1974. He has been appointed to a number of other boards and has performed his functions with credit. However, one needs to ask, when the Government refuses to play its role in maintaining the environment, why is one of the only changes it is prepared to make to the EPA a stipulation that one of its members has to be a legal practitioner?

This Bill could have some semblance of credibility if part of the whole review procedure were to upgrade the EPA. If there were some way in which the EPA were to become a strengthened authority with more staff and greater power as can be found in the conservation authority appointed by the United States Congress—its

authorities have tremendous status and prestige and their reports are listened to and made public—we would have a much better situation. If the Government allowed us to have an independent EPA, that would be for the best and the Bill would have some credibility.

Mr Shalders: Are not the reports made public now?

Mr PARKER: Some of them are, which is one of the problems with this Bill. It will prevent some of the reports being published. It is true that some of the EPA reports have not been published. Some of them have had to be made available to the public through means which one would prefer not to be used, and that is through leaks. Unfortunately, that has been one of the ways they have come to light. The EPA had recommended against certain aspects of the Worsley project and that the project not go ahead until a full review had been completed, but there was no publication of that official recommendation. In fact, the Government informed the Parliament that the EPA agreed with the Government's decision in regard to the Worsley project. Subsequently we discovered, because somebody leaked the EPA report, that the EPA had said something completely different. I would say that particular incident alone is one of the reasons that we should oppose the legislation before us. We are entitled to ask why this legislation has suddenly come before us. Bearing in mind the time, I will seek to answer that question after the luncheon suspension.

Sitting suspended from 12.59 to 2.15 p.m.

Mr PARKER: It seems to me there are some questions which could be answered concerning the reasons for the timing of this legislation. It has been revealed, in answer to questions, that earlier in the year it was not planned to introduce the legislation in the way it has been introduced. It was not referred to in the Governor's Speech. The sum of \$10 000 or \$11 000 to be paid to Dr O'Brien—the minimum to be paid to him for work done up to date—was not budgeted for. This has been revealed in answers to questions.

So, one is entitled to ask why in this time of a fairly tight Budget—the Premier said there would be no movement whatsoever, so much so that he is planning to reduce the staff in public hospitals—does the Premier feel the need to engage a person at an obviously very high remuneration for a very short time? He will receive \$10 000 or \$11 000. Why is it necessary to exceed the Budget in that way, in a manner not planned in order to bring this legislation forward? Perhaps something is to happen in a flurry.

Perhaps this Government has certain proposals which are to come forward, and which will embarrass the Government if they have to go to public scrutiny through an independent and active Environmental Protection Authority.

The Government has said that legislation needs to be reviewed periodically. Why will this legislation be reviewed by somebody with no authority whatsoever in terms of his current position; albeit, somebody with a long-standing association with the legislation? No-one with any understanding of the Western Australian community will review the legislation. There is in existence this Parliament which is supposed to be the public body to initiate legislation. It seems that fact, in itself, calls for some questioning.

Why has this Bill been presented in this manner? It has been introduced with indecent haste. Why has it been introduced in this way without being properly planned, and without an opportunity for the people who are elected to represent the views of the electors having the opportunity to scrutinise the legislation? It seems to me people could well say it is not surprising as it is thought that vested interests are at work. Why was a particular individual given the task of drawing up this new legislation, or given the task of advising the Government?

We do not want to see the Environmental Protection Authority as an overriding body, going about its business and putting forward its recommendations without being subject to the Government. I agree with the hypothesis that the recommendations and the views of the authority ought to be made public. If the elected Government wished to disagree with those views, I would agree with the proposition that they have the right to do so. But, let the Government take the political consequences of disagreeing with the authority. It seems to me the Government does not need the power which it seeks. It is not currently necessary for the Government to make public the results of a report. Under the provisions of this Bill, the Government will be able to make reports public even less often. The EPA will not be able to report on matters such as State agreements, for example the agreement covering the Worsley project.

That is one of the worst features of this Bill.

The Government should allow the EPA to act in a strong and independent way, and allow its reports to be made public. Time should be allowed for public comment and submissions. If the Government decides that it will agree with the recommendations of the EPA, but it will go about implementing them in a different way, let the

Government be honest and tell the people of Western Australia that is what it intends to do.

If the EPA has an opportunity to consider an environmental question and puts forward a recommendation in a certain way—for example, recommending against a project—and the Government feels that in the public interest, and in the interest of the State the project should go ahead, the Government should be able to take that action after stating that it disagrees with the advice of the independent agency.

The situation under this legislation will be that this agency will not be independent in the way it has been in the past. We have not any guarantee as to who will be appointed to the two vacant positions, and the Director of Conservation and the Environment will become nothing more than a clerical overseer under the proposals now before us.

Section 12 of the Act is not to be amended except in a minor way. It will provide that the EPA has complete control over that department of the Public Service—the Department of Conservation and the Environment. Why is it necessary to have a Director of the Department of Conservation and the Environment? If the Government wants a situation where the EPA is independent of the ordinary Public Service, in order to provide another level of advice, it ought to ensure that Mr Porter is the chairman of the authority, but not Director of the Department of Conservation and Environment.

Indeed, with the way clause 12 reads we could have a very junior officer appointed to run the department in terms of its day-to-day operations, because in terms of policy and in terms of the way in which it handles its work it is subject to the direction of the EPA, which will be a body, the capabilities of which we will not know. I believe in that way the legislation is wholly inadequate and wholly sinister.

Mr Mensaros: Would you be prepared to pay the difference in salary to Mr Porter if he is the Chairman of the EPA and not the director of the department?

Mr PARKER: The Government is in a position to create the position of full-time Chairman of the EPA if it so wishes.

Mr O'Connor: And put Mr Porter there?

Mr PARKER: There is nothing to stop the Government creating such a position.

Mr O'Connor: And put Mr Porter there on the same salary he is receiving as director?

Mr PARKER: Yes, on the same sort of salary that similar chairmen receive.

Mr O'Connor: You have plenty of money to waste.

Mr PARKER: Money to waste! The Government is saying we have money to waste; yet we are in a position where the Government has already spent \$10 000 or \$11 000 in consultancy fees. That money was used to hire for a very short period of time—it is not as though it was for six months; the period was much less than that and probably more like three months—a consultant who left the EPA some time ago.

Mr O'Connor: You are talking about \$500 000 in four years.

Mr PARKER: By the creation of a full-time position?

Mr O'Connor: Yes. I am sorry, it would be \$200 000 in four years.

Mr PARKER: In four years?

Mr O'Connor: That is right.

Mr PARKER: Why is that?

Mr O'Connor: If you cannot understand it, I will explain it later.

Mr PARKER: I would imagine that a director of a department or a full-time Chairman of the EPA would receive a salary in the order of \$40 000 a year, and with other costs that could explain the figure of \$200 000 over four years. But that is still nothing compared to the sort of money this Government is prepared to spend on its pet projects. When it is a matter of the environment, of protecting the future of this State, and protecting our ability to live in the future with some degree of pleasantness without being subject to a damaged environment incurred in the past, by a shortsighted Government, the Government is not prepared to spend much money at all. The only money it is prepared to spend is that which is designed to ensure that a Bill comes before this House which will undermine environmental control.

We are saying there should be a high level and a high degree of environmental advice available to the Government. If the Government agrees that there ought to be more than one avenue of advice to it, but that it should have only one way of receiving advice, which is from the EPA, then so be it; but that is not what this Bill provides. The Bill provides for only one level of advice, because the Department of Conservation and Environment is completely directed by the EPA. So we will have only the advice of the EPA coming to the Government, because the EPA will direct the department as to the advice it can put forward;

and that advice will not have as part of it the expertise which has been associated with Mr Porter.

Most people would agree that Mr Porter is one of the most significant and experienced people in this area. It is interesting that the Government, which when we criticise certain aspects of its policies often is ready to accuse the Opposition of undermining public servants and saying we have no confidence in them—and I refer to the areas of the Treasury, town planning—

Mr Davies: And the Chief Secretary's officers.

Mr PARKER: —and the prisons department—should refuse absolutely to express confidence in Mr Porter after the Opposition has asked it to do so on a number of occasions over the last month or so. I am not aware of a single occasion in this House—or, indeed, anywhere else in public—on which the Government, when given the opportunity to express confidence in Mr Porter, has taken that opportunity. It has refused to express confidence in him.

Instead the Government has paid to a man who left the EPA some years ago a large sum of money to assist it to bring about legislation to undermine environmental control in this State.

We are not saying that environmental control ought to be the paramount consideration in respect of projects which go before the Government for ratification or approval, or for Government encouragement; what we are saying is that often projects are carried out in such a way that they result in considerable damage to the environment, but had they been carried out in another way a lot less damage might have resulted. It is possible in those circumstances more employment opportunities would be created in the Government sector while less damage would be done to the environment.

I would be the last to say that, simply because a project might have some undesirable environmental aspects, it should not proceed. Let us face it, most of the things we do have some adverse impact on the environment. The question is the extent and the nature of the impact. Advice is available to the Government, and projects should be open to the scrutiny of the public and the Parliament, before the Government makes a decision on what is to be done.

If the Government says it believes the interests of the State are more important than the advice it has received in respect of damage to the environment, let it say that. Let that be the reason the Government goes ahead with the project, rather than hiding behind a smokescreen with the

public not knowing whether the development will have an adverse environmental effect.

This is a Bill to undermine environmental control in this State and to make it easier for the Government to get away with what it wants to do in all circumstances. When it decides to go ahead with an agreement, it will not have to go to the EPA. It is a Bill drawn up by somebody who left the EPA under somewhat of a cloud some years ago; whereas the current Director of the Department of Conservation and Environment and Chairman of the EPA is a person who is very highly regarded and has the confidence of the people throughout Western Australia.

He was appointed by this Government. Nobody would suggest that he does not take into account all of the aspects and ramifications, not only from an environmental point of view, but also from an economic point of view, and provide that information to the Government impartially.

The problem is that the Government does not like the advice it has been offered. If that is correct, it will not make any difference. As I say, I do not mind the Government's disagreeing with its advice—that is its prerogative—but it should be honest about it instead of being dishonest as it has been, and as this legislation will allow it to be in the future.

MR HERZFELD (Mundaring) [2.31 p.m.]: I rise to make a contribution to the debate on this Bill because, since it came into this House, I have had some concern about one of the provisions contained in it. I wish to put forward the matter concerning me so it can be clarified by the Minister.

Before I do so, I want to make some general comments about the Bill and the events that led up to its introduction in the past few weeks. It seems to me that the stance taken by the Opposition is similar to that which we have seen taken in the Press in the last couple of weeks. I cannot recollect any legislation that has been the subject of more conjecture than this piece of legislation. In fact, now that we have seen what is in the legislation, the House must realise that most of the conjecture was incorrect.

Mr Hodge: That is not true, and you know it.

MR HERZFELD: I said "most".

It seems to me that some of the assertions that have been made by members opposite follow along the same lines. Much emphasis has been placed on the position of the current director and his relationship to the EPA. Members opposite assume that, after the enactment of this legislation, the director will no longer be a member of the EPA. However, I point out to the

Opposition that it is feasible, and indeed it may be the Government's intention, that it would offer him the position of Chairman of the EPA, and he would be entitled to accept that position as long as he was prepared to relinquish his position as the director of the department. That option exists; and therefore the points that have been made by the Opposition indicate that much of what they have said is based on conjecture.

With the one exception I mentioned earlier, the provisions of this Bill will help to strengthen the advice that the Government will receive on environmental matters. It will do so, because additional people will be involved, although there will not have been any alteration of substance to the contents of the Act.

I turn therefore to the matter that has been concerning me since I had a close look at the Bill. It is a matter which has been raised by the member for Rockingham and others on his side today. That concerns the repealing of sections 54 to 56 inclusive, and a particular part of those sections—

Mr Barnett: Subsection (3) of each.

MR HERZFELD: As the member for Rockingham interjected, my concern relates to subsection (3) which gives the authority the right, in regard to certain proposals put to it, to publish the terms of the recommendations it makes to the Minister. That subsection reads—

(3) The Authority may at any time after it has furnished its recommendations to the Minister for Lands under subsection (2) of this section, publish in any manner which it considers appropriate the terms of those recommendations.

When I studied the Bill it was my view that that provision has been eliminated totally. If that were to be done, the teeth of the EPA would have been removed completely.

Let us postulate the situation where the EPA looks at a proposal to construct a road, to create a mine, or some such thing; and it reaches the conclusion that such a project should not proceed because, if it did proceed, it would have a grievous effect on the environment. It would make those recommendations to the Government, but the Government would not necessarily have to accept them.

When the legislation was enacted in 1971, provision was made for the Cabinet—the Government of the day—to have the final say whether the project should proceed. My fear is that if this provision is removed, the only power the EPA had to bring such a matter to the attention of the public would be destroyed. It

could not inform the public that some disastrous action was about to be taken which would destroy a particular part of the environment. Indeed, this would be "Government in secret"; and such a situation would concern me.

