

Legislative Assembly

Tuesday, 28 October 1986

THE SPEAKER (Mr Barnett) took the Chair at 2.15 p.m., and read prayers.

TECHNICAL AND FURTHER EDUCATION

Reductions: Petition

MR WATT (Albany) [2.17 p.m.]: I have a petition which reads as follows—

To: The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, petition the Premier of Western Australia and the Minister for Education to undertake, as a matter of urgency, negotiations with the State School Teachers Union on the proposed changes in TAFE conditions.

We express concern that these changes in conditions will reduce the quality of technical education in this State for school leavers and others by:

1. Increased class sizes
2. Reduction in number and type of courses
3. Cuts in youth training programmes and courses for the aged and disadvantaged
4. Cuts in retraining and adult education programmes

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 616 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 56.)

TRANSPORT: TWO ROCKS-YANCHEP

Metropolitan Zone Status: Petition

MR CRANE (Moore) [2.19 p.m.]: I have a petition which reads as follows—

To: The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, request that an amendment to the Metropolitan (Perth) Passenger Transport Trust Act be introduced into the Parliament to give the Yanchep-Two Rocks area metropolitan zone status in line with similar areas south of the City of Perth.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 423 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 57.)

TECHNICAL AND FURTHER EDUCATION

Reductions: Petition

MR BURKETT (Scarborough) [2.20 p.m.]: I have a petition from 66 residents which reads as follows—

To: The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned art students of Carine College of TAFE wish to register the strongest protest against any cuts in the TAFE colleges that will increase the class sizes to the detriment of the students work; for example our drawing class this year has been so large that the setting up of easels has been difficult, we are not able to step back to view our work and the teacher has great difficulty moving around to correct our mistakes.

We are also concerned with the fate of up to 300 teachers whose jobs are on the line, are they to be sacked to join the long dole queue or will they be absorbed into areas other than teaching?

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 58.)

PRISON: CASUARINA

Site: Petition

MR MARLBOROUGH (Cockburn) [2.21 p.m.]: I have a petition which reads as follows—

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, totally oppose the siting of a prison complex at Casuarina listing the following reasons:

1. That it is incorrectly planned and placed on an important flora, fauna and wetlands reserve.
2. There is no basis for building within Kwinana when the Canning Vale site has been designed to cater for a maximum security complex. Building would result in a total misuse of taxpayers monies.
3. There is no room for future expansion without land resumption.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 4 275 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 59.)

ELECTORAL REDISTRIBUTION

Gascoyne: Petition

MR LAURANCE (Gascoyne) [2.22 p.m.]: I have a petition which reads as follows—

To: The Honourable, The Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned,

1. Advise the Government of our strong opposition to any change to the Electoral Laws of the State that will bring any major changes to the boundaries of the Gascoyne Electorate.
2. Advise that the seat of Gascoyne is almost the same size as the State of Victoria and has been sending a representative to the State Parliament since 1890, and we wish to retain this right.
3. Request that the Government drop its policy of "one vote, one value" in favour of a policy of "one vote, equal value" that would recognise the special difficulties of our vast and isolated region.
4. Request the right for this important region of the State to continue to send one representative out of fifty seven representatives in the Legislative Assembly.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 228 signatures. I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 60.)

TECHNICAL AND FURTHER EDUCATION

Reductions: Petition

MR MacKINNON (Murdoch—Deputy Leader of the Opposition) [2.24 p.m.]: I present the following petition—

To: The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, petition the Premier of Western Australia and the Minister for Education to undertake, as a matter of urgency, negotiations with the State School Teachers Union on the proposed changes in TAFE conditions.

WE EXPRESS CONCERN THAT THESE CHANGES IN CONDITIONS WILL REDUCE THE QUALITY OF TECHNICAL EDUCATION IN THIS

STATE FOR SCHOOL LEAVERS AND OTHERS BY:

1. INCREASED CLASS SIZES
2. REDUCTION IN NUMBER AND TYPE OF COURSES
3. CUTS IN YOUTH TRAINING PROGRAMMES AND COURSES FOR THE AGED AND DISADVANTAGED
4. CUTS IN RETRAINING AND ADULT EDUCATION PROGRAMMES

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 32 signatures. I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 61.)

MEMBER FOR EAST MELVILLE: CAR

Tampering: Personal Explanation

MR LEWIS (East Melville) [2.29 p.m.]—by leave: The basis on which I make this personal explanation is that during question time last Thursday I was misrepresented. In a lengthy response to a question from the member for Mandurah, the Deputy Premier advised the House that the police had concluded that there was no evidence of unlawful interference to my motor vehicle and that that information had been made known to me earlier in the week.

The truth is that on Monday, 20 October, I rang the acting detective inspector who was handling the case and I was advised that during the course of the inquiry the police had—

- (1) Spoken to an independent BMW expert;
- (2) from investigations thus far they cannot explain the reasons for the bolts becoming loose at the one time;
- (3) that it could be mechanical failure;
- (4) they had yet to interview the person who repaired the vehicle, to speak to the service director of the company which had repaired the vehicle and to obtain the service records of that vehicle;
- (5) investigations were continuing; and that

- (6) he would contact me when the police had reached a conclusion.

On the morning of Friday, 24 October, after the Deputy Premier's statement, I again rang the acting detective inspector and advised him that, contrary to the Deputy Premier's statement to the Parliament, I had not been advised of the conclusions of the inquiry and that I thought it quite improper for police investigating a complaint of mine to disclose findings to or report to a third person before at least informing the complainant. I was then advised that investigations were still continuing and that further inquiries had to be made and the matter had not been concluded.

On the basis of the above, I believe it was quite wrong for the Deputy Premier to say that the police conclusions had been made known to me earlier in the week.

Mr Pearce: He denied all knowledge of any further contact after making the complaint in the House last week. Now he is contradicting his own statement to the House last Thursday.

Mr LEWIS: Mr Speaker, could I be heard in silence?

The SPEAKER: The direct answer to that question is "No". However, you may be assured that if the interjections reach such a level as to make it difficult for you to make your speech, I will give you protection. Indeed, I find it difficult to say that there will be no interjections in this House at any given moment, but I would not accept interjections which cause you undue difficulty in making your speech.

Mr LEWIS: Thank you, Mr Speaker.

On the basis of the above, I believe it was quite wrong for the Deputy Premier to say that police conclusions had been made known to me earlier in the week and, indeed, that any conclusion had been made at all. I make the point that the word "conclusion" means "end", "finish", "end of inquiry". The truth is that police inquiries were still continuing when the Deputy Premier made his statement and it was only after the member for Gascoyne's remarks on the previous evening and as late as midday last Thursday—the day the question was asked in this House—that the police interviewed the service director of the company which repaired the vehicle and sighted the service records. At this time I understand investigations are still continuing and therefore conclusions have not been made. Indeed, there is no contrary evidence to indicate that my vehicle was not interfered with.

I am not sure whether any other members of the Parliament have experienced the unsettling situation experienced by my family and me. I assure members for at least my own peace of mind that I sincerely hope the premature conclusions of the police, as released by the Deputy Premier, turn out to be correct, for like the Deputy Premier, and unlike some members of the Government, I believe it to be a serious matter. Notwithstanding what conclusions, if any, are arrived at, it reflects badly on members of this House who try to disparage me with flippant innuendo and comment on the situation. All I ask is that before making such remarks they be kind enough to put themselves in my circumstance.