I discussed the matter with the Minister and others; and it was pointed out to me that section 30(4)(m) deals with the question of publishing reports, and the ability of the authority to provide information to the public. I had a close look at that provision, and I remained dissatisfied with it. It indicates that the authority may—

publish reports and provide information for the purpose of increasing public awareness of the problems and remedies that exist in relation to environmental pollution;

It seems that that provision certainly gives the authority power to publish reports and provide information, but that power was related to existing problems—the problems that existed at any particular point of time—and that it did not relate to problems which might be created if certain proposals were to proceed. A layman reading that paragraph would feel much the same about it as I do.

Therefore, I took the opportunity to discuss the matter at length with the Attorney General as recently as lunch time today. It happened that he had a Parliamentary Draftsman with him. It was pointed out to me that to read such a paragraph by itself did not indicate its true meaning, and that one would need to go back several steps to find out its true meaning.

In order that the House should understand the logic behind what I am saying, I shall go through it briefly step by step. Section 28 will remain intact and it deals with the duties of the authority. It reads as follows—

28. It is the duty of the Authority to use its best endeavours—

- (a) to enhance the quality of the environment; and
- (b) to control and wherever practicable to prevent any act or omission which causes, or is capable of causing, pollution.

The duties of the authority are set out clearly in that section. Section 30 will remain in the Act if the Bill is proclaimed and subsection (1) of that section reads as follows—

30. (1) The Authority has all such powers, rights and privileges as may be reasonably necessary to enable it to carry out its duties and functions.

That subsection is all-embracing, in that it says, "the Authority has" all the powers, privileges, and rights necessary to carry out its duties which, as I indicated earlier, were to enhance the quality of the environment and to prevent any act or omission which will cause pollution. The duties of the authority are set out in section 28 and its powers are spelt out in section 30 of which subsection (1) is all-embracing.

It is probably one of the peculiarities of the way in which legal people work that, in having provided an all-embracing power at the beginning of the section, they then deal with some of the details. It was pointed out to me that the jargon used by the Parliamentary Draftsman in this area can be compared with a shopping basket full of goodies. Subsection (4) of section 30 says—

Without limiting the generality of the provisions of this section, the Authority may...

It then spells out a whole host of provisions, including the one to which I referred earlier—that is, paragraph (m)—which deals with the power to publish and provide information.

I hope the House has followed the logic I have tried to convey. Initially I held fears with regard to this legislation, and obviously members of the Opposition and the general public who have made representations to me held similar fears. However, I am convinced now those fears are groundless, because the authority still has the right, when necessary, to publish reports and provide information.

I can understand the desire of the draftsman who prepared the Bill to tidy up the matter and ensure there was no duplications of provisions. I place on record my initial concern that the legislation before us may have had a disastrous effect on the powers of the EPA but, on close study, I have found that is not the case. I am pleased this is so, because as other members have said, I hold to the point that protection of the environment for the future should be a matter of prime concern for every member of this House.

Of course, it is important to have a sensible approach to environmental protection. Some people in the community do not have a sensible approach and, for whatever reasons, they believe we can simply grind to a halt, stop progress, and not proceed with new developments.

I am reminded of the comments made by the Hon. J. T. Tonkin when he introduced the Environmental Protection Bill in 1971. For the benefit of members, I should like to read a part of these, because he gave very wise counsel in his second reading speech on the Bill. On page 1742

of *Hansard*, of Thursday, 23 September 1971, he said as follows—

The fundamental and critical single factor which must be borne in mind in considering this legislation is that it must be realistic. It must take account of what we are, what we have, and what we want to have, for ourselves and for generations to come. Therefore, this legislation must be balanced. It must achieve a balance between technological extremism, and conservation extremism.

It is important to bear in mind that the public of Western Australia have not been very well served by some people in the community who have been able to grab the attention of the media and the Press to run a vendetta against every development that has been mooted. They have used most unreasonable arguments and, in many cases, untruths to try to sway people to their point of view. These are the "stop everything people" and unfortunately some of them have become associated with the ALP.

Mr Bertram: And quite a few are in the Liberal Party too.

Mr HERZFELD: The ALP is beginning to realise it has a cross to bear which it would rather be without.

Mr Bertram: Some of the worst I have seen have come from the Liberal Party.

Mr HERZFELD: The point I return to is this: It behoves all of us to think in terms of development in a reasonable way. In other words, we need to recognise that, if the State is to progress, if jobs are to be provided for school leavers and for the younger generation, and if we are to make an impact on unemployment and put people back to work, we need sensible handling of environmental issues.

Western Australia has vast natural resources which are needed not only by this State in order to create economic activity, wealth, and an improved standard of living, but also by countries in other parts of the world, because we have a moral responsibility to share our resources with them.

It ill-behoves members opposite to make the comments we have heard today. I have gained the impression members opposite support people who constantly try to get in the way of sensible development.

Several members interjected.

Mr HERZFELD: It is very convenient for members opposite constantly to harp on the benefits to the public—

Mr Skidmore: That is something that you never bother about.

Mr HERZFELD: —and to say this Government is here only to serve big business. Nothing could be further from the truth; it is a lie which the ALP continues to foster for obvious political reasons. The fact is however that the ALP has not got away with it and this has been illustrated by the results of successive elections. The people of Western Australia have not bought that argument because they realise what it is all about. They realise it is about economic development and resources development which are carried out in a sensible way. Indeed, following development, they have something far better than they had before.

A prime example is what Alcoa is doing at Pinjarra. Again, because of an unfortunate association with one conservationist, the Opposition has tried extremely hard to create all sorts of fears and tensions in the community over the question of bauxite mining. Alcoa is going about its business and not trying to hide anything and as a result of that the campaign which has been directed by the Opposition has been rejected by the public.

I can recall speaking to some pensioners who had been taken through the operations at Alcoa. After they had seen the results of the work there they said, "We do not know what all the hassle is about. For the life of us we do not know what they are taking about."

Mr Pearce: Manipulating pensioners now.

Mr HERZFELD: Alcoa is creating a forest for the use of future generations. That company is investing huge sums of money to create an environment for the future. The company has also provided facilities which will be used by the people in the community and future generations.

Several members interjected.

Mr HERZFELD: It does not wear well for the Opposition suddenly to suggest or imply that members on this side of the House have no concern for the environment. It is perfectly clear that most members on this side of the House are extremely interested in the environment.

The legislation we have before us will do a lot to enhance the protective devices we have in this State to protect the environment. It will enhance the strength of the EPA by bringing additional people into the processes of reviewing the management of the environment.

Mr Skidmore: How is it going to do that?

Mr HERZFELD: I will be happy to say how. First of all, there will be an additional person on

the authority who will be able to contribute his wisdom and judgment to the responsible duties of the authority.

Mr Skidmore: There will be no more people.

Mr HERZFELD: There will be an additional person; one will be replaced.

Mr Pearce: The one with all the experience and wisdom you are talking about.

Mr HERZFELD: The person who will be replaced will still be making his contribution in a very real way in his role as the director of the department; that is, if it is still the same person.

Mr Barnett: It cannot be the same person.

Mr HERZFELD: Do not play with words!

Several members interjected.

The ACTING SPEAKER (Mr Watt): Order!

Mr O'Connor: The director of the department can be the same person.

Mr HERZFELD: It could well be that the Government of the day, in its wisdom, may desire to have the current director as a member of the authority. If that is the case, there will be another person appointed to the position of director.

Mr Skidmore: They may put me on, too.

Mr Shalders interjected.

Mr HERZFELD: Members on the other side of the House are still continuing their accusations and slander. The member for Fremantle earlier in the debate spoke in that fashion when he referred to the past Director of the EPA and it was quite scurrilous.

This legislation will be of real benefit in the processes involved in protecting the environment of Western Australia for future generations. This legislation will help to streamline all such processes—

Mr Parker: The processes of the Government!

Mr HERZFELD: —and it should be welcomed by all members in the House.

Mr Skidmore: You have not convinced me.

Mr HERZFELD: Members on both sides of the House have spent a great deal of time criticising the Government and bureaucracy for not acting in a speedy way and for being too cumbersome in its operations. The provisions of this Bill will do a lot to streamline the procedures and decisions required.

Of course if these decisions can be made as expeditiously as possible it will be of benefit to the people of Western Australia because they are intimately linked with the creation of jobs and employment.

The legislation embraces principles which members on this side of the House have enunciated as far back as 1971 when the original legislation was before the House. That evidence is in *Hansard* if any member does not believe me.

The EPA's position will be strengthened and its power unaffected and because of this fact the legislation deserves support from all members of the House.

MR PEARCE (Gosnells) [2.59 p.m.]: One of the ironical things we hear in this House is members such as the member for Mundaring purporting to express public opinion. He is a person who comes from an electorate which is only about one-third of the size of an electorate represented by a member from the metropolitan area—such as I am. We hear such a member attempting to tell other members—

Mr O'Connor: He has a great deal more intelligence than you have.

Mr PEARCE: It is amazing that we have the member for Mundaring and the member for Moore constantly talking about other members' intelligence. These members have IQs which do not run to double figures. There is a joke circulating about the corridors now which says, "What is it that has an IQ of 9 and digs holes?" The answer is, "The member for Moore gardening". The second part is, "What has an IQ of 18 and digs holes?" The answer is, "A wombat."

Mr O'Connor: Who has an IQ of three?

Mr PEARCE: We have such members standing up and pontificating—

Several members interjected.

Mr PEARCE: We have members such as the member for Mundaring who could not win an election in a full-size electorate, purporting to represent public opinion.

Mr Herzfeld: The Labor Party put up a man for election against me on environmental issues and he was beaten.

Several members interjected.

Point of Order

Mr O'CONNOR: On a point of order, Mr Acting Speaker (Mr Watt), I wonder whether you could get the member to debate the Bill at some stage.

The ACTING SPEAKER (Mr Watt): While it is true that the member for Gosnells has not yet directed his remarks to the substance of the Bill, it is true also that the member has been on his feet for only one minute. However, I suggest to

him it is quite improper for him to spend the first minute of his speech casting aspersions on members of this House. I ask him to proceed to the substance of the Bill.

Debate Resumed

Mr PEARCE: Thank you for that excellent advice, Mr Acting Speaker. I do not remember the member for Mundaring, prior to the election, asking for a bauxite mine in his electorate, although a good deal of his electorate may be mined for bauxite. The Darling Range extends into the member's electorate, and if the member wanted a bauxite mine there, he should say so now, loudly and clearly.

Mr Herzfeld: What has that to do with it? Your man was running around at the time saying that there would be a mine started next month.

Mr Shalders: I would be happy to have one in my electorate.

Mr PEARCE: It is there already.

Mr Herzfeld: He also said there would be a railway running up to Chidlow. He was an embarrassment to your leader.

Mr Bertram: Well, you did not help yours much.

Mr MacKinnon: You bet he did—he won the seat.

Mr Clarko: You can't do much better than that.

Mr PEARCE: The fright he got on that occasion was obviously the motivation for the extraordinary speech the honourable member made this afternoon. It is not surprising that the Liberal Party, which is quite adept at hiding the many skeletons it has in its cupboard, has moved on to body shuffling.

Mr O'Connor: They are not drug pushers anyway.

Mr PEARCE: I am amazed at the level of debate—

Mr O'Connor: You started it.

Mr PEARCE: —or rather the level of the interjection of the Deputy Premier. Having taken a point of order on me for not talking to the Bill, he now wants to debate the subject matter of drug pushers. I will accommodate him in such a debate, but if that is his wish, he should move a motion about that subject matter. It is the height of hypocrisy for the Deputy Premier, having complained that I am not speaking to the Bill, to seek to sidetrack us into a different field seconds afterwards.

Mr O'Connor: You still haven't got onto the Bill.

Mr PEARCE: That is the sort of thing we expect—

The ACTING SPEAKER (Mr Watt): I ask the member for Gosnells to comply with my former request.

Mr PEARCE: I am doing my best.

The ACTING SPEAKER: The honourable member would progress at a faster rate if he were to ignore the interjections.

Mr PEARCE: That is right, but if I had protection from interjectors, possibly it may not be so difficult.

The ACTING SPEAKER: That could be construed as casting an aspersion on the Chair.

Mr PEARCE: I am not casting an aspersion on the Chair; I am following up my earlier comments.

I was speaking of the shuffling of people in the EPA. When I started on this line, the Deputy Premier interjected about drug pushers, and no action was taken to try to stop him from doing that.

The ACTING SPEAKER: Twice now I have asked the member for Gosnells to proceed with his speech. I allowed him an opportunity to comment on the interjection of the Deputy Premier, and now he is accusing me of not having interrupted to stop the interjection. He cannot have it both ways. I ask him to proceed, and I ask other members of the House to cease their interjections.