Mr Pearce: We are sorry your car fell apart, but it does not justify the making of the kind of smear and innuendo that you and the Leader of the Opposition sought to make.

Mr Laurance interjected.

Mr Burkett: Try to open your mouth without telling a lie.

The SPEAKER: Order!

Withdrawal of Remark

Mr LAURANCE: Mr Speaker, I believe that the words used by the member for Scarborough were quite offensive and unparliamentary and I ask that he withdraw them.

The SPEAKER: The member for Gascoyne finds offensive the words used by the member for Scarborough, whatever they were. Accordingly, under the Standing Orders, I ask that the words be withdrawn.

Mr BURKETT: The words so spoken are withdrawn.

Point of Order

Mr PEARCE: Mr Speaker, for the benefit of members, I seek clarification on a point. I know the member has withdrawn the remark, but do I understand your ruling to mean that if any member finds any words offensive, irrespective of what those words are, and makes the point that he believes they are offensive, the member making the remarks will be required to withdraw them or you will make a ruling on the offensiveness or otherwise of the remarks? I am not referring to this particular circumstance, but seeking clarification on the general principle for the benefit of members.

The SPEAKER: I made some fairly quick inquiries as to precisely what were the words used. I believed them to be unparliamentary. In

answer to the query raised, it would not be my intention in future always to rule that the words be withdrawn merely because a member takes offence at them.

BUILDING INDUSTRY (CODE OF CONDUCT) ACT

Failure: Matter of Public Importance

THE SPEAKER (Mr Barnett): Honourable members, I advise that today I received a letter from the Leader of the Opposition which reads as follows—

Dear Mr Speaker,

In accordance with the Sessional Order "Matters of Public Interest" I propose that a matter of public interest be submitted to the House for discussion at the commencement of sitting today.

The matter of public interest relates to the continuing disruption in the building and construction industry caused by the activities of militant unions and the wilful and persistent failure of the Government to act against them.

This matter has been highlighted in the media today with the public indication that projects of major importance to employment in the State and worth hundreds of millions of dollars are delayed, yet again.

The Government's Building Industry (Code of Conduct) Act 1986 has, in its short life, been demonstrated to have failed.

Accordingly, I shall move:

That the Government be condemned for its wilful and persistent failure to act against militant unions involved in the building and construction industry and for its failure to take any effective action against unions which are causing delays of small and large projects worth hundreds of millions of dollars and this House calls on the Government to abandon its demonstrably failed Building Industry (Code of Conduct) Act 1986 in favour of firm action, legislative if necessary, to deregister and outlaw disruptive militant unions who persist in their refusal to comply with the law and decent standards of conduct in the representation of their members. The Government should stand firm on these matters by acting to stop

work, if necessary, on Government building sites.

Mr Speaker, this is a matter of immediate public interest, properly and appropriately brought forward to debate in the House today.

I trust therefore it will find your approval under the Sessional Order.

Yours sincerely,

W. R. B. HASSELL, M.L.A.,
Leader of the Opposition

Eight members having risen in their places,

The SPEAKER: In accordance with the Sessional Order, half an hour will be allocated to each side of the House for the purpose of this debate.

MR HASSELL (Cottesloe—Leader of the Opposition) [2.39 p.m.]: I move—

That the Government be condemned for its wilful and persistent failure to act against militant unions involved in the building and construction industry and for its failure to take any effective action against unions which are causing delays of small and large projects worth hundreds of millions of dollars and this House calls on the Government to abandon its demonstrably failed Building Industry (Code of Conduct) Act 1986 in favour of firm action, legislative if necessary, to deregister and outlaw disruptive militant unions who persist in their refusal to comply with the law and decent standards of conduct in the representation of their members. The Government should stand firm on these matters by acting to stop work, if necessary, on Government building sites.

There is no better starting point for this motion than to read this afternoon's edition of the *Daily News* in which the Trades and Labor Council assistant secretary, Mr Rob Meecham, is reported as denying that there was any illegal union activity in Western Australia, and to contrast that with the decision by the Plumbers and Gasfitters Union after the executive meeting held in Melbourne on 22 and 23 July 1986. I have a copy of the transcript and the decision reads as follows—

After consideration of these reports and discussion Federal Executive resolves to embark on a national campaign in the Building and Construction Industry for improvements to wages, conditions, hours and other terms of employment.

It is further determined that the campaign be organised on the following basis:

It then lists seven items in the material, the fifth of which reads—

That the campaign be organised on the principle of guerilla tactics. This means imposing maximum pressure on the employers with the minimum possible effects on the membership.

That shows very clearly that Mr Meecham is talking through his hat and, in fact, is telling deliberate untruths. He of all people is in a position to know that the Plumbers and Gasfitters Union is engaged in a campaign of massive industrial disruption and is using its guerilla tactics with a view to causing damage and loss.

We have a situation in which the Government persists day by day, week by week, year by year, in defending these militant unions and refusing to act against them. It is not simply what one entrepreneur said yesterday, which was reported today, that counts alone; it is a total picture of disruption across the board.

Months ago the Plumbers and Gasfitters Union said that it would engage in these guerilla campaigns, and it has. Continuous reports have been made and received that the union is indeed engaged in a campaign of total disruption. Yet on 8 April this year, under the headline "BLF Role in WA, Burke gives an 'if' hint", there was a report that the State Government might not move to deregister the BLF, even after the union lost its Federal registration. The report continued—

But referring to WA, he said: "The BLF would be the second or third union with which we have experienced most trouble".

In that respect the Premier is right: The BLF does not stand alone, the Plumbers and Gasfitters Union has been very bad news indeed.

In respect of the BLF the Government has put in place a simply laughable code of conduct that means nothing in law or practice. And, nothing is being done about the conduct of these union people who have no regard, not only for big developers such as Austmark International Ltd, Bond Corporation Pty Ltd, and others in that league, but also for smaller people; that includes the contractors, subcontractors, and smaller builders—people who have gone out of business because of the union's activities.

I have presented the clearest evidence to this House, starting in 1983 and continuing to this year, about the activities directed against Mr Len Buckeridge. All of this evidence is brushed aside by the Government in its desire to protect, not only the BLF but also the whole militant bunch, the whole group which is not prepared to play by any set of rules and does not know the meaning of the words "decency" or "propriety". It leads to a situation in which people in the community have the belief that there is no protection from these militant union thugs; that there is no action they can take to give themselves the right to work or the right to carry out their businesses.

Bond Corporation also controls Austmark and the head of that corporation, Mr Alan Bond, has been moved to suggest that if the Government is not prepared to stand up and be counted then, firstly, he cannot be expected to stand up and be counted and, secondly, and more importantly, his future investment will be directed elsewhere, because this situation goes on and on.

Even Mr Roberts of Multiplex Constructions Ltd, who was previously publicly identified as a person who enjoyed a working relationship with the militant unions—a relationship born of necessity, founded on a capacity to pay, and as a result of those payments producing performance—has reached the limit of his tolerance.

Mr Peter Dowding: Does that have something to do with the code of conduct?

Mr HASSELL: It has a lot to do with the fact that he has become a victim of the activities of these unions, like everybody else, and has moved back into the Master Builders Association of WA.

Mr Peter Dowding: Why do you think that has happened?

Mr HASSELL: Because he is a victim of these activities.

Mr Peter Dowding: No, because of the Government's code of conduct.

Mr HASSELL: Even if what the Minister said is right, and there are other factors, I will demonstrate today very clearly that the Government's code of conduct is a farce. It is not working; it provides no protection and no sanction. We need to look at the essential elements of the code of conduct: Firstly, it is a code of conduct established by the Building Industry (Code of Conduct) Bill.

Mr Peter Dowding: Which code of conduct? There are two you know.

Mr HASSELL: I am referring to the Government's legislation and what it has published in the *Government Gazette*.

Mr Peter Dowding: You do not know about the other one?

Mr HASSELL: There is another but I am dealing with this one at the moment, bright spark. I would have thought that was obvious.

The Minister does not want to listen, but I will repeat for his benefit, so that he can understand, that whether I am talking about this Act of Parliament, which the Government forced through, or the code of conduct the Government promulgated under the Act of Parliament, or any other code of conduct or whatever, the fact is that they have all failed.

Mr Peter Dowding: The other code of conduct put Multiplex back into the MBA.

Mr HASSELL: What does it matter whether the other code of conduct put Multiplex back in the MBA? Would the Minister explain how it matters in terms of the operation of this Government's industrial relations system?

Mr Peter Dowding: If you do not understand, I will explain.

Mr HASSELL: I hope the Minister will explain because the Government's industrial relations indicate that he thinks that by forcing Multiplex back into the MBA, and getting that company to take a stance along with others, he has solved the problems. As Mr Bond has pointed out to the Government, the strife goes on. The Government, which has been urging the private sector to take a stand, and indeed, seeking to force the private sector to take a stand, is not prepared to take a stand itself.

Let us consider the facts in some of these cases and what is going on in relation to them, I refer not just to Austmark or Mr Bond, but to some of the other projects. I start this section by referring very clearly to the key elements of the code of conduct related to the activities of the Builders Labourers Federation, a code which does not apply to some of the other militants, such as the Plumbers and Gasfitters Union, which is apparently free to run riot. Whether they are subject to the code of conduct—as the BLF is—or not—as the Plumbers and Gasfitters Union is—they are still running riot.

Mr Peter Dowding: That is what you want—to make the plumbers subject to the code of conduct.

Mr HASSELL: Mr Speaker, this Minister has some difficulty in understanding simple things. Would the Minister please try to understand that as of today hundreds of millions of dollars-worth of WA projects are tied up. As of Saturday we saw the almost completed international airport opened. That had suffered massive delays and overruns during the course of its construction.

As of a couple of weeks ago, we saw the opening of the Austmark building in Bunbury, during the construction of which all these practices of the unions came out. All these have been accepted by this Government, and in some cases by their mates in Canberra as well. They will not act against any of these unions.

Let me tell members that the Master Builders Association has sent this document to us today with the free right to disseminate it. The Master Builders Association has said that industrial disputation is rife at present, and in each case subsequent claims for lost time and payment for strike pay has been demanded. That flies directly and totally in the face of the requirements of the code of conduct, yet the Government allows it to go on. Of course we predicted, when the code of conduct legislation was brought into the House, that it would not make the slightest difference.

The Master Builders Association goes on to say this—

Reasons for strikes have been mainly technical breaches of awards and non-union membership.

Bear in mind that non-union membership in this great land of the free happens not to be an offence. In fact, non-union membership is a right under the law of this State.

The Master Builders Association goes on—

The employers have not been given the opportunity to rectify technical breaches of awards or to negotiate before the unions take industrial action. Technical breaches of awards do not warrant stoppages of entire sites as is occurring at present. A recent example is a union organiser from the B.W.I.U. ordering an employer to distance coathooks in an amenities shed. He took a tape measure out to the site and measured coathooks distance. Measures like this and others has led to increased union pressure and industrial action.

Another example, B.L.F. recently went on strike—

That is the BLF, which is subject to this great code which was designed to solve all these problems. To continue—

—for four days because the Department of Defence would not give it unlimited access to Garden Island.

Garden Island happens to be a defence authority establishment.

The fundamental requirement of the code of conduct that this Government said was going to solve these problems is that workers do not go on strike. This is what this Minister said about the code of conduct when he introduced the legislation on 7 June 1986. I would like to quote a lot of the Minister's second reading speech, but time permits me to quote only a little. He said—

The correctness of the State Government's approach has, I believe, been borne out by its broad acceptance reflected in an increased stability within the industry.

The Minister may well snigger behind his hand, because it is such blatant nonsense, and has been demonstrated to be nonsense.

As I have only five minutes left, let me give members four current case histories. The first reads—

Principal Contractor: Interstruct Pty. Ltd.

Project: Taylor Marine, Fremantle.

Union: B.L.F.

Matter:

On Wednesday 10th September, 1986, a tiling sub-contractor employed a casual labourer at 10.00 a.m. At approximately 2.30 p.m. a B.L.F. job steward, (Dean Sparks) informed site management that the casual labourer was an unfinancial member. Site management then stopped the man working. B.L.F. union organiser was notified by job steward and arrived on site at 3.15 p.m. At 3.20 p.m. site management informed that a 24 hour stoppage was imposed.

That is the code of conduct which was to solve this type of problem.

The next case reads—

Principle Contractor: Interstruct

Unions: ABLF, BWIU, OPOD, OPPWU, PGEU.

Project: Princess Margaret Hospital.

On Friday 4 July water to the site was cut off by a member of the Plumbers and Gasfitters Union because of:

1. Problems with the Metal Trades on the UWA site doing plumbing work.
2. Support action for the BLF and BWIU over retrenchments on the East Perth Government Offices site.
3. A Labour dispute which was, at the time being heard by Commissioner Halliwell in State Commission.

and the men went off site for 24 hours. Monday July 7 was a Rostered Day Off, the men returned to site on Tuesday July 8 at 2.00pm by which time the water had already been re-connected by the Company.

A meeting was held of workers at 7.00am on Wednesday morning and a decision to leave site for 48 hours taken because non-union labour had been used to re-connect the water supply.

Action by the Plumbers and Gasfitters Employees Union was illegal and industrial sabotage. The tactic was planned and most irresponsible.

The union breached Part VI Section 48 of the Metropolitan Water Supply Sewerage and Drainage Act, 1969-1977.

The company retaliated and re-connected the water supply.

The arbitrator rejected a claim for strike pay, but the strike was contrary to all the intentions of all these wonderful unions and codes that the Minister has been pursuing.

This is the third example—

Principal Contractor: Cooper and Oxley Pty. Ltd.

Union: B.L.F.

Project: Murdoch University.

Background

On Tuesday, the 5th August, Saturday, the 19th August and Monday the 11th August, a person other than a dogman swung and directed crane loads, contrary to the provisions of the Construction Safety Act. This person had a crane driver's licence for 14 years and was, at this time studying for a dogman's licence through the Department of Occupational

Health, Safety and Welfare (D.O.S.H.W.A.). The company sought advice from D.O.S.H.W.A. regarding the acceptability of employing a trainee dogman in this capacity on a number of occasions and received contradictory answers.

The unions involved had contravened the Building Safety Code as it sets out conditions to accommodate the speedy resolution of this type of dispute and the unions did not observe to the fullest extent the procedures that should have been followed for negotiation.

Mr Gordon Bourke ordered 50 per cent of lost time be paid for.