Mr PEARCE: If there are no interjections, I will get to the point very rapidly. The point I was making before the lengthy series of interjections occurred, is that the Government has become quite adept at body shuffling in recent times.

Mr Clarko: You said that before.

Mr PEARCE: I beg your pardon?

Mr Clarko: You made that exact point before.

Mr PEARCE: The Chairman of Committees in this House is probably the strongest when he is in the Chair, about telling other people not to interject. It is sheer hypocrisy.

We have seen the Government change the nature of a number of bodies in small ways and the specific intention has not been to obtain a slightly smoother flow of a bureaucracy, or for a slightly better theoretical purpose, but rather for the specific purpose of getting rid of certain individuals. We understand that the way in which the EPA operates depends almost entirely on the membership of that body. It is not given

particularly strong powers, it does not have a great deal of teeth, and it is up against tremendously powerful organisations in our society. It is up against the multi-nationals and big business. There is a great deal of money involved, and these companies have a big pull, particularly with a Government such as ours.

Mr Herzfeld: It has nothing to do with the providing of jobs for the people!

Mr PEARCE: A great deal of it is to do with providing funds for election campaigns.

Mr Herzfeld: What rubbish! Didn't you go out during the last campaign and say what you would do for businesses?

Mr PEARCE: I did not get paid for saying it, and if the member for Mundaring would like to stand up and say that no money from mining companies found its way into his election coffers, I would—

Mr Herzfeld: I can assure you of that.

Mr PEARCE: It would not be true of some other front-bench Government members. To suggest the link between big business and this Government is altruistic, as the member for Mundaring says, is to ignore the realities, because Government members are dependent on election funds from such sources.

Mr Herzfeld: Do you get money from them?

Mr PEARCE: From big business?

Mr Herzfeld: Yes.

Mr PEARCE: I do not receive any funds from anyone.

Mr Herzfeld: What about your party?

Mr PEARCE: We do not take contributions and pay back the favours in the way the Liberal Party does.

Mr Shalders: We don't levy members of the Labor Party either!

Mr PEARCE: The honourable member's party effectively does that, because every time I buy a saucepan probably I am contributing money to Alcoa, and then money to the Liberal Party. The honourable member ought to be grateful—probably the number of saucepans I have bought has kept him in Parliament.

Mr Shalders: Why not say that outside Parliament?

Mr PEARCE: It is our party which has pressed for the opening up of information about campaign coffers, but the Liberal Party would not do that. We are quite happy to do so, but of course the member for Murray would not leap forward to support that proposition.

The EPA is in a very difficult position because it confronts both the Government and the big companies which support the Liberal Party, and who wish to overcome what the EPA does. People do not go around despoiling our environment just for the sake of despoiling it. They do it for money. Although jobs may be provided in the interim, we do not accept that Alcoa and other companies decide to operate in Western Australia for altruistic reasons. These companies do not look around the world and say, "Where is there a high percentage of unemployment?"—although of course they would be right about Western Australia in this regard—and then open up a few mines. That is the sort of American altruism that the member for Mundaring seems to think motivates these multi-nationals.

Mr Shalders: Typical socialist philosophy—they would be digging for gold at Rottnešt.

Mr PEARCE: These people come here to make money, and they make money by despoiling the environment. We say there must be a balance in regard to any decision—we must look at all factors including employment and the extent to which the environment will be damaged. We must hit on some compromise situation.

Mr Herzfeld: Have you been down to Alcoa and seen the reforestation?

Mr PEARCE: Of course I have seen the reforestation.

Mr Herzfeld: Then how can you say Alcoa is spoiling the environment?

Mr Barnett: Quite easily.

Mr PEARCE: The member for Mundaring made a rather foolish speech which took approximately 35 or 40 minutes. He has now used up another five or six minutes of my time. In fact, he has spoken more than I have.

Mr Herzfeld: I have just taken over your role for a change.

Mr PEARCE: The Opposition has held many discussions with representatives of Alcoa. I am the liaison between Caucus and Alcoa on the proposition to build a large environment centre in the forest. The Alcoa representatives set up an audio visual display and told us the proposition it was putting forward in regard to the Jarrah Centre. Caucus appointed the shadow spokesman on conservation and environment (the member for Rockingham) and me to liaise with Alcoa in regard to the Jarrah Centre.

So we have our lines with Alcoa, and we talk with Alcoa representatives about its particular interest. All the time we seek to obtain a balance

between the maximum number of jobs and projects and the minimum damage to the environment. When we look around the State to see who is working to protect the environment and to obtain that sort of balance, there is the Opposition and the EPA, and precious little else.

That does not amount to much when we are facing up to a Government which holds sway over the bureaucracy and the Public Service, and can control the flow of information; it does not amount to much when we are up against multinational companies which have cash flows greater than the State's Budget. If we were to mount some big push against Alcoa, we would find these companies involving themselves in massive publicity campaigns to give the good side—not a balanced picture—of what they are doing. As the member for Mundaring said, they take pensioners to the forest, and show them what it suits the company that they should see.

Mr Herzfeld: Not only pensioners; also anyone who wants to go.

Mr PEARCE: That is no different from a person fronting up to Liberal Party headquarters and asking for a rundown on the politics of this State. No-one would seriously suggest he would be given anything like an accurate picture of the state of affairs in this State; he would be given a very biased picture. That is the case with Alcoa.

The company is aware of that situation, otherwise it would not seek to appoint as part-time advisers to this jarrah forest information centre people like the member for Rockingham and myself; what the company is seeking to do is lend credibility to its story by enlisting people like myself and the member for Rockingham, who might otherwise be expected to be antagonistic towards the operations of the company. We are happy to do that, but the price is that the centre be impartial—otherwise we would not put our names to such a venture.

To return to the point, the EPA is not a powerful body in itself and it is up against very powerful forces indeed.

Mr Herzfeld: It is no less powerful today than it was when the Bill was first introduced in 1971, and these amendments will not change the situation.

Mr PEARCE: Unfortunately, that is a very questionable statement. Although it may be the case, I do not think it is specifically because of this amending legislation.

The point I was making before, and which I reiterate now for the benefit of the member for Mundaring, is that the EPA is a three-man body and, given the situation that it is a fairly weak

body when compared with the very powerful forces which occasionally oppose it, its greatest strength lies in the three people who comprise the EPA.

If the Government were to appoint Government lackeys to the position—if it appointed the member for Mundaring, the member for Murray and another back-bench member—we could kiss goodbye to the EPA, although in fact its theoretical structure would not change at all. Can members imagine any of those three back-bench members standing up to the Government or the mining companies? They would not. No critical reports would be produced. The EPA would abrogate its responsibility because the people who comprise it would not be prepared to accept their responsibilities.

Mr Herzfeld: Those comments are objectionable.

Mr PEARCE: Perhaps they are objectionable, but they are not inaccurate, which is the test.

Mr Herzfeld: They are totally wrong.

Mr PEARCE: If the member for Mundaring cannot understand that the effectiveness of operation of such boards depends on the calibre of the people who comprise those boards, what sort of business does he back, with his big business philosophy?

Mr Herzfeld: I thought you would have gathered from my speech that I do not accept your proposition. You were talking about IQs; perhaps I should have used monosyllables to assist you.

Mr PEARCE: I am getting a fraction tired of the member for Mundaring. It is fundamental to the operations of the EPA that we appoint strong people, with appropriate background, experience, and qualifications and a determination to protect our environment rather than appoint three Government toadies who would do nothing. If the member for Mundaring does not accept that proposition, it demonstrates why he should not have participated in the debate.

It seems to the Opposition that the principal and specific intention of this Bill is to get rid of the current Chairman of the Environmental Protection Authority and Director of the Department of Conservation and Environment (Mr Colin Porter). My colleague, the member for Morley pointed out that in fact, because of the way the department operates, in a real sense it actually is a department headed by the EPA and not the director of the department—that is to say, the department is subject to the direction of the EPA.

When the member for Mundaring suggests that the EPA actually will be strengthened by removing Mr Porter from the chairmanship of the EPA, but allowing him to take part in meetings and give advice and recommendations as a fourth person, I am sure he fails to realise—as the Deputy Premier would have realised—the way in which the Government seeks to tie Mr Porter completely.

Under these proposals, Mr Porter will be able to take part in meetings and put his argument, although he will not be allowed a casting vote. If the committee overrules his recommendations, and puts in a counter report, he will be completely tongue-tied because of his powerless involvement in being allowed to give only advice and nothing else.

If the EPA has one power, it is the power of embarrassment. It can produce reports which are embarrassing to the Government, especially when it overrides a Government proposal. This Government has shown it is not prepared to cope with such embarrassment. Firstly, it tried to stop that embarrassment occurring by not publishing the reports. However, that proved to be a fairly useless exercise because, ultimately, the reports were leaked and the Government became even more embarrassed than it otherwise would have been, not only because of the contents of the report but also because of the way it tried to cover it up.

The Government is seeking to avoid such embarrassment by making sure the EPA does not produce such reports in the first place; that would prevent embarrassment. The Government could not do that while Mr Porter was chairman because as the member for Morley mentioned, he has shown a degree of courage in standing up to the Government. At the same time, he has sought quite properly to achieve a balance between the needs of industry, employment, and the environment. He has not always gone along with the Government line.

Mr Porter now is to be kept on, because to sack him completely would be an embarrassment. However, I am quite prepared to believe the Government's initial intention was to sack Mr Porter more completely than now is the case; the subsequent public outcry and Press comment prevented that, and this represents a compromise solution to the Government's problem and enables the Government, supposedly, to save face.

This really is quite a clever piece of legislation. It will tie up Mr Porter and make the EPA far less powerful and forceful in defending the environment. The Government puts these

amendments forward under the guise of streamlining the operations of the authority. However, the Opposition is not taken in by these proposals and that is the reason we intend to oppose the Bill. We will continue to ask for a balanced presentation of the interests of the environment, of industry, and of the State. We are not prepared to see our environment—a unique environment in the world today—sold out for the short-term interests of multi-national mining companies.

MR SHALDERS (Murray) [3.18 p.m.]: A few years ago, a very popular song titled "Puppet on a String" came onto the market. If ever the Opposition has given a classic performance of puppets on a string, it is with respect to the attitude it has adopted towards this legislation.

Mr Tonkin: You talk about puppets! You are a cypher.

Mr SHALDERS: The Opposition is dancing to the tune of a very small number of people with very narrow interests in our community.

Mr Pearce: We are not being paid-off for doing it.

Mr SHALDERS: I wish to talk about only one provision of this Bill, which is to replace the Chairman of the Environmental Protection Authority with a person who is a non-Government employee. I venture to suggest that had the situation been reversed, and if the Government were seeking to replace a chairman who was a non-Government employee with a person in the pay of the Government, such as the present Director of the Department of Conservation and Environment, instead of that person being treated by the Opposition as a hero, he would be pilloried by the Opposition and by the narrow interests they represent. They would accuse the Government of replacing an independent person with a Government lackey. I make this point to demonstrate the total hypocrisy of the Opposition with respect to this proposal.

Today that man is a hero. If the move were made in the other direction the man would be a Government lackey and the Government would be trying to impose its will on the EPA through placing that person on that body. Opposition members, and particularly the member for Gosnells, go to great lengths to talk about how democracy is dead and how free speech has gone from this Parliament.

Mr Pearce: I never said that.

Mr SHALDERS: The Opposition believes that is the very situation in this Parliament. It is all right as long as it is its members doing the talking, but when it comes to what is said by a

Government member, such as by the member for Mundaring, the member for Gosnells has the temerity to suggest he should not be making a contribution to this debate.

I say this to the member for Gosnells: He is certainly an intelligent person whom I respect. I respect his knowledge, particularly in the field of education. But he is making a laughing stock of himself by getting to his feet on anything and everything that comes to this House to such an extent that he is not only referred to on this side of the House but also on his own side of the House as the Minister for everything. It is sad to see; I think he could make a contribution to the proceedings of this House if he did not try to tell us he was an absolute expert on everything, because he simply is not. In all kindness I say to him that he is making a fool of himself.

Mr Tonkin: Thank you, grandfather!

Mr SHALDERS: I am talking to the organ grinder and not the monkey. With those few words I indicate my support of the Bill.

MR O'CONNOR (Mt. Lawley—Deputy Premier) [3.21 p.m.]: I heard with dismay the comments of members of the Opposition and as best I can I will answer most of the points brought forward. It is obvious to all of us that a lot of false information was passed out prior to the introduction of this Bill. For those who have any doubts about it, the Government was not in any way endeavouring to mislead anyone. As a matter of fact, the Bill was introduced into this House I think within two days of the Government's making its final decision in connection with this matter.

Mr Blaikie: Hear, hear!

Mr O'CONNOR: The comments from the member for Rockingham made me smile at times. If I recollect correctly he said that some of the information he was getting from the department was from reliable and reputable people. Was that not correct? The member has not denied that so I take it to be correct.