Fourthly—

Principal Contractor: Sabemo

Unions: B.L.F., B.W.I.U., P.G.E.U.

Project: Mineral House.

Background

At 8.40 a.m. on Tuesday, 6th August, 1986, members of the three unions involved held an on-site meeting with reference to the lack of a man and materials hoist. The men then left the site for the rest of the day.

It was agreed to on that day by all the parties that Sections 4.1 and 4.2 of the W.A. Dispute Settlement Procedures were not adhered to, i.e., discussions were not held between the employer and union representative or workers before the meeting leading to the decision to leave the site, nor before the men left the site.

Therefore there was no negotiation procedure instigated by the unions before the strike action.

Those are but four examples. There are stacks more, but time does not permit me to use them. The essential points are that the unions are treating the Government with total contempt; the Government continues to accept it and is failing to act against the BLF—which it has subjected to a code of conduct—and to act against other militant unions in any way whatsoever; the powers of the Attorney General to intervene are not being used; nor are the powers of the Minister for Industrial Relations.

The Government has simply washed its hands of the problem, which is not confined to Observation City but which exists on every building site in Western Australia. The unions are running the industry, and the Government accepts it. The Government, which ought to have the strength, at least on its own sites, to

stand up and be counted, does not have the guts, the determination, or the capacity to take the unions on.

The House should condemn the Government in terms of this motion.

Mr MacKINNON: I second the motion.

MR PETER DOWDING (Maylands—Minister for Industrial Relations) [3.01 p.m.]: I suppose that when one wakes up in the morning and reads in the newspaper that somebody of importance has made a comment, one can expect the Liberal Party to react to it during the course of the day, because it is clear that, even on issues as important as this, members opposite have absolutely no interest in the issue—they are only interested in the politics of the issue.

If the Leader of the Opposition had been genuinely interested in the building industry he would have known from his sources that over the last six weeks the Government has been engaged in a number of serious, high-level, and very important discussions with a number of parties in the building industry, and it has already made it clear that a number of the problems in the building industry will not be tolerated.

One of the issues which, over a number of years, has led to the sort of industrial anarchy the Leader of the Opposition spoke about, is the habit of some building employers—and not only builders and building employers, but owners, financiers, entrepreneurs, and others—of deciding that they are not prepared to toe the line over any issue of importance, but will simply pay to get the thing resolved quickly.

It is that sort of behaviour which the Government indicated it was not prepared to tolerate. Far from idly sitting back and doing nothing about this issue, the Government took the step of issuing a code of conduct. The Leader of the Opposition appears to be uninformed about that, because it was not the subject of a piece of legislation of this House. He seems to be so ill-informed that he is not aware that the Government notified all building employers, owners, and financiers, that if they breached the code of conduct the Government would not be prepared to deal with them in the future on Government contracts. It is that discipline which has begun to bite in the building industry, discipline which has been lacking for so long.

The code of conduct was issued at the same time as the legislation in this House. That code of conduct, which has begun to bite so heavily

in the industry at this time, is being rigorously adhered to by employers for about 80 per cent of the time; but the Government has indicated that that is not good enough and that it must be adhered to 100 per cent of the time. Furthermore, in adhering to that code it is not good enough for people such as the Leader of the Opposition or some of the people involved in the building industry to get halfway through a dispute and then turn around to the Government and say, "You fix it." We do not want to take the responsibility to fix it because the responsibility for industrial relations belongs to the parties to a dispute and they have the ability to deal with those issues in the Industrial Relations Commission.

The Government will not stand by and allow these people simply to bail out of their responsibilities, either by buying people off or by making accommodations that are not taken to the commission. If I were a member of an industrial commission, either Federal or State, I would be frustrated by the fact that so many of these disputes are not going through the full ambit of the powers that exist under the State and Federal industrial relations Acts. It is a matter of concern to the Government, and a matter about which I have personally been involved in discussions in the last five days on three occasions, and which resulted yesterday in a decision being made by this Government that it will look at its entire capital works programme if the situation does not improve.

Mr Hassell: Name one single thing you did to help Mr Buckeridge.

Mr PETER DOWDING: The Leader of the Opposition is like the member for Gascoyne—he wants to be heard in silence—

Mr Brian Burke: He can dish it out, but when you send it back to him, the Leader of the Opposition cannot take it.

Mr PETER DOWDING: The Leader of the Opposition woke up this morning, read the newspaper, and thought, "There is a good idea—I will have something to say about that." He did not even know that the code of conduct related to the employers.

Mr Thompson interjected.

Mr PETER DOWDING: I must say, in fairness to the shadow spokesman on Industrial Relations, that he did not get a fair go. The Opposition will not let him talk.

Mr Brian Burke: The difference is that I have absolute confidence in you to carry the debate, whereas the Leader of the Opposition does not

have confidence in his colleagues, and his colleagues do not have any confidence in him.

Mr PETER DOWDING: That is right. The Government has expressed its concern already.

Mr Hassell: What single thing did you do to help Mr Buckeridge?

Mr Brian Burke: Mr Buckeridge was at lunch with me the other day.

Mr PETER DOWDING: And with me.

Mr Brian Burke: We went through his problem and he is coming to see me.

Mr PETER DOWDING: The Opposition simply wanted to make, like oil on water, a thin, transparent political point, but it did not want to hear the real issues.

Mr Hassell: Tell us what you did to help Mr Buckeridge.

Mr PETER DOWDING: If the Leader of the Opposition were leading my party I would be unhappy too.

The Government has already expressed its concern at industrial relations in the industry, which had been good until recent weeks but which have taken a dive. They have been good because of the actions of the Government over a period of time. However, industrial relations have become worse, and that is affecting investments and jobs in Western Australia. We acknowledge it is important that investors be assured that these projects will not be disrupted, and we are telling the employers that they are not to give in to the demands being made on them.

Over years of Liberal Governments employers were prepared simply to buy their way out of these disputes. We have imposed a discipline. We have two industrial relations Acts, and Federal and State commissions at which these issues can be dealt with, but people simply were not prepared to go to them.

The Government's code of conduct for the BLF, which is a State code and is administered by the State Industrial Relations Commission, is in place; and when the commissioner reports, appropriate action will be taken.

In respect of the Federal claims, clearly the matter is before the Federal commission and, as the Leader of the Opposition would have known from Professor Beazley's lectures in 1961, we do not have any power to legislate in respect of the vast bulk of the building industry which is controlled by the Federal industrial relations system and the Federal unions.

The current position is that we, unlike the Opposition, have made our position absolutely firm with the employers and they are now complying with the requirements of the Government. We have said that also to the unions and, during discussions I held with them over recent days, I made it clear that we will examine our own capital works programme because we are not going to tolerate a situation where investment decisions are then the subject of major overruns during industrial action.

Of great concern to me is the fact that the Liberal Party is dishonest about this matter. I intend to move, at the conclusion of my remarks, to amend this motion to make the position of the Government abundantly clear, as it has been made clear over recent weeks. Before I get to that, let me say that the dishonesty of the Liberal Party in relation to its position on industrial disputes can be best gauged by two things, and I invite the House to reflect on them. Firstly, the member for Mt Lawley, on the day when there was a debate about the issue of TAFE teachers, at the end of question time made a cheap gibe at the expense of the Minister for Education, a gibe which received applause from the gallery. That cheap gibe was about a decision which the Minister for Education made that there would be negotiations about changes to TAFE in order to achieve a tightening of the collective belt. What does the Opposition do about that? It does not offer criticism of TAFE teachers who are disrupting—

Mr Hassell: Get back to the motion.