Mr Tonkin: At least he would not have mispronounced the word "reputable".

Mr O'CONNOR: If these people are leaking information they are totally disloyal and certainly not reputable people. Quite frankly they are a danger to the total service and are showing a total disregard for their friends in that service, because they are giving them a bad name which they do not deserve. I refute the statement that the people leaking this information are loyal and extremely reputable people.

Mr Davies: He told you whom he phoned.

Mr O'CONNOR: If these departmental people have done this they have breached the rules of decency and quite evidently have lowered the standard of the service to the detriment of many people. The continued leaking of this information is in many ways the way of a traitor.

Mr Davies: He told you whom he phoned and they said they would not comment.

Mr O'CONNOR: He said it was three members of the EPA, although they are not departmental people.

Mr Davies: What is Mr Porter?

Mr O'CONNOR: Certainly he is a departmental officer and I ask the member for the name of the man from whom he is getting his information.

Mr Barnett: During my speech I did not say that anyone had leaked information to me; I just said the information had been leaked. No-one in the department—either the EPA or the department—has ever leaked information to me. The information is leaked to the Press and I read it just as the Minister does.

Mr O'CONNOR: I wrote down what I believed the member had said. Many of the rumours were not factual.

Mr Pearce: Many were.

Mr O'CONNOR: There was no intention on the part of the Government to sack Mr Porter as director of the department, as some people have indicated; I say that emphatically.

Mr Hodge: You will replace the Chairman of the EPA with a ministerial appointee.

Mr O'CONNOR: The people who marched on Parliament did so under a false premise. They came here saying, "Save the EPA". There was no intention to get rid of the EPA.

Mr Pearce: Just to get it under the thumb.

Mr O'CONNOR: A comment was made that one of the Government's views was to remove the EPA's right to make information public, but that was not true. I ask members to look at section 30(m) on page 17—and this is in the Bill—which states—

- (m) publish reports and provide information for the purpose of increasing public awareness of the problems and remedies that exist in relation to environmental pollution;

Section 31 deals with the functions and duties of the EPA and states that the authority has all such powers, rights, and privileges that may be reasonably necessary to enable it to carry out its duties and functions.

I have checked with the Crown Law Department to ascertain whether this gave the department the right to make information public and according to the Crown Law Department—it should know more about the legal aspects than I do—that is the position. I think the member for Mundaring made that point during his contribution.

I will now consider the points made by members opposite about the sacking of the director. The director has not been sacked. The director is still the director of the department and as far as we are concerned will remain there. What we have done is to make the EPA more reasonably constructed with more public representation. I believe this is necessary and as the member for Murray pointed out, had we removed a member of the public and placed on the EPA a departmental officer we would have been criticised severely.

It is the intention of the Government to place another member on the EPA. If members read the Bill thoroughly they will see the director of the department still has the authority to attend meetings of the EPA and give advice.

Mention was made of Mr Porter being on 20 other bodies. Many of these could have conflicting views. How could Mr Porter be on the EPA expressing a view disagreeing with the MRPA which has another view and be on the committee of the Main Roads Department disagreeing with that view? I do not think this situation is fair to the public or Mr Porter. It is better to have an independent person rather than a bureaucratic type when a department is putting forward its view to the authority. I am not criticising Mr Porter; I think he is doing what he believes is right. But ought we not have an independent person in charge?

Mention was made of a 16-member council of which seven members, including Mr Porter, are departmental heads. It is our intention to ensure the replacement is someone from the public who has some qualifications and understanding of the aspects concerned.

The member for Rockingham made the statement that Mr Porter is the one man environmentally aware and concerned.

Mr Davies: On the EPA.

Mr O'CONNOR: He did not say that at all, and the Leader of the Opposition knows he did not.

Mr Davies: I am telling you what is an absolute fact.

Mr O'CONNOR: Is the Leader of the Opposition saying that Professor Main is not environmentally aware and concerned?

Mr Davies: Not as much as Mr Porter, and he certainly is better than Adams, who is 72, anyway, and you have to remove him.

Mr O'CONNOR: He would have to be joking! Professor Main is a first-class man and a first-class environmentalist. He is extremely concerned with the area of environmental protection. I would know that because I was in charge of the EPA. Professor Main would come to me if anything concerned him.

Mr Davies: He would go to the Minister for advice; that is how good he was.

Mr O'CONNOR: I would say it would be difficult to obtain a more qualified and concerned man in this State than he is.

Mr Barnett: He wants to be the next chairman.

Mr O'CONNOR: As far as Mr Adams is concerned—

Mr Barnett: He wants to be the next chairman.

Mr O'CONNOR: I find it hard to say anything with the continual interjections.

Mr Pearce: I find it hard to say a few words when I am trying to say something about this matter.

Mr O'CONNOR: The member for Gosnells seems to be the hatchet man for the Labor Party to try to bring it up from underneath. His activities will turn round on him one day.

Mr Pearce: You can investigate me all you like and you will find nothing.

Mr O'CONNOR: The member should go outside and try to say some of the things he has said here.

Several members interjected.

The ACTING SPEAKER (Mr Watt): Order! Order!

Several members interjected.

The ACTING SPEAKER: Order! The House will come to order! I ask the Deputy Premier to confine his remarks to the Bill.

Mr O'CONNOR: Very well. I ask members to consider Mr Harry Butler. Is he a man not concerned with the environment? I ask members to consider other such people. When the Opposition speaks about Colin Porter being the only man aware and concerned about the environment I think it is being fallacious.

Several members interjected.

Mr O'CONNOR: Members opposite have asked why a legal practitioner ought to be a

member of the authority. Mr Adams has been on the EPA for a number of years and I believe he has been a first-class advocate and operator. Officers of the department have advised me that they believe a legal man with knowledge and understanding of the environment will be an asset to the board and can give advice of tremendous value.

Mr Davies: We appointed him.

Mr O'CONNOR: I am not complaining about that. We know the Opposition appointed him. The advice I have from the department is that Mr Adams is a top-line man and that it would be of advantage to the authority to have a man of his qualifications.

Mr Davies: He has to go. He is 72 years of age.

Mr O'CONNOR: That is true, he is 72.

Mr Davies: We have to have an experienced man on the board.

Mr O'CONNOR: We do need to have an experienced man on the board, and we will.

Mr Davies: Who?

Mr O'CONNOR: We will determine that in due course.

Mr Davies: Harry Butler!

Mr O'CONNOR: I believe the Government will appoint to the EPA a member of the public who can contribute properly and can express a significant view. He will be a man who can be advised and informed of certain situations by the department head. The member for Rockingham said that of the three men to be appointed only one shall have environmental experience. Of course, that is just not true. The Bill states that no fewer than one is to have experience with environmental matters.

It could be that three of the men on the board have experience with the environment. The fact is that the Bill does not state only one shall have environmental experience; I want to make that clear. Members of the board can be appointed so that the board will be composed of people who will ensure justice for the environment.

Mr Davies: Support the Government!

Mr O'CONNOR: The Bill we have brought forward will cover the circumstances which have changed since the Act was introduced nine years ago. As far as the environment was concerned at that time we were babes in the woods; very little was known about environmental protection for this State. Nine years later we have companies generally, and in particular mining companies, which have contributed more than \$3 million towards environmental studies of the areas in

which they will operate. Quite frankly, that indicates the companies are concerned and know what is required for our present circumstances. For instance, the area for the North-West Shelf operations was investigated and accepted by the EPA before we decided that the project would go ahead. That is an example of what should happen in this case.

The member for Rockingham made a comment about which I was pleased. He said he agrees that the various Ministers ought to notify the Minister responsible for environmental matters when anything that will affect the environment is undertaken. At the moment no necessity exists for the EPA to notify the Minister. I believe that is not the right way for it to act. The Minister will be able to advise and instruct the authority or demand that it do certain things so that he is kept informed of what is happening with particular projects under consideration from time to time.

Mr Barnett: I disagreed, if you remember, with the way you went about it.

Mr O'CONNOR: I thought I qualified that. I said I was pleased to note the member believed the Ministers ought to have contact in regard to environmental matters. I believe that is the right way for us to achieve what we want.

Some comment was made in regard to the powers of the authority. Sections 30 and 31 of the Act indicate clearly that the authority has the power to publish any of the documents required and enable it to carry out its duties. I want to ensure that the persons appointed to the authority will be suitably qualified and adequately represent the public. The member for Stirling made the point that the director does not necessarily need to have information sent to him by the EPA. The director of the department has the same status as any other department head, whether it be of the Main Roads Department, or any other. Normally all correspondence goes to him and in this case he will have a further advantage in that he will be allowed to attend all meetings of the authority and give advice to the authority. Therefore, at all times he would know what is going on, and with the quality of the men on the authority, I have no doubt in my mind the information will go directly to the head of the department.

I do not accept the point made by the member for Morley that the director will be a shabby clerk. Many shabby clerks would like to earn \$40 000 a year and many shabby clerks would not be the director of a department or be allowed to sit in on EPA meetings.

I will refer to what members said about any person appointed as the head of the department. When Dr O'Brien came here he was not someone whom we could refer to as an expert in environmental matters but he was placed in charge of the department. The Labor Party appointed him to that position, and he was a very good department head.

Mr Davies: You brought him here under contract. We could not make the contract null and void.

Mr O'CONNOR: He had a Ph.D. in physics.

Mr Davies: You tied him up; he was your man for a few years.

Mr O'CONNOR: That is not true.

Mr Davies: I am not criticising Dr O'Brien. You had him tied up with a contract, even if we had wanted to get rid of him.

Mr O'CONNOR: May I make the point—

Mr Davies: We did not want to get rid of him.

Mr O'CONNOR: Apparently I cannot make a point. He had a Ph.D. in physics and had been studying the environment of the moon. If today we brought along someone studying the environment of the moon I imagine what members of the Opposition would say, but I believe Dr O'Brien was a good man for the position. Mr Porter was a mechanical engineer who had experience with investigations of the Thames River. However, he was a qualified mechanical engineer.

So I say quite frankly a man does not necessarily have to be a total environmentalist to be a good departmental operator. He does not have to have some special requirement for the EPA.

I think I have covered the points raised by the member for Mundaring. If any member considers that the member for Mundaring is a "Yes man", I can assure him that until I got here today the member for Mundaring was still asking questions of the Crown Law Department to make sure the Bill was as he thought it was. That is commendable. Members on this side can express a point of view, and if they want to oppose a Bill they can do so which is something members opposite cannot do.

Mr Pearce: Rubbish! You should talk to Dr Dadour if you want to know what happens to a member who votes for the other side.

Mr O'CONNOR: The member for Subiaco has opposed many Bills. Has the member for Gosnells ever opposed any Bills introduced from his side? Of course, he has not.

Several members interjected.

The SPEAKER: Order! What the Deputy Premier has said may be so but it has very little to do with the question before the Chair.

Mr B. T. Burke: Jerry Dolan crossed the floor when he was a Minister.

Mr O'CONNOR: Members opposite have stated that the principal Act was passed in 1971, and it could have been changed in the Upper House to make sure that section 4 was included. For the information of the member for Rockingham I would like to read the section.

Mr Barnett: It was section 7 to which I referred.

Mr O'CONNOR: It was section 7. Section 7 (2) reads—

(2) This section has no application to Acts ratifying agreements to which the State is a party.

Mr Davies: That was moved as an amendment by your leader in this House, when in Opposition.

Mr O'CONNOR: That is correct.

Mr Davies: You are suggesting it could have been tossed out in the Upper House.

Mr O'CONNOR: The member for Rockingham suggested—and I do not think he will refute what I am saying because it is recorded in *Hansard*—that maybe this section was in the Act because it was recommended in another place.

Mr Davies: It was moved by your leader.

Mr Tonkin: If we had not agreed the legislation would not have gone through the other place.

Mr O'CONNOR: I am pleased to hear members opposite come in so quickly because I would like to read to the House a comment from Mr J. T. Tonkin who was Leader of the Government and Premier at the time.

Mr Tonkin: He had his back to the wall all the time because of the Legislative Council. We were prepared to accept something as long as it got through the other place.

Mr O'CONNOR: At page 84 of *Hansard*, November 1971, following the moving of an amendment by the then Deputy Leader of the Opposition, Mr J. Tonkin said—

I think the argument advanced by the Deputy Leader of the Opposition is quite good.

These are the remarks of the Premier at the time, Mr J. Tonkin. He said—

I think the argument advanced by the Deputy Leader of the Opposition is quite

good. We have no intention of breaking agreements and I realise that if we attempted to do so, or attempted to make a vital change which would involve a company subject to an agreement in any substantial expenditure, the Government could be up for quite considerable damages.

I bring those remarks to the attention of members of the Opposition.

Mr Tonkin: It was put up by an undemocratically elected House.

Mr Young: The Premier at the time said the amendment was quite good, and you voted for it.

Mr Tonkin: Of course we did.