Mr PETER DOWDING: I know the Leader of the Opposition is embarrassed by the member for Mt Lawley. We should be too because the member is an el cheapo and a sleaze when it comes to this sort of thing. He is prepared to sit in this House and encourage people who are engaged in industrial disputation at the expense of young people in the State about an issue which—

Mr Cash: Have you had a look at the figures?

Mr PETER DOWDING: The member for Mt Lawley is prepared to support people engaged in industrial disputation which arose because the Government has taken a decision that everyone must share in the belt tightening activities of the rest of the State. We do not hear any criticism from the member for Mt Lawley of those actions and that strike, but all we hear from him is a cheap gibe at the Minister for Education so that the member for Mt

Lawley gets some political applause for himself from the gallery.

Another example of the actions of the Opposition was its support for the teachers' industrial action in the north. Once again, it is the community that gets it in the neck. It is the children of the north who suffered by the industrial action that the teachers took in order to achieve equality of rent payments for Government workers in the north.

Let us consider how this Opposition dealt with an industrial issue as a cheap political stunt. The spokesman for the Opposition—Hon. Norman Moore—on 17 October said—

The Burke Government's action in increasing rents for Government employees in the North was a reprehensible attempt by the Government to offload the fringe benefits tax onto its employees . . .

"No matter how the Government tries to hide it, there is only one reason for the decision to increase rents." . . . if anything there is justification for making their housing cheaper . . .

I know the member for Gascoyne does not like to sit in this House very often, but if he were here he would know that, as Minister for Housing in 1982, he initiated the system and the Leader of the Opposition, as Acting Minister for Housing, supported in Cabinet the move for rents to stand at certain levels. It was intended by the Government of the day—the Liberal Government—to take the very action we took this month. Yet, as a cheap political stunt, we have members opposite supporting industrial action and suggesting there is some form of justification for that industrial action.

When we consider the Opposition's determination on issues of industrial relations we see two things. Firstly there is no debt to them and, secondly, the Opposition is prepared to prostitute its position on industrial relations simply for cheap political point scoring. If the Leader of the Opposition took an interest in industrial relations, apart from what appears on the front page of *The West Australian* today, he would know I issued a statement—

Mr Cash: You probably didn't issue it.

Mr PETER DOWDING: —where I specifically attacked the position of the Plumbers and Gasfitters Union in engaging in industrial action. I made it perfectly clear at the time that the Government would resist it in all respects. Further, I wrote to all plumbers who were registered with the Water Authority of Western Australia and told them they should resist it

and I made it clear to the employers' organisation that if any of its members stepped out of line, they too would be the subject of the Government's code of conduct.

Mr Hassell: What about the unions threatening the employers?

Mr PETER DOWDING: I know it is very difficult for the Leader of the Opposition to understand, but there is a Federal jurisdiction in respect of which the State Government does not have any position other than that of employer. On 22 August 1986 I said that the Government would resist the actions of the Plumbers and Gasfitters Union with all its authority and power. If the Leader of the Opposition does not understand that, other than as an employer, we have no standing in the Federal commission to deal with this issue, then it is about time he had a better idea about it. There is no question that since we came into office in 1983 we have made very significant strides in improving industrial relations throughout Western Australia.

I remind the House that in 1980 the level of industrial disputation in this State was approximately twice the level it is in 1986. The Iron Ore Consultative Council has made a huge contribution towards stability in the iron ore industry. If it were not for the fact that in that industry we recently had an employer who was not prepared to act in a way which could be regarded as responsible, we would have had an excellent record during the course of this year. Of course, that record can be improved on but compared with the disputations in 1980-81, we are so far ahead that the Opposition should surely give the Government credit for it.

Not only that, but the building industry itself has been the subject of a great deal of work by the Government. In the first place, the introduction of the building arbitrator at the request of the Master Builders Association, in close consultation with both the union and the participants in the building industry, was a major step forward because up until that time employers had simply been getting a demand for lost time and paying it. They were not going to the commission; they were not resisting it. In those areas where lost time has some justification—that is, in the areas where the industry agreed, not me, not the Government, but the industry as a whole—where the industry has agreed it is appropriate, the arbitrator has been awarding about 20 per cent of all the claims.

That is a huge advance on the situation that existed previously. It is acknowledged within the industry that the advance made by the appointment of the arbitrator has been very significant. Its significance at the present time is not as great as its significance two months ago, during the earlier period of its operations, but even that was simply pooh-poohed by the Opposition. The Opposition could not understand that the industry, with Government, was seeking some solutions that did not come about at the point of a gun, and that will not come about simply by deregistering a State union which now represents less than 40 per cent of building workers on the major construction sites. Apparently the Opposition has not considered what the situation might be if the entire building industry were then in the province of the Federal industrial relations commission.

Where would we be if the State Government had absolutely no role and the State commission had no role in the building industry? We would be entirely subject to decisions over which we had no control. So the issue of whether the Government simply deregisters one element—

Several members interjected.

Mr PETER DOWDING: —or whether one suggests that the decision to allow all the building industry to go under Federal unions is an appropriate one is a matter on which I would be pleased to hear comments from members of the Opposition in due course. Perhaps the member for Kalamunda would like to make that comment, if he urges that there should in fact be a building industry union in respect of which the State has no responsibility, and has no capacity to control through the Western Australian Industrial Relations Commission. Not only has the Government introduced an arbitrator, but it has also introduced a code of conduct for the Builders Labourers Federation. When the code was put up no-one suggested that there would be instantly no industrial dispute anywhere at any time.

Mr Court: It didn't work.

Mr PETER DOWDING: And the State Government is acting on that aspect. However, when the Western Australian Industrial Relations Commission is given the power to deal with an issue, it is not my style, unlike that of the Leader of the Opposition, to interfere with the role of the commission. I well remember how the Leader of the Opposition got himself into such trouble when he was in Government by trying to nobble what is effectively the ju-

diciary. He tried to nobble the Western Australian Industrial Relations Commission. The Leader of the Opposition knows perfectly well the sorts of confrontations he had with them at the time and frankly, as a lawyer, he himself should have been absolutely appalled to see a person with his training seeking to do that.

However, in respect of the other areas of operation, of construction and industry in this State, there is a far better industrial relations record now than ever existed under a Liberal Government. It is an indication of how pitiful the Opposition really is that it actually made no submissions at all to the Hancock inquiry.

Mr Hassell: It was a farcical inquiry.

Mr PETER DOWDING: The Leader of the Opposition says it was a farcical inquiry, but he made no submission to it, and since it has brought its report down, the Leader of the Opposition has still made no submission to it. If I might indicate to the House how pathetic this Opposition really is, it actually announced a works and management practices conference, and did not even invite the unions to participate. If one is going to have a conference of that sort without inviting the union movement, one is not going to get very far.

Mr Court: We often invite the unions.

Mr PETER DOWDING: Did the member for Nedlands want to invite them? Why were not the unions invited then? The Opposition forgot about them, and indeed, it was not even the poor old industrial relations spokesman for the Opposition who was allowed to announce the conference. The Leader of the Opposition obviously does not trust him, and had the Deputy Leader of the Opposition do it. That is an indication of how nervous the Opposition is in this whole area.