The SPEAKER: Order! The House will come to order!

Mr Tonkin: The upper House is undemocratically elected.

The SPEAKER: Order! The member for Morley will cease to interject.

Mr O'CONNOR: A number of members opposite have given to Mr Porter an honorary doctorate. To my knowledge he is not a doctor.

I believe the provisions of this Bill certainly will be of advantage to the State. It will allow for better representation on the EPA than is the case at the moment, and I commend the second reading.

Question put and a division taken with the following result—

Ayes 25

Mr Blaikie	Mr Mensaros
Mr Clarko	Mr O'Connor
Sir Charles Court	Mr Old
Mr Cowan	Mr Rushton
Mr Coyne	Mr Sodeman
Mrs Craig	Mr Spriggs
Mr Grayden	Mr Trethowan
Mr Grewar	Mr Tubby
Mr Hassell	Mr Watt
Mr Herzfeld	Mr Williams
Mr Laurance	Mr Young
Mr MacKinnon	Mr Shalders
Mr McPharlin	

Noes 17

Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mr B. T. Burke	Mr Skidmore
Mr Carr	Mr Tonkin
Mr Davies	Mr Wilson
Mr E. T. Evans	Mr Bateman
Mr H. D. Evans	

(Teller)

(Teller)

Pairs

Ayes	Noes
Mr Nanovich	Mr T. J. Burke
Mr P. V. Jones	Mr T. H. Jones
Mr Crane	Mr McIver
Dr Dadour	Mr Taylor
Mr Sibson	Mr Harman

Question thus passed.

Bill read a second time.

Reference to Select Committee

MR BARNETT (Rockingham) [3.47 p.m.]: I move—

That the Bill be referred to a Select Committee.

Mr Laurance: The National Party put you up to that.

Mr BARNETT: They did not put anyone up to anything; do not be silly. However, I am glad I have the attention of the member opposite because that is a start. It is quite obvious from what has been said today by members of the Opposition—and I might say, by at least one Government member—that nobody on the other side of the House has, in fact, listened intently enough to know what we are putting through. I am absolutely flabbergasted that the members on the other side can accept that this Bill should go through the second reading without being examined and drafted so that it sets out precisely what they have been told in their party room it does. If members opposite had taken five minutes to read this blooming thing they would know it does not do what the Government says it will do.

Mr Grewar: What do you think we have been doing for the last two months.

Mr BARNETT: Hibernating.

Mr Pearce: Nothing. In your particular case, you do what you are told.

Several members interjected.

The SPEAKER: Order!

Mr Pearce: You could not have known what was in the Bill until the last two days before it was presented, otherwise the Deputy Premier is a liar—

Several members interjected.

Withdrawal of Remark

Mr O'CONNOR: Mr Speaker, I ask the member for Gosnells to withdraw that remark.

The SPEAKER: I will have to leave the Chair until the ringing of the bells to find out what the remark was.

Mr O'Connor: He might tell you.

The SPEAKER: He might.

Mr PEARCE: Mr Speaker, rather than suspend the sitting perhaps I could explain what I said to the member for Roe. He claimed he had been studying this Bill for the last two months. I said he could not have studied it for more than two days before it was introduced in this House, otherwise the Deputy Premier is a liar because the Deputy Premier has—

The SPEAKER: Order!

Mr PEARCE: I am prepared to withdraw.

The SPEAKER: Before I call on the member for Rockingham, I would like to continue to explain why I was not in a position to do anything about asking for a withdrawal. It was impossible for me to hear anything but one hubbub coming from both sides of the House as a result of members involving themselves in exchanges across the Chamber. The member for Rockingham.

*Debate (reference to Select Committee)
Resumed*

Mr BARNETT: In answer to the member for Roe, I do not know what he has been doing for the last two months, but I am quite sure he was not studying the Bill, because it has only been printed in the usual form—there is nothing available in cartoon form. So I am quite sure that he for one has not been studying it. I was not referring to him precisely, however, but to the other members on the Government side who have the ability to read.

Mr B. T. Burke: Which ones are you talking about then?

Mr BARNETT: Those members have not done their job as legislators in this House and read the Bill.

I will come to the relevant point as to why I believe Government members have not read the Bill. The member for Mundaring stood up and told us that he has been concerned about this legislation, and he referred to sections 54, 55, and 56 of the Act. He said that subsection (3) of each of these sections was to be deleted. He told us he was extremely concerned about this right up till today, indeed up until the time he came to the House. If I am right, his concern extended into the period of the debate itself. For the benefit of *Hansard*, the member for Mundaring nodded his agreement.

The honourable member then took the opportunity to talk to the Parliamentary draftsman and the draftsman explained to him

that his fears and concerns should be allayed because had he looked at earlier parts of the Act, he would have seen that this opportunity was still afforded to the EPA.

The member for Mundaring referred us to a number of sections, but as his main argument to support his contention that he was no longer concerned about this matter, he referred to section 30 of the parent Act, and he quoted subsection (4) of that section.

I would like to read a few lines of this subsection that the honourable member used to tell the House that he could now vote for the Bill because his fears had been allayed and the EPA could still publish these documents. Would that be correct?

Mr Herzfeld: Obviously you were not listening, because I referred back as far as section 28.

Mr BARNETT: I did read that, but I did not think it was relevant in this instance.

Mr Herzfeld: That is relevant.

Mr Pearce: You point out the relevance.

Mr BARNETT: As I have only limited time, I was trying to short-circuit my remarks. However, I will go back to that point. Obviously I will not be able to say all I want to say, but someone else may assist me by making other comments later. Section 28 reads—

It is the duty of the Authority to use its best endeavours—

- (a) to enhance the quality of the environment; and
- (b) to control and wherever practicable to prevent any act or omission which causes, or is capable of causing, pollution.

There is nothing in that which indicates to me that the authority has the direct power to publish anything. The member then went on to section 29, but used section 31 after quoting those sections, to bolster up his argument.

Mr Herzfeld: I did not use section 31 at all.

Mr BARNETT: The honourable member did.

Mr Herzfeld: The Deputy Premier did but I didn't.

Mr BARNETT: We will say then that the honourable member did not.

Mr B. T. Burke: Everyone in the Liberal Party is criticising the Deputy Premier these days.

Mr BARNETT: We are quite happy to say that the member for Mundaring did not use this section. We know full well, having read section 31, the reasons that he did not use it. The Deputy Premier, who was just dobbed in very ably by the

member for Mundaring, apparently did use section 31.

Mr O'Connor: Plus others.

Mr BARNETT: Obviously then the Deputy Premier did not read it.

Mr O'Connor: I did.

Mr BARNETT: Paragraph (c) of subsection (4) commences—

... subject to the approval of the Minister and on such terms and conditions as the Minister may determine, ...

This is the qualification referred to by the member for Mundaring.

Mr Herzfeld: I referred to their duties under section 28.

Mr BARNETT: Then paragraph (d) reads as follows—

with the approval of the Governor publish model by-laws ...

What has that to do with publishing recommendations? Even then, the EPA cannot publish model by-laws without the approval of the Governor, and who is the Governor? Virtually, Cabinet is the Governor. So without the approval of Cabinet, the EPA cannot publish model by-laws. Then paragraph (e) reads as follows—

With the approval of the Governor make regulations in accordance with the provisions of any declaration made under section 39 of this Act;

Mr O'Connor: Read (4)(m).

Mr BARNETT: So the point I am trying to make, although perhaps not adequately, to convince members on the other side, and perhaps the member for Mundaring who had a genuine concern when he came here today, is that that section does not do what he says it does.

Mr Herzfeld: Perhaps later on you will allow me to get up and explain it to you fully.

Mr Pearce: As soon as he is finished you can get to your own feet. Let him finish his speech and then make a speech properly like we do on this side.

Mr BARNETT: My reason for asking Government members to agree to the setting up of a Select Committee is that, it is obvious from the number of speeches made today that there is a concerted action—although I do not know where it started from or why I can suggest that one reason was that the Government was embarrassed—to get rid of the director of the department as the Chairman of the EPA. I said to the Deputy Premier earlier, the aim was not to sack him as director of the department, but to

sack him as Chairman of the EPA. It is a big problem that we cannot get through to some members on the other side that there is a difference. I spent 1½ hours on my feet during the second reading debate trying to explain the intricate details in simple language so they would understand. I cannot see how they could misinterpret what I said.

There is no question but that section 54, 55, and 56 of the parent Act allowed for the EPA to initiate its own actions to investigate, say, the Mines Department, the Lands and Surveys Department, the Minister for Lands, or the Minister for Urban Development and Town Planning. Then subsection (3) of each of those sections allowed for the EPA, having given its recommendations to the Minister on whatever subject it had initiated investigations, to publish those recommendations. This permitted the public to know what was going on. Indeed, these were the environmental watchdog provisions, but those provisions are not included in the Bill before us.

I ask the House to refer this Bill to a Select Committee. The Government is seeking to remove Mr Colin Porter from the chairmanship of the authority, and Mr Colin Porter has been extremely effective for nine years.

Mr O'Connor: He has not been there for nine years.

Mr BARNETT: He has headed a department which has been extremely effective for nine years under two different heads.

The Bill also seeks the removal of the publishing rights of the EPA, and its ability to stand apart from the Government in respect of environmental matters.

It has also been mentioned—obliquely, by way of interjection—that one other member of the EPA, Mr Adams QC, is to leave. I understand he had done a very good job and the authority believes—having had the experience of a QC—that a person with similar experience should replace him. I do not argue with that, although I did want the reasons for his move.

It is insufficient for the Bill to provide that only one of the three members of the authority need have experience in environmental matters. I accept the Minister's point that it represents a minimum and that in fact, more than one person with such experience could be appointed to the authority. However, I believe the situation should remain as it is, and at least two people with environmental experience should be on the authority.

I am concerned that at a time when the authority has been operating very effectively, one

of its members is to leave and a second is to be removed by the Government. It seems to me this is an inappropriate time to be embarking on such an exercise. Nothing would be lost by leaving this matter until next March, when Parliament reconvenes, during which time a Select Committee could examine the structure of the EPA, in terms of keeping it independent of the Government.

This is the whole crux of the Opposition's argument, although other minor points are involved. Our major concern is with the basic composition of the authority.

Some members who have been here for a long time no doubt will be saying to themselves, "There is no point in establishing a Select Committee because Parliament is about to rise." I have investigated that matter, and should the House rise before the Committee has completed its deliberations, it could be turned into an Honorary Royal Commission at no expense to the Government.

The member for Mundaring told us he was once concerned about this area, and then used a section of the Act to tell us his concern no longer existed. In my opinion, the section of the Act he used will not leave the situation in the strong position which presently exists. The Deputy Premier used the same section of the Act to justify his argument.

However, no member opposite referred at any length to the portion of our argument which expressed our main concern; namely, why it is necessary to get rid of the Director of the Department of Conservation and Environment as Chairman of the EPA at this stage. Why is it necessary to introduce this Bill at this late stage of the sitting? Why could it not be left until next March? Nothing will be gained by hurrying through the legislation now, and everything could be lost because, in one fell swoop, we are getting rid of two-thirds of the members of an authority which has been operating very effectively.

I hope members will support this motion for the appointment of a Select Committee.

MR HERZFELD (Mundaring) [4.06 p.m.]: The argument put to us by the member for Rockingham is most unconvincing. Because he referred to comments I made earlier as being part of the reason the Bill should be referred to a Select Committee, I felt it necessary to explain—perhaps this time, in monosyllables—my exact line of argument. For a start, the member for Rockingham said I used section 31 of the Act to bolster my argument. The fact is, I did not use section 31 at all; I referred to sections 28 and 30.

For the benefit of the member for Rockingham and any other member on his side who may be equally confused, I intend to repeat what I said in my earlier remarks.

I said that section 28 describes the duties of the authority and that these duties included the requirement that the authority enhance the quality of the environment and control, wherever practicable, or prevent any action which may cause—

Point of Order

Mr B. T. BURKE: Mr Acting Speaker, I do not think anybody minds self-justification at times—

The ACTING SPEAKER (Mr Blaikie): Order! What is your point of order?

Mr B. T. BURKE: My point of order is, simply, that the honourable member is not referring to the motion that the Bill be referred to a Select Committee.

The ACTING SPEAKER: The member for Rockingham, in moving for a Select Committee, alleged that the member for Mundaring referred to section 31 of the Act. The member for Mundaring is vindicating the stance he took, as I believe is his proper function.

Debate (reference to Select Committee)

Resumed

Mr HERZFELD: I was referring to the duties of the authority, which are clearly spelt out in the Act. Section 30 (1) describes the powers of the authority to exercise those duties. Those powers are clearly spelt out in that section.

That section provides that the authority has such powers, rights and privileges as may be reasonably necessary to enable it to carry out its duties and functions. I do not think it can be more clearly stated what are its powers.

I then went on to refer to subsection (4)(m) which describes the specific power the authority has to publish reports and provide information.

I very clearly said I thought my initial reaction when I read subsection 4(m) was that it seemed to me to restrict the power of the authority to publish any matters it wished to. I went further and said that having consulted not only with a Parliamentary Draftsman but also with the Attorney General it was pointed out that paragraph (m) was a very small part of a section which was headed, "Without limiting the generality of this section."

Mr B. T. Burke interjected.

The ACTING SPEAKER (Mr Blaikie): Order! The member for Balcatta will come to order! I suggest to the member for Mundaring that he has given a reasonable explanation of his reaction to section 31 and he should now relate his remarks to whether or not there shall be a Select Committee.

Mr HERZFELD: One of the points made by the member for Rockingham was that the powers of the authority were to be restricted by the Bill before us and, therefore, because of this, the House should consider submitting the Bill to a Select Committee. I am trying to point out that there will be no diminution of the authority's powers to carry out its duties spelt out in the Act. This is the reason I do not support the proposal for a Select Committee. I have endeavoured in as simple a fashion as possible to make it clear to the member for Rockingham and other Opposition members that there will be no diminution of the EPA's powers. For this reason his proposal should be rejected.

MR COWAN (Merredin) [4.11 p.m.]: The medium of a Select Committee is something the National Party generally favours, but in this instance I inform the member for Rockingham that it cannot agree with his proposal. Our reason is that there is very little purpose in referring the Bill to a Select Committee. We would usually take such a step when the ramifications of any amending Bill were likely to be rather complicated. In this case the amending Bill is very clear in what it sets out to do, which is to remove the Director of the Department of Conservation and Environment from the chairmanship of the Environmental Protection Authority—that is very clear. The Bill also removes from the principal Act the right of the EPA to publish material under sections 54, 55, and 56. Subsection (3) of each of those sections are to be repealed. However, members of the House, if they have done any research into this Bill at all, will be aware that it was not those sections under which the EPA operated. Generally, it operated under section 57 and under that section there is no power for the EPA to publish any material.

I accept the argument put forward by the member for Rockingham that section 30 (4) (m) does allow for the publication of material. This is subject to the approval of the Minister, which is a reduction of the EPA's power to publish material. But the EPA very rarely operated under those sections of the Act which contained provisions giving it the right to publish its reports.

The reasons for our opposition to a Select Committee are quite simple. This amending Bill is very easy to understand. What will not be quite so simple is the effect the amendments will have. We

do not know what type of appointee the Government will choose to replace the current Director of the Department of Conservation and Environment as Chairman of the EPA. A Select Committee would not tell us that.

Mr Barnett: But it will draw that information out from the Bill.

Mr COWAN: Finally, the one matter which really worries the National Party is the significance of section 12 of the principal Act and I will deal with this matter during the Committee stage. Members of our party do not like the concept of the Chairman of the EPA being able to direct the department to do something without consultation with the director. We have this matter covered by an amendment which we will move later in the Committee stage. In our opinion that is the greatest weakness in this Bill.

We do not believe a Select Committee will throw any light on the appointment the Government is likely to make. With the exception of section 12 of the principal Act, that is probably the most important matter covered by the Bill before the House.

MR SKIDMORE (Swan) [4.15 p.m.]: I support the proposal put forward by the member for Rockingham as it certainly falls into line with the wishes of many of the societies and organisations which have contacted members of Parliament about the controversy which has taken place regarding the changes to the Environmental Protection Authority and its administration. I suppose one could say, "Here we go again." We have the usual groups coming along giving their points of view and the Government firmly deciding to ignore them, and saying it does not matter what these bodies think; it does not matter that it has a lot of responsible people coming to it.

One such body would be the WA Naturalist Club Incorporated which has probably written to other members of Parliament besides myself setting out a document which indicates very clearly the urgent need for a Select Committee to consider the operation of the EPA.

This particular piece of legislation has been in use for some nine years and has served the State reasonably well, albeit it does have some weaknesses which have been mentioned during this debate and which need not be reiterated by myself. It is pertinent to ask that as the Act has stood the test of time reasonably well, why should the Government make such sweeping amendments to it. When many people and organisations decide they are not satisfied with what the Government is intending to do when it says it is tightening up the Act to make it better, and when these people

become sufficiently concerned as to march on Parliament to exhibit their concern—and there were quite a number of people who did so—we have cause for concern. A lot of those people originally would have had no thought of walking a quarter of a mile to support the protection of our environment; but they have suddenly realised that they are concerned for their environment and that it is a matter they should take up with the Government and that it is a matter on which they should be counted. Many people from all walks of life marched.

I do not know why we could not have a Select Committee to consider this problem. We cannot help but wonder why there is to be a change after the legislation has been on the Statute book for nine years. We cannot help wondering why the Government is trying to tell us that it is good legislation but it is going to make it better. We have six or seven publicly-minded bodies indicating that this will not be the case and they have put forward cogent arguments to substantiate their point of view. We on this side cannot agree with the Government's statement that it will strengthen the EPA and that the changes will do nothing to weaken it.

When we consider the proposed developments in the north-west I wonder what the real reasons are suddenly to change the concept of the EPA. I wonder whether it has anything to do with the environmental controls which may be imposed by the authority on the Government in regard to the development of the natural gas deposits. I wonder whether the Government wants to get away from the social concepts relating to the workers who will be placed under tremendous constraints in their efforts to construct an extraction plant and a means of transporting our gas to Perth and for the export market. I wonder whether the Government will throw away the desires expressed by the management programme report for the development of that area when it referred to the great quantity of water that will be returned to the sound and which will destroy the marine life unless its return is properly managed. We have a classic example of that at Cockburn Sound. We do not want another Cockburn Sound. I wonder whether the building of the pipeline from the North-West Shelf to Perth will be subject to only a cursory glance from the authority if this Bill becomes law. I wonder whether the rehabilitation of the areas denuded by that pipeline will be thrust aside in order to save costs.

Mr O'Connor: The EPA has investigated the matter.

Mr SKIDMORE: I know it is investigating the matter.

Mr O'Connor: It has investigated it.

Mr SKIDMORE: I know that. What I am saying is that this Bill places my thoughts in a position whereby I doubt the sincerity of the Government's consideration of the EPA recommendations in regard to the pipeline. The Deputy Premier may shake his head but it is precisely why we need a Select Committee. It has become abundantly clear to me—I would like to use the words of the Premier—and "I would like to remind the members opposite" that some of those problems will cost a lot of money to overcome.

I refer to the management programme and the question of the social constraints that will be placed upon the towns in the immediate area of the development, such as Karratha. Those towns will be affected and will have to find suitable accommodation for the workers. Already we find that all the so-called caravan parks which are usually for itinerant people are now filled and occupied by permanent residents. All these points lead to the question of what effect this development will have on our environment and its conservation.

Various associations have felt they should put pen to paper and write to members of Parliament to suggest that all is not well with the proposals, which are watering down the good standards adopted by the Western Australian Conservation and Environment Council over the past six or seven years. As a legislator I view the council as not having gone as far as I would have liked it to go in regard to these matters.

I am beginning to understand why difficulties have occurred in the past. It is because the Government has taken action such as it did in regard to the Worsley refinery when it said, "You go back and bring down another report. We don't like that one." We were told the report had nothing to do with us or with other people of Western Australia and it was only for consumption by Government Ministers. We were told it was not for the people of Western Australia. One must exhibit concern when such action is taken and changes are made.

I agree with the proposition put forward by the member for Rockingham that we should appoint a Select Committee to investigate these matters. I could mention many matters which could be within the province of a Select Committee so that it could make a sweeping review of the present legislation with a view to bringing down legislation which is better than that which presently exists. I know the Government and probably certain developers have misgivings when

people ask them questions. The people at Dwellingup asked how close to the town the developers would mine for bauxite. The developers wanted to rape the whole town in their efforts to mine bauxite. The developers would not worry two hoots about pushing aside the people of Dwellingup so that they could get to the ore that their licence covers, and nothing would happen to them.

A Select Committee could examine these matters. For how many years have we accepted that the existing legislation is good and cannot be made better? I believe we could have more stringent controls and that there ought to be a better understanding of development proposals. There has to be a more ready acceptance by the Government of the EPA studies to examine environmental effects. Of course, the present legislation does not allow for that and that is one of the issues which a Select Committee could consider. It could investigate the circumstances surrounding the Worsley refinery.

The environmental review showed that the pondage proposal was of an experimental nature. The developers were not sure whether it would work better than it worked at Pinjarra, and they could offer no guarantee. The idea was that it would be better, but to my knowledge that has not been proved in any other area. Surely we need a Select Committee to investigate that matter. We have talked about and heard about fluoride emissions from smelters and other emissions from existing refineries. Nobody knows what is taking place because of the buffer zone erected round refineries. That is all very well, but I wonder why we have not had a searching inquiry into the effects of these projects upon the health of workers, and whether they have been affected by the fall-out from gases and other substances emitted by refineries.

Mr Stephens: You would not be able to do that. You would not be able to examine that.

Mr SKIDMORE: That could be true. I believe a Select Committee would be able to review the Bills which have control over such matters. One cannot change the rider of a horse without good reason. I just cannot understand that the Government has blandly said the changes will be made. If we are to review the management of these developments, surely we must set down what we will manage. I believe a Select Committee would be able to investigate all these issues. It may not cover everything the member for Rockingham had in mind, but it might open Pandora's box.

Possibly other members would not agree with me, but I am convinced that a properly set up committee would allow the matters I have mentioned to be investigated. If it could not do that it may well be that the committee would have to be in a different form because we desperately need these investigations to be carried out. How should we go about the consideration of the problems and the devastation that have occurred at Cockburn Sound? The problems there are well known. Raw sewage which has had very little treatment is being deposited into the sound. That matter also could be discussed by a Select Committee.

One might say that we usually accept that Ministers of the Government are responsible and have a part to play in their portfolios. However, one Minister of the Government felt that everything was not quite right with the authority. That Minister made his views public and of course I am referring to the Hon. Graham MacKinnon. Mr MacKinnon said he could see no reason to change the present Act because he felt it worked quite well. Mr MacKinnon has the wisdom he gained as Minister in charge of that portfolio some years ago.

I support the proposition which has been put forward for a Select Committee and in doing so I differ from the remark made by the member for Merredin that maybe we cannot go that far.

Perhaps we could widen the scope of the proposed Select Committee to cover the whole ambit of the matter of the environment. We should be able to protect the environment from the rapacious appetite of industry which seems to be hell-bent on expanding. In this way, we will be able to achieve some objectivity in our decisions and place restrictions on a Government which seems hell-bent on taking no action to protect the environment of Western Australia.

MR DAVIES (Victoria Park—Leader of the Opposition) [4.33 p.m.]: Perhaps members have wondered why I have not entered the debate. It may well be that I have a biased view on the matter because of my former association with the department as a Minister.

I must say it was one of my most exciting times, especially when this department was established. I looked upon Dr Brian O'Brien as one of the best Government servants I have ever worked with and I was somewhat distressed when the Government decided it would no longer renew his contract.

Mr O'Connor: I think he resigned.

MR DAVIES: I do not know the reason, or the situation, but the fact remains that I was sorry to

hear he had left because I have very great admiration for his ability and initiative. I am quite sure that the department would not have the standing it has today had it not been for Dr O'Brien's ability. I do not know whether he was an environmentalist on the move or whether he had expertise in other fields but the fact remains, he did an excellent job.

I was somewhat alarmed to learn that having decided not to renew his contract the Government then appointed him to rewrite the Act. One may think that this is a good decision because the director would be the man who would best know where the flaws were in the Act. However, I find it a little strange that a man is now sitting in judgment on something he has done previously and has to report on his actions. One may wonder why this did not take place when he was director of the department.

Therefore, I was ready to accept some of the rumours which were prevalent at the time when the Government was making drastic changes to the authority. If it had not been for the information which had been leaked, many more changes may have been made. However, that is something we will never know.

Having asked why these changes were not made when Dr O'Brien was the director and having looked in vain for some reason for the matter to be reviewed urgently now, I find my questions are unanswered. The only way we can find out whether the actions of the Government are necessary is by setting up a Select Committee. It would be strange indeed if the Government agreed to a Select Committee but I believe this House deserves this courtesy so that members can be convinced that the Government is not destroying something which has built up such a formidable reputation over the nine years it has been in operation.

Once again, I wish to query the urgency of the matter. The first question on this subject was asked in the House at the beginning of October. A question was asked as to whether changes were proposed. The Premier and the Minister in another place could not tell us whether or not action was being taken by the Government. Indeed, it became a standard question on Thursday afternoons for the member for Rockingham to ask the Premier what was proposed. The Premier's reply was usually that the member for Rockingham should ask the question at the same time next week when perhaps the Premier could answer the question.

If these matters were of such importance and were so urgent, why did the Government only a

week ago not know what it was proposing to do? That is a query that remains unanswered. What is the urgency of the matter?