Amendment to Motion

Therefore I move the following amendment—

To delete all words after "that" and insert in lieu the following—

This House:

- (a) expresses its concern that poor industrial relations in the building industry are threatening investment and jobs in Western Australia;
- (b) acknowledges that investors need to be assured that projects are not going to be continually disrupted

- by unreasonable claims and stoppages;
- (c) urges employers to resist unreasonable claims and seek to resolve disputes within the Industrial Commission;
- (d) supports the Government's code of conduct in the building industry as an important element in making the industry more cohesive;
- (e) supports the Government's view that current campaigns for improved wages and conditions outside wage fixing principles will not be tolerated;
- (f) endorses proposals by the Minister for Industrial Relations to examine ways of overcoming some of the problems resulting from Federal Award coverage in the building industry, and
- (g) supports the Government's proposal to re-examine the major elements of the capital works programme.

Points of Order

Mr STEPHENS: This motion was brought before the House under a sessional order. It is well known by all members that this Sessional Order has been accepted in lieu of Standing Order No. 47, which permits the moving of a motion that the House be now adjourned to bring forward matters of urgency. However, the weakness of that Standing Order was that it did not allow a vote to be taken. There was no provision, under that Standing Order, to move an amendment. If this Sessional Order is to be used in lieu of Standing Order No. 47, I think it would be a breach of the spirit of the Sessional Order to allow an amendment.

Mr HASSELL: On the same point of order. There are about 13 minutes left for this debate, of which 10 minutes belongs to this side and three minutes to the other. If an amendment is to be moved—and I do not mind debating it of course—there is really no opportunity for a proper debate. It seems to be outside the spirit of the intention of the Sessional Order to do that. In effect the Minister is putting us into a position of having an amendment before the House which we cannot debate, whereas the whole purpose of this Sessional Order, as the member for Stirling said, was to replace the urgency motion procedure, and simply to have

the Government, if it wanted to, reject the motion—I assume it will want to. To move an amendment would not allow for proper debate. I assume even the Minister would want to have a proper debate.

So I am suggesting, Mr Speaker, that you should rule the amendment out of order pending further consideration of the whole matter.

Mr PETER DOWDING: There is no question of what was intended at the time. The Sessional Order was adopted to replace the previous practice. The replacement provides for a motion to be moved and a vote to be taken, and I submit that it provides essentially for the normal forms of the House to be available; that is, that the motion may be amended.

Mr Stephens interjected.

Mr PETER DOWDING: That is part of the agreement under which it can be brought on once a week. If the Opposition had not thought about what would happen with a motion which falls within the normal Standing Orders, perhaps it had better sit down with the Leader of the House and talk it over. The Opposition can hardly argue that the amendment should be ruled out of order simply because Standing Orders provide for amendments to be moved and the Government believes that the House ought to pass a particular alternative. If the Leader of the Opposition wants to take up all the time allocated to the Opposition in relation to this issue, it is a matter of judgment for him. It is as much a matter of judgment for me, and I have exercised that judgment and taken more time than he because I believe it proper that it be dealt with in that way.

Mr PEARCE: Although this is a new procedure with regard to the way in which matters of importance are dealt with, when the discussions took place, a deliberate decision was made that motions could be moved, and not one particular version of the Federal model; that is, that a person could indicate a matter of importance and have it discussed in general without a vote being taken.

Mr Thompson: Was it considered that amendments would be moved to these motions of public importance?

Mr PEARCE: There are two ways of dealing with a motion of public importance. One is just to make a bald statement—"I ask that the following matter of public importance be discussed, viz, the parlous state of the housing industry", or something like that, where there is a general discussion which concludes after an hour. Other people want the ability to move a

motion so that a vote is taken. That is why the motion proposal is in there. However, once one has a motion, the general Standing Orders of the Assembly which deal with those motions are in place, and that includes the possibility of amendment.

Mr Thompson: I am sure it was never the intention of the Standing Orders Committee or anyone else who considered this matter for these sorts of motions to be amended. The Speaker has no other alternative but to rule in favour of your side on this matter.

Mr PEARCE: That seems good guidance.

Mr Thompson: It is against the spirit of the whole thing.

Mr PEARCE: That is not our understanding of the situation at all.

Speaker's Ruling

The SPEAKER: I thank members for the assistance they have given. In my view, irrespective of the negotiations which went on previously, the very fact that this Sessional Order now allows a motion to be moved must permit an amendment to be made to the motion. I rule that the amendment is properly before the House.

Debate (on amendment to motion) Resumed

MR STEPHENS (Stirling) [3.34 p.m.]: I support the motion moved by the Leader of the Opposition. It was very correct to bring this matter before the House because industrial relations are the greatest problem facing this nation. Anybody who has seen our balance of payments problem recognise the high cost of production in this country. Much of this has been brought about by a very poor standard of industrial relations.

The Minister for Industrial Relations talked a fair bit, but when it is all boiled down the fact is industrial relations is still being treated as a political football. His speech indicated that the Government is doing too little too late. This is another reason it is appropriate that the motion be supported.

Having said that, I can also see a degree of sense in the amendment. It contains seven parts, and many of them are worthwhile. However, I raise a query on one which states, "Supports the Government's code of conduct in the building industry as an important element in making the industry more cohesive". That code of conduct has failed to have the success which the Government planned for it. The fact that the Government's amendment is

worded in this way is an acknowledgement of the truth of the motion. The amendment is merely playing with words; it supports the motion which the Government was not prepared to support outright, and it has played with words to say the same thing in a different way.

MR THOMPSON (Kalamunda) [3.37 p.m.]: The Minister made great play of the fact that this matter was brought to the House today following a story in this morning's paper wherein Alan Bond made certain statements with respect to the future investment by his company in building projects in this State. The Minister tried to imply that the Opposition was simply jumping on the band wagon. During the whole time we have been in Opposition we have been trying to bring to the attention of the House and the public the unsatisfactory situation which prevails in certain sections of our industry, and in particular the building industry.

There is nothing new about our concern in this respect. The thing which is new is that a significant entrepreneur in this town, who has been involved in a number of Government projects, has said categorically that the situation which prevails in this State at present in the building industry is unacceptable to his corporation, and he is contemplating, in a speech he is soon to make, whether he will encourage people to invest here. The situation has become very serious, and the Alan Bond statement of yesterday is but the tip of the iceberg. Unless there is a significant change in the attitude of people involved in the building industry—some employees in that industry—investment will flow away from this city. That is of great concern to the Opposition.

Hardly a day goes by without my being contacted by someone in the building industry who is confronted with some problem. The new international terminal at Perth Airport was opened on Saturday, and a few of us were contacted prior to the opening by one of the people who has leased space in those premises. This person pointed out to me that the prospect of his facility being completed in time for people to start using it was almost nil because building industry workers on the project had decided for some reason that certain of the concessionaires there would not get their projects completed. Members can go from one building project to another and they will find these disruptive tactics occurring.

The Minister made great play of the fact that the situation with regard to time lost in the building industry had improved recently, and

implied that this was a result of the Government's action. The figures clearly lied. The unions have got smart; instead of having full-blooded strikes and going out for protracted periods of time, they stopped for a day, and that is not recorded.

Mr Peter Dowding: They were doing that before; you know that.

Mr THOMPSON: They were doing it before, but they are doing it increasingly at present.

As an example of that I ask members to consider the situation which occurred at Observation City.