Apparently Dr O'Brien was commissioned on 8 August with fairly wide terms of reference. The contents of the contract have never been made available to the Parliament but I believe the terms of reference were fairly wide. The cost of the exercise was to be \$11 000.

Dr O'Brien is an experienced person and I would imagine that this is a fair price to pay. However, can the Government tell us where the department will find that \$11 000 because no provision for it has been made in the Budget?

However, Government members felt certain that when they hacked the department around—those are my words—they could find the \$11 000. There is a heap of unanswered questions on this matter: Why the urgency and why get rid of Dr O'Brien and ask him to report on his own department are just two. These unanswered questions do not convince me that the Government is acting in a genuine way in this matter.

The EPA is to be completely restructured and the only person likely to remain is Professor Main. Mr Adams QC who was appointed by a Labor Government gave sterling service to the board up to the grand age of 72. I think we extended an Act so that he could remain as a member of one particular board. It is quite apparent that the Government will honour him for his services, because that is its policy and I do not cavil at that.

Professor Main may remain on the board but there is no guarantee that he will. Colin Porter will not be chairman of the EPA. It is not certain whether he will be sacked or moved to one side. There is no use the Government trying to hide what it is doing. The Government is trying to hide the fact that some of the recommendations of Colin Porter are not acceptable, so it is moving him around; otherwise there would be no urgency in the matter. However, until a short time ago the Government did not know what it wanted to do. The Government said, "We have to move Colin Porter, how can we do it?" The only assumption I can make is that it felt that Dr O'Brien should know how to do it and that he was the man with the answers.

As I have said, he is an eminent and responsible person in his field, and probably it was thought no-one would argue with the recommendations he might make. Of course, we do not know what charter he was given, and that is something a Select Committee should consider.

What is more, the EPA is not likely to be hampered in its work during the next six months until Parliament meets again. I have already pointed out Professor Main will remain as the one continuing link if this legislation is passed. If the Bill is not passed the Government can appoint a replacement for Mr Adams and leave Mr Porter as chairman; and two of the three members will act in a continuing capacity. By the time the Select Committee decides whether we need to alter the constitution of the EPA—and it might decide the constitution needs to be altered in ways other than those proposed by the Government—at least we will have on the EPA two people with considerable experience, and the third person, whether it be Mr Butler or one of the other persons named, will have had some short experience which will enable a continuing link to exist.

At present we are rushing this legislation through Parliament so that we can say we have to move Mr Adams because it is the Government policy to do so—it does not matter which Government is in power—and, therefore, we have to reconstitute the EPA completely. It is just not fair to the EPA. As the member for Rockingham said, we are hopeful that the director—whoever he may be—will be a man of experience. Who knows whether Mr Porter will remain there? Let me point out here that in my recollection I have never spoken to Mr Porter; I may have said “Hello” to him at a social function, but I do not recall it. I have no brief for him. I am simply annoyed at the way the Government is handling this affair because of the circumstances I have detailed.

The whole matter does not ring true. Because this is such a vital department and because the work it does is so vital for the protection of the future of this State, the Parliament has a duty to inquire more deeply into the situation than it is able to do at the moment. I do not think I am betraying any confidences when I say the Premier and Deputy Premier a fortnight ago were not certain this Bill would even come before the Parliament. At that stage they did not know what was happening. But now, suddenly, the Government is rushing a Bill through in the dying stages of the session.

There is no need for that. There will be an opportunity to appoint a replacement for Mr Adams, and for the replacement to gain some experience. In the meantime the EPA should continue in the way it has been going. That is the main reason we ask that the Bill be referred to a Select Committee.

The other reason is that there are too many skeletons in this whole affair. The matter is not crystal clear, and when we are dealing with matters which mean so much to the future of the State we are entitled to see the position with crystal clearness.

For those reasons I congratulate the member for Rockingham for moving this motion. I believe he did a very good job against overwhelming odds in expressing our opposition to the Bill. The Bill contains provisions with which we could not argue. We will not argue about whether we should change “1904” to “1978”. However, some aspects of the Bill, including some of the rewriting of existing provisions, give us cause for concern and require further consideration. That is another reason we have moved that the Bill be referred to a Select Committee, and that is the reason I support the motion.

Question put and a division taken with the following result—

Ayes 16

Mr Barnett	Mr Grill
Mr Bertram	Mr Hodge
Mr Bridge	Mr Jamieson
Mr Bryce	Mr Parker
Mr B. T. Burke	Mr Skidmore
Mr Davies	Mr Tonkin
Mr E. T. Evans	Mr Wilson
Mr H. D. Evans	Mr Bateman

(Teller)

Noes 23

Mr Blaikie	Mr McPharlin
Mr Clarko	Mr Mensaros
Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr Rushton
Mrs Craig	Mr Sodeman
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Trethowan
Mr Hassell	Mr Watt
Mr Herzfeld	Mr Young
Mr Lau:ance	Mr Shalders
Mr MacKinnon	

(Teller)

Pairs

Ayes	Noes
Mr T. J. Burke	Mr Nanovich
Mr T. H. Jones	Mr P. V. Jones
Mr McIver	Mr Crane
Mr Taylor	Dr Dadour
Mr Harman	Mr Sibson
Mr Carr	Mr Tubby
Mr Pearce	Mr Williams

Question thus negatived.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr O'Connor (Deputy Premier) in charge of the Bill.

Clauses 1 to 3 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr Barnett.

**REAL ESTATE AND BUSINESS AGENTS
AMENDMENT BILL**

Returned

Bill returned from the Council with an amendment.

LAND AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Council; and, on motion by Mrs Craig (Minister for Local Government), read a first time.

QUESTIONS

Questions were taken at this stage.

ADJOURNMENT OF THE HOUSE: SPECIAL

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

That the House at its rising adjourn until 1.45 p.m. on Tuesday, 25 November.

After consultation with the Leader of the Opposition, I indicate that it is intended that the sitting extend from 1.45 p.m. to 4.45 p.m. This will permit members time to return home, change, and bring their wives back to the reception to the new Governor.

Question put and passed.

House adjourned at 5.01 p.m.

QUESTIONS ON NOTICE

EDUCATION

Director General

1461. Mr DAVIES, to the Minister for Education:

- (1) Is the Director General of Education or his representative a member of any Government committees, authorities, councils, advisory bodies or other State Government or semi-Government organisations?
- (2) If so, what are the bodies involved?
- (3) What positions does the Director General or his representative hold?
- (4) Does he have full voting status on the bodies?

Mr GRAYDEN replied:

- (1) Yes.
- (2) The director general and senior departmental officers nominated by him represent the Education Department on numerous Government committees, authorities, councils and advisory bodies. These include—

The senate or governing council of all tertiary institutions and numerous advisory committees established by them.

The Western Australian Post-Secondary Education Commission

The Tertiary Admissions Examinations Committee and its numerous syllabus subcommittees

The Museum Board

Keep Australia Beautiful Council

Advisory Committee for Religious Education

State Inquiry into Teacher Education

Government Employees' Housing Authority

Western Australia Week

Multicultural Education Advisory Committee

Aboriginal Affairs Co-ordinating Committee

State Library Board

Rural Youth Movement Council

National Safety Council

Country High Schools Hostel Authority

Advisory Committee on Health Education

Planning and Co-ordinating Authority

together with numerous minor committees such as the Wireless Hill Telecommunications Museum Advisory Committee

The Committee for Understanding the Environment

The Perth Cultural Centre Planning Committee

Nomenclature Advisory Committee

Schools Crossing Committee

School Sites Committee

Fairbridge Farm Committee

Public Education Endowment Trust

State Advisory Committee—School Broadcasts

Special Education Council.

- (3) On some of these bodies, the director general or his nominee is an *ex officio* member, on others a nominated member; the director general or his nominee is *ex officio* chairman or elected chairman of several of the bodies.
- (4) As far as can be ascertained on short notice, the director general or his nominee has full voting status on each of these bodies.

CULTURAL AFFAIRS

Arts Council of Western Australia

1480. Mr PEARCE, to the Minister for Cultural Affairs:

Will he assure the House and the art community of Western Australia that in the selection of a new director of the WA Arts Council he will give priority to appointing a Western Australian or an Australian and only in the last resort appoint an overseas applicant?

Mr GRAYDEN replied:

Following the resignation of the previous director, the position was advertised widely in an effort to secure the most suitably qualified and experienced

person to fill the position to the greatest benefit of the Western Australian community. The appointment will be made consistent with this intention.

EDUCATION: PRE-SCHOOL CENTRES

Funding

1481. Mr PEARCE, to the Minister for Education:

- (1) Is it intended to fund pre-schools in 1981, only in respect of the number of five-year-olds enrolled?
- (2) If so, what steps is the Education Department taking to preserve the jobs of teachers currently teaching in pre-schools?

Mr GRAYDEN replied:

- (1) and (2) Some staff adjustments may be needed where there are reduced numbers of five-year-olds enrolled at a pre-school. Teachers and aides who may be surplus staff at such a centre will be offered a position elsewhere.

HEALTH: MEDICAL PRACTITIONERS

Public Hospitals

1482. Mr HODGE, to the Minister for Health:

- (1) Are the doctors employed in Government hospitals supplied with free meals?
- (2) If "Yes", please provide details of the hospitals that provide free meals?
- (3) If free meals are provided to doctors in Government hospitals will he provide details of the cost in each hospital for the past 12 months?

Mr YOUNG replied:

- (1) Yes, in some hospitals.
- (2) and (3) The information required by the member will necessitate considerable research, and will be provided in writing when available.

PARLIAMENT HOUSE

Parking Area

1483. Mr SKIDMORE, to the Minister for Works:

- (1) Is his department responsible for the erection of a floodlight in the

parliamentary parking area on the corner of Parliament Place and Harvest Terrace, opposite Parliament House?

- (2) If "Yes", why is the floodlight not operating?
- (3) If "No" to (1), will he inform me which department is responsible?

Mr MENSAROS replied:

- (1) Yes.
- (2) Arrangements have now been made for connection to the State Energy Commission supply.
This is anticipated to be completed by 25 November 1980.
- (3) Not applicable.

EDUCATION

Swimming Classes

1484. Mr H. D. EVANS, to the Minister for Education:

- (1) Is it a fact that no swimming classes will be held in 15 freshwater centres this coming summer?
- (2) If so, why?

Mr GRAYDEN replied:

- (1) The present plans are not to hold swimming classes in 11 freshwater centres this coming summer.
- (2) The decision by the Education Department was made on the advice of the Department of Health and Medical Services as part of the concern over amoebic meningitis.

It is hoped that this will not be a permanent arrangement, but the Education Department will be relying on the advice of the Department of Health and Medical Services on this matter.

HOUSING

Glendalough

1485. Mr BERTRAM, to the Honorary Minister Assisting the Minister for Housing:

- (1) Has he now received the petition referred to in question without notice 386 asked on 6 November 1980?
- (2) If "Yes", what action has he taken concerning it, and when?

Mr LAURANCE replied:

- (1) Yes.
- (2) The petitioners have been responded to and the matter is receiving urgent attention.

TOURISM

Barred Creek

1486. Mr BRIDGE, to the Minister representing the Minister for Lands:

- (1) With reference to his department's letter dated 9 October 1980 to the Shire of Broome concerning an application to develop a multimillion dollar tourist project at Barred Creek, would the Minister please detail the name of the developer?
- (2) Is it a Western Australian, Australian, or overseas company?
- (3) If an overseas company, what is the Australian ownership of the company, or what will be the Australian participating interest in the venture?
- (4) Will the general public have free access to the beach front and other recreational areas within the proposed excision from Waterbank Station?
- (5) Why is his department prepared to consider this type of development when it did not accept a proposal from an applicant to develop a roadhouse-botanical garden complex at the Broome-Port Hedland junction, but instead invited interested persons to apply for a lease of a roadhouse site?

Mrs CRAIG replied:

- (1) to (4) The member is referred to the answer to question without notice 124 asked in another place on Thursday, 6 November 1980, where it was stated by the Minister for Lands that he was not prepared to disclose the name of people who applied for land at Barred Creek. The application being considered made reference to negotiations by the applicant with Eastern States developers for the possible development of a multi-million dollar tourist project, although the initial stage is related to a caravan park and recreation area only.

The application is in the early stages of investigation and as is normal practice the views of various authorities have been sought. No assurances can be given

that the initial applicant would be granted land as public advertisement is required, should it be decided to release a site for development along the lines proposed.

- (5) An application to develop a roadhouse-botanical garden complex at the Broome-Port Hedland junction was considered, but, after investigation, it was decided to proceed with the release of a roadhouse site only. Prior to that release, the applicant had indicated no desire to proceed.