Mr Peter Dowding: It is something we brought under control.

Mr THOMPSON: I sat silent when the Minister for Industrial Relations made his speech in order that I would have the opportunity to give my point of view.

A couple of weeks ago the Plumbers and Gasfitters Union imposed a ban on the connection of fire sprinklers at Observation City in support of the campaign, thus bringing a halt to work on that site.

On Tuesday, 16 October, Austmark International Ltd advised the union that civil action would be taken if the bans were not lifted. The following day the men went back and work was resumed as normal. On Tuesday, 21 October, all the shop stewards on the site met to discuss Austmark's response and, as a result, all workers on the site went on strike for 24 hours in support of the following—

- (1) A demand for a written apology from Swan Hotels about an unrelated matter.
- (2) A demand that Austmark should give a commitment not to take civil action at any time.
- (3) Payment to all workers for the time they were on strike.

That type of activity is occurring with increased frequency on building sites around Perth. It is no wonder that developers like Alan Bond are coming to the conclusion that it is futile to proceed with investing in major projects in this State.

Bond's warning is timely because he has a tremendous amount of influence around this town, and I am sure he is listened to by people outside this State who might otherwise be prepared to invest in projects in Western Australia.

If the Government thinks that this is going unheeded by the community, let me tell it that it is not. A couple of recent polls indicate that the community has had enough of the strong arm action that has been taken by unions in this country. Indeed, in a poll reported in *The Australian* on 10 August 1986 under the headline "Eight out of ten say unions are too powerful", some statistics are revealed which simply prove that the people of Australia recognise that the trade union movement is causing disruption to a great deal of our activity in this State and in this country, and they believe it is time this came to a halt.

MR BRIAN BURKE (Balga—Premier) [3.43 p.m.]: I want firstly to compliment the Minister for Industrial Relations on his very lucid presentation and to urge upon the Opposition that it should support the amendment moved by him.

Obviously the Opposition should read the amendment and, under normal circumstances, it would not find too much to disagree with in the terms in which the amendment has been expressed.

Mr Hassell: Have you read the motion?

Mr BRIAN BURKE: I have read the motion and the motion compared with the amendment highlights the absolutely contrary way in which Government and Opposition in this State seek to tackle problems. The motion is negative, condemnatory, absolutely pessimistic and political, and is an attempt, in a fairly shallow way, to maximise the Opposition's political position.

Let no-one be under any misapprehension of the Opposition's interest: It is not in settling industrial disputes; it is not in advancing the State's economic fortunes; it is in maximising its own political situation—nothing else, nothing more and nothing less.

The Opposition's attempts to carve out for itself a legitimate area of concern for industrial relations fails upon the altar of its past character when the Opposition has done nothing but try to exacerbate industrial disputes; has done nothing but try to set employee against employer in an attempt to maximise its, the Opposition's, own political fortunes. It is still trying, as an Opposition, to do that by misreading absolutely the comments, as I interpret them, that Mr Bond made and using those comments as a reason for moving the motion before the Parliament.

The Opposition stands condemned by its absolute failure to be positive or to attempt to frame policies that would go to the reasonable settlement of any dispute. The Opposition stands in stark contrast to the Government; it is condemned as seeking to exacerbate industrial disruption, not to solve it; as seeking to maximise its political advantage at the cost of the efficiency of the building and construction industry; and as seeking to sacrifice big sections of the community on the basis of its political view of the situation and how it can best be managed to maximise that political view or political advantage.

I urge the House to support the amendment moved by the Minister for Industrial Relations as a commonsense approach to a very difficult problem.

Amendment put and a division taken with the following result—

Ayes 27

Mrs Beggs	Mr Marlborough
Mr Bertram	Mr Pearce
Mr Bridge	Mr Read
Mr Bryce	Mr D. L. Smith
Mr Brian Burke	Mr P. J. Smith
Mr Terry Burke	Mr Taylor
Mr Burkett	Mr Thomas
Mr Peter Dowding	Mr Tonkin
Mr Evans	Mr Troy
Dr Gallop	Mrs Watkins
Mr Gordon Hill	Dr Watson
Mr Hodge	Mr Wilson
Mr Tom Jones	Mrs Buchanan
Dr Lawrence	

(Teller)

Noes 21

Mr Blaikie	Mr Nalder
Mr Bradshaw	Mr Rushton
Mr Cash	Mr Schell
Mr Court	Mr Spriggs
Mr Crane	Mr Stephens
Mr Hassell	Mr Thompson
Mr Laurance	Mr Trenorden
Mr Lewis	Mr Tubby
Mr Lightfoot	Mr Watt
Mr MacKinnon	Mr Williams
Mr Mensaros	

(Teller)

Pairs

Ayes	Noes
Mr Parker	Mr Clarko
Mrs Henderson	Mr Grayden
Mr Carr	Mr House
Mr Grill	Mr Cowan

Amendment thus passed.

Motion, as Amended

Question (motion, as amended) put and passed.

PARLIAMENTARY SUPERANNUATION FUND

Appointment of Trustees

On motion by Mr Pearce (Leader of the House), resolved—

That pursuant to the provisions of the Parliamentary Superannuation Act 1970, the Legislative Assembly hereby appoints the member for Dale (Mr Rushton) and the member for Perth (Mr T. J. Burke) to be Trustees of the Parliamentary Superannuation Fund as from this day.

ENVIRONMENTAL PROTECTION BILL

In Committee

Resumed from 23 October. The Chairman of Committees (Mr Burkett) in the Chair; Mr Hodge (Minister for Environment) in charge of the Bill.

Progress was reported after clause 2 had been agreed to.

Clause 3: Interpretation—

Mr BLAIKIE: I refer to the interpretation of “beneficial use”, on page 3 of the Bill. This interpretation does not refer to management or development of the environment which may be for the public benefit. I ask the Minister to explain why commercial and industrial developments were not considered as potential beneficial use. It strikes me that if we took away the developments that have taken place, we would have no use for this legislation, this Parliament would probably not be here, and we would be back to the stone age. That may suit some people, but I think it is only a small minority and their views do not reflect the general attitude of the majority of Australians.

It is a matter of some concern that commercial and industrial uses were not considered in this interpretation and I ask the Minister for his comments.

Mr HODGE: I listened closely to what the member for Vasse said; I am not sure that I understand the point he is making because it seems very obscure. I will try to answer the point as I understood it.

This is an environmental protection Bill, not an industrial development Bill or a commercial development Bill. Therefore, the thrust of this Bill has been to lay down the criteria and requirements we believe are necessary for the proper protection of the environment.

I remind the member for Vasse that this beneficial use approach is a quite new and I think very enlightened one. It is one of the most

innovative measures in the legislation. The advantage of this approach is that it enables a very practical and sensible approach to be taken on development projects and pollution problems. For example, it may be more appropriate these days to adopt particular sets of regulations and standards which are applicable in a certain area for a particular industry. By way of example it may be quite a different set of circumstances if a large polluting industry were established several hundred kilometres from Kalgoorlie than if that same industry were established in the Kwinana strip. The requirements for air and noise pollution and other discharges would be radically different in those cases.

The old approach—under old legislation and legislation in other parts of Australia—is to have one set of standards for pollution or emissions into the atmosphere or water which apply equally from one end of the State to the other, regardless of the residential surroundings or other environmental matters. The new approach is sensible in this day and age. The beneficial use approach will enable us to tailor suitable requirements and specifications for particular industries in particular locations, thereby maximising the benefit to the public and to that industry. That industry will not be labouring under inappropriate regulations or requirements and the public will have their circumstances taken into account.