RAILWAYS

Freight Rates Revenue, and Grain and Iron Ore

1487. Mr McPHARLIN, to the Minister for Transport:

- (1) In the financial year ended 30 June 1980, what was—
 - (a) the tonnage;
 - (b) the revenue;
 - (c) the average haul;
 for each commodity grouped under "other bulk commodities" in answer to question 1330 of 1980?
- (2) For the block and special grain trains used to haul grains, what was—
 - (a) the type or class of the 30 locomotives used;
 - (b) the number of each type or class of locomotive used;
 - (c) the type or class of the 1300 wagons used;
 - (d) the number of each type or class of wagon used?
- (3) For the trains used to haul iron ore, what was—
 - (a) the type or class of the four locomotives used;
 - (b) the number of each type or class of locomotive used;
 - (c) the type or class of the 145 wagons used;
 - (d) the number of each type or class of wagon used?

Mr RUSHTON replied:

- (1) (a) to (c)

	Year ending 30 June 1980		
	Tonnes 000's	Revenue 000's \$	Average Haul km
Nickel	411	3 778	279
Tin.....	1	11	271

Talc.....	106	1 021	119
Oil.....	625	9 512	216
Caustic.....	380	1 000	80
Amonium nitrate...	49	815	458
Fertiliser	517	5 500	394

Totals	2 089	21 637
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(2) (a) and (b)

	Number
Standard Gauge Locomotives (L Class)	4
Narrow Gauge Light Line Locomotives (XA Class)	7
Narrow Gauge Heavy Line Locomotives—	
C Class	1
RA Class	2
DA Class	2
G Class	1
A Class	13
TOTAL	30

(c) and (d)

Narrow Gauge Class	Number	Standard Gauge Class	Number
WMD	21	WW	140
RBW	34	WWA	60
RCB/RCH/ RCW	341		
KW	24		
XW	171		
DC	509		

(3) (a) and (b) 4 L Class.

(c) and (d)

Standard Gauge Class	Number
WO	96
WOB	10
WOA	39

EDUCATION: HIGH SCHOOL

Belmont

1488. Mr STEPHENS, to the Minister for Education:

- (1) With respect to Mr David Carlson, Principal of the Belmont High School, when did he join the Education Department?
- (2) When did he receive his first promotional appointment and subsequent promotions?

- (3) Is Mr Carlson regarded within the department as having good professional competence as an educator?

Mr GRAYDEN replied:

- (1) Mr David Carlsen joined the Education Department as a monitor in 1950.
- (2) His first promotional appointment was in 1960 to Pinjarra Junior High School as Deputy Principal. Subsequent promotions have been—

Deputy Principal	Mt Barker District High	1961
Senior Master	Albany Senior High	1962
Senior Master	Armadale Senior High	1963
Deputy Principal	Cunderdin Agric. District High	1970
Deputy Principal	Connington Senior High	1971
Principal	Carnarvon Senior High	1976
Principal	Northam Senior High	1977
Principal	Belmont Senior High	1978

- (3) Yes. Recent criticism of Mr Carlsen was purely in respect of published statements attributed to him which were incorrect in some cases and grossly exaggerated in others.

HOSPITAL

Armadale-Kelmscott Memorial

1489. Mr HODGE, to the Minister for Health:

- (1) Is it a fact that there is only one speech therapist employed at the Armadale-Kelmscott Memorial hospital?
- (2) Is it a fact that there is an 11-month wait for an appointment to see the speech therapist at Armadale-Kelmscott Memorial Hospital?
- (3) If the answer to (1) and (2) is "Yes", what does the Government propose to do to overcome this situation?
- (4) What does he advise people to do who require attention for themselves or their children and who currently face nearly a year's wait for an appointment?
- (5) Is it a fact that a year's delay in providing speech therapy for some children could result in a worsening of a condition and increase the difficulty of treating the problem?
- (6) Is it a fact that the problem concerning speech therapy treatment at Armadale-Kelmscott Memorial hospital was drawn to his attention in August 1980 by the Byford Progress Association?
- (7) Is it a fact that despite the urgency of the problem at the Armadale-Kelmscott Memorial hospital, he has taken no action to overcome or alleviate it?

Mr YOUNG replied:

- (1) Yes.
- (2) Yes.
- (3) Whenever funds become available, an increased service will be instituted.
- (4) Every consideration will continue to be given to patients requiring urgent treatment at the hospital. Patients may also attend the clinic of a speech therapist in private practice.
- (5) This would depend on the diagnosis and present condition of the patient.
- (6) Yes.
- (7) Answered by (3) above.

PUBLIC HOLIDAYS

1981

1490. Mr DAVIES, to the Minister for Labour and Industry:

What are the gazetted public holidays for 1981?

Mr O'CONNOR replied:

At present, in accordance with the provisions of the second schedule of the Public and Bank Holidays Act, the following are the gazetted public holidays for 1981—

New Year's Day—Thursday, 1 January 1981
 Australia Day—Monday, 26 January 1981
 Labour Day—Monday, 2 March 1981
 Good Friday—Friday, 17 April 1981
 Easter Monday—Monday, 20 April 1981
 Anzac Day (25 April)—Monday, 27 April 1981 in lieu
 Foundation Day—Monday, 1 June 1981
 Celebration Day for the Anniversary of the Birthday of the Reigning Sovereign—Monday, 12 October, 1981
 Christmas Day—Friday, 25 December 1981
 Boxing Day (26 December)—Monday, 28 December 1981 in lieu

Provision exists under section 8 of the Public and Bank Holidays Act as follows—

- (1) The Governor may, from time to time, by proclamation declare

that, instead of a day appointed as a public holiday and bank holiday by section 5 of this Act, some other day shall be a public holiday or bank holiday, or both, in any year either throughout the State or within such district or locality as is specified in the proclamation, and in that case such other day shall accordingly be a public holiday or bank holiday, or both, as the case may be, instead of the day so appointed.

(2) A proclamation made under subsection (1) of this section shall be published in the *Government Gazette* at least three weeks before the first day to be affected thereby.

It is proposed to recommend to the Governor-in-Executive-Council that the celebration day for the anniversary of the birthday of the reigning sovereign be observed on Monday, 5 October 1981.

EDUCATION

School Year

1491. Mr DAVIES, to the Minister for Education:

- (1) What are the dates of terms for Government schools for 1981?
- (2) Do these vary in different parts of the State?

Mr GRAYDEN replied:

- (1) First Term—

Commences—	
Teachers	6 February
Students	9 February
Ends	8 May

Second Term—

Commences	25 May
Ends	28 August

Third Term—

Commences	14 September
Ends	16 December.

- (2) No.

HOUSING

Pensioners: Rent Increases

1492. Mr DAVIES, to the Honorary Minister Assisting the Minister for Housing:

- (1) How many pensioner tenants have had their rent increased because of their

reluctance to accept alternative accommodation, under changed Government policy?

- (2) How many have been allowed to remain in their houses and not pay the increase?
- (3) How many have actually been shifted to alternative accommodation?
- (4) How many are waiting to be shifted to alternative accommodation?

Mr LAURANCE replied:

- (1) None at this time.
- (2) to (4) The State Housing Commission, in attempting to free its larger family-type dwellings occupied either by single pensioners or pensioner couples, realises the sensitive issues involved and is interviewing each and every tenant personally to obtain their attitude towards transferring into alternative housing, or paying a rent differential.

Interviews are continuing and complete details will not be known until these are completed.

- (4) In what manner have they been distributed?

- (5) Will he advise the House of the cost of production and distribution at the earliest opportunity?

The answer provided by the chairman is—

- (1) At the time I had to say “No” because I had not seen the publication. Now I can say that I have had a copy provided by the Public Service Board.

- (2) Yes.

- (3) Not applicable.

- (4) Each permanent head was provided with copies for departmental notice boards and for wide distribution to the staff.

- (5) The cost of the production by the Government Printing Office was \$289, and delivery was made to the departments by board carrier staff.

QUESTIONS WITHOUT NOTICE

PUBLIC SERVICE BOARD

Salaries Claims: Printed Publication

459. Mr DAVIES, to the Premier:

- (1) Was he able to check on the document issued by the Public Service Board which was circulated amongst members of the Public Service?
- (2) Is he able to give me the answer to the question I asked yesterday regarding the extent of the circulation and the cost?

Sir CHARLES COURT replied:

- (1) and (2) I made some inquiries from the Chairman of the Public Service Board this morning. The question asked by the Leader of the Opposition was as follows—

- (1) Is he aware of a publication entitled “Salaries Claims—State Public Service—Important Information for all Public Servants”, produced by the Public Service Board and signed by its chairman?
- (2) Is it correct that 5 000 copies have been printed?
- (3) If “No”, will he ascertain how many?

COMMUNITY WELFARE

Child Welfare Act

460. Mr COWAN, to the Minister for Community Welfare:

- (1) Has the Minister received a report from an officer of the Department for Community Welfare about the provisions of the Child Welfare Act which prevented a 12-year-old girl from selling newspapers?
- (2) Can he inform the House of the attitude of the department and the Government in this matter?

Mr HASSELL replied:

- (1) and (2) As a result of the petition presented yesterday, and the Press publicity, I sought a report from the department on the matter of the girl of 12 years at Merredin who is not permitted to sell newspapers. Under the law as it stands, the relevant section of the Child Welfare Act was passed in 1967 when the section was amended expressly to prohibit the issue of a licence to a female child. The final amendment to put the section in its present form came into effect on 1 January 1978. The amendment then established the minimum age at 12 years for a male child, and school-leaving age for a girl. Licences are no longer required, but the section provides that the director can prohibit a child over the minimum age from street selling, or he can limit the participation of a child.

In consideration of the advice I have received, this may be one of the cases in which, much and all as it may be our desire not to draw any distinctions between a male child and a female child, there is a need, in the interests of the welfare of children, to draw a distinction and to recognise that 12-year-old, 13-year-old, and 14-year-old girls are more vulnerable than are boys of the same age. Nothing could illustrate that more unfortunately than the recent case at Collie where a 12-year-old girl disappeared without trace; and that remains unresolved.

In reply to the member for Merredin, I can say only that as far as I am concerned I would need to be convinced of the need for changes in the policy which is now expressed as section 106 of the Child Welfare Act.

MINING ACT

Draft Regulations

461. Mr GRILL, to the Minister for Mines:

- (1) Can the Minister give an indication when the Mining Act regulations will be gazetted?
- (2) Has the Government decided upon the final form of those regulations?
- (3) Does the Government still intend to make a final draft available for public comment for a reasonable period?

Mr Mensaros (for Mr P. V. JONES), replied:

- (1) My understanding is that, as the situation presently stands, the Minister for Mines aims to promulgate the regulations in the second quarter of next year.
- (2) It has always been the announced policy—and nothing has changed it—that all interested parties will be consulted.
- (3) The regulations have been published; and if amendments obtain as a result of consultations, I have no doubt they will be circulated as well.

FUEL AND ENERGY: NUCLEAR

Reactor: Studies

462. Mr HARMAN, to the Minister for Fuel and Energy:

- (1) Will he detail the studies being undertaken in respect of the installation of a nuclear reactor in Western Australia?
- (2) Which departments and non-Government organisations or persons are involved in the studies?
- (3) How long have the studies been undertaken and when is it anticipated they will conclude?
- (4) Which types of nuclear reactors are being investigated?

Mr Mensaros (for Mr P. V. JONES), replied:

I thank the member for notice of this question. The reply is as follows—

- (1) and (2) The State Energy Commission, on behalf of the Government, is keeping itself fully informed on developments of nuclear power and is investigating possible sites for a nuclear reactor in Western Australia, as has been previously announced.
- (3) and (4) The studies have extended over the past three to four years and are of a continuing nature. All types of nuclear reactors are included in the investigation but the thrust of the present activity is to secure possible sites and is not directed at the choice of a particular type of reactor.

PUBLIC HOLIDAYS

1981

463. Mr DAVIES, to the Premier:

This afternoon I received an answer from the Minister for Labour and Industry to a question relating to public holidays next year. He gave me to understand it is proposed to recommend to the Governor-in-Executive-Council that the anniversary of the birthday of the Royal Sovereign be celebrated on Monday, 5 October 1981. Is that a firm decision of the Cabinet?

We realise, of course, that the Governor may refuse to sign the Executive Council order; but does the Government hope he will?

Sir CHARLES COURT replied:

The Government announced some time ago that the whole question of the Royal Agricultural Society show days and holidays were under consideration, and

that it would recommend that the Monday of the show week be the day set aside for the Queen's Birthday.

My understanding is that still prevails and a recommendation will be made accordingly, if it has not been made already. No doubt members will have heard late this afternoon—if they have not, they will hear about it this evening—that Her Majesty the Queen and her husband will be in Western Australia from 6 to 9 October. An announcement was made late this afternoon that Her Majesty will arrive on 6 October and will remain in the State until 9 October. It so happens her visit coincides with the week to which the Leader of the Opposition referred. However, if I remember correctly, the Queen's Birthday holiday will be celebrated on 5 October.