Mr Blaikie: If you follow the line you have expressed, does it mean that when you are talking about an aluminium smelter you would have differing standards of control for a smelter developed in farm land from one developed in State forests?

Mr HODGE: That may possibly be so. It would depend on the environmental assessment of the area where that smelter will be developed, what the prevailing climatic conditions and other land uses around that refinery might be, and how close people live to it. All those circumstances will be taken into account and then the requirements will be set. It may well be possible that requirements imposed on a refinery in one location may be different from requirements imposed on a refinery in another location.

That is a very sensible and practical way of approaching complex matters to ensure that industry is not unnecessarily saddled with inappropriate requirements, and that the people living in that area receive the maximum protection necessary to protect their health and well-being, and the environment in their area.

Mr LEWIS: I wish to make a point which it would seem that the Minister has missed: Nowhere within the definition of the term "beneficial use", which identifies all the other uses, does it state that industry is beneficial. The point the member for Vasse has made is quite reasonable. It is that if we are going to identify those other beneficial uses, it would be competent to include also the development, industrial, or commercial purposes of "beneficial use". Surely they should be identified as being beneficial to the community.

Mr BLAIKIE: I refer to the interpretation of the word "environment" appearing on page 4 of the Bill, and I want this recorded in *Hansard*. The interpretation reads—

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

Subsection (2) of section 3 appears on page 7 of the Bill and reads—

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

This is a very dramatic, and, I venture to say, a most significant, change of terminology from what was previously contained in the Act currently in force, and, in due course, it will have a major impact on this total legislation. The words I refer to specifically are "social surroundings". We all know what damage to the environment is, what protection is, and what the conservation movement is. We know what oil pollution, chemical pollution, and noise pollution are. We know what all these factors are, but in this legislation the Government proposes a new standard. That new standard would be a new form of pollution of the social surroundings. Should this legislation proceed, it would be open to public intervention, control, and limitation.

During his reply to the second reading debate, the Minister said that the words "social surroundings" were added into the legislation only recently and that he saw them as quite significant. I believe that, should these words see the light of day, not only will they be significant, but they will also frighten the pants off people in Western Australia because it is open to anybody's imagination as to what the new forms of pollution of the social surroundings

will be. It is breaking new ground and is a completely, totally, and absolutely new dimension.

In this context, one must also read the definition of the word "proposal", which is given as—

"Proposal" means project, plan, programme, policy, operation, undertaking or development or change in land use, or amendment of any of the foregoing;

This covers literally anything that anybody might wish to do, and so we could have a situation in which the operation of one person violates the values of another because the claim will be made that the social surroundings are being polluted. If one looks at the definition of "pollution" one sees that it means—

... direct or indirect alteration of the environment—

- (a) to its detriment or degradation;
- (b) to the detriment of any beneficial use; ...

Thus, under this definition of "social surroundings", any person now has the opportunity of claiming that the operation of another person violates his values, and I believe this interpretation should be removed from the legislation. The community by and large has always accepted that there are differing values for differing groups of people, but there is a community acceptance of a general code of conduct.

The Minister has just said that his interpretation of "beneficial use" will enable differing standards to apply in differing areas. However, if the terminology "social surroundings" is taken in its literal sense, it could be used by organised and extremist groups to wreak havoc and mayhem in the community. Under this terminology and the provisions of this Bill, farming operations could well be the subject of complaint.

I would like to know the full impact of this interpretation in relation to the Animal Liberation movement, which would have a field day lodging complaints about the activities of farmers because it would claim that its aesthetic environment is being impinged upon under the terms of this legislation. The Minister can very easily say that groups will have the opportunity to lodge a complaint about a proposal but that he, as the responsible Minister of the day, could say, "I am going to turn those sorts of proposals down."

The point I make is that the definition in the Bill at this stage is far too wide. The result could be an absolute and total abuse of this by some people.

I have mentioned only one aspect of agriculture. I would also refer to the activities of the Agriculture Protection Board. Again under this legislation I can imagine the difficulties that the APB will have with its vermin and weed control programmes when liberationists or "well-intentioned" people decide to take action under the provisions of this Bill, particularly in respect of claims of pollution to their "social surroundings". This is not an area which can be measured; it happens to need value judgments because we are breaking completely new ground.

I have referred to the question of land use. One could go further; one could see complaints involving local government where people could complain about road traffic uses, and how this could bring about a reduction in the serenity and tranquillity of country areas. This opens up a minefield to people with extreme views in the community, and I do not believe that it was the intention of this Government to allow that to happen by using the terminology of "social surroundings". The usage of that terminology will in my judgment allow that to happen.

I look forward to hearing the Minister's comments as to how he sees his overcoming some aspects of the problems I have indicated here. There are others.

Mr HODGE: The member for Vasse certainly has a very fertile imagination. I was waiting for him to project that there will be an outbreak of dandruff and ingrown toenails caused by the inclusion of the words "social surroundings". The member for Vasse has gone to extreme lengths to make a point which really is not accurate at all. The reason that the words "social surroundings" have been included in that definition is for the benefit of the EPA when it decides to assess a major project. It would quite clearly be ridiculous for the EPA not to be able to take into account any social implications possibly caused by a major new project.

This is not a radical departure from normal practice. The EPA has been doing just that for many years without its necessarily being spelt out in the definition under the Act. The Commonwealth environmental legislation includes "social surroundings" in its definition, and most other States' environmental legislation also includes reference to social surroundings.

Mr Lewis: Because of the provisions allowing third persons to object, this definition could be used in the course of an objection to something as nonsensical as somebody painting his home. This could be done legitimately on the basis of this definition. That is the point we are trying to make.

Mr HODGE: There is nothing that we can write into this legislation or take out of it that will stop cranks from objecting. That is not the way the definition is intended to be read or to be used, and it will not be taken that way.

As I have just explained to the Chamber, the definition will not be used in defining pollution itself. It will be used in laying down the parameters of things that the EPA should take into account when assessing major projects. As I said in my reply to the second reading of the legislation, there is a need on major projects for social implications to be taken into account. For instance, if a major new project, such as the North-West Shelf project, were to be assessed by the EPA, a huge influx of people into remote areas or small townships—a big influx of young male workers—would definitely have an impact on that small town and distort the balance and perhaps the harmony which might have existed in that small community. There are all sorts of implications that those words are there to take account of. They should not be read as sociological; the Government does not intend that the EPA should get into considering welfare matters or anything of that nature. Those words cannot be construed to mean that, and in fact it was to try to avoid this sort of debate that we are now having that we put that other clarifying definition in on page 7(2) which reads as follows—

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

I think that makes the reason for this wording, and how it is to be construed, perfectly clear. I suggest that the Opposition is misconstruing it and doing so badly, and reading all sorts of other things into those words that cannot reasonably be read into them.

Mr RUSHTON: I support the amendment proposed to be moved by the member for Vasse.

Obviously the section in the present Act, which relates to the environment, is far more applicable and acceptable. I would just put to the Minister that I thought this was going to be one of his "throw-away" lines—that he had put it in there so that it would automatically be thrown away, simply to be able to demonstrate that he was accepting the Opposition's recommendations on a number of points. I have seen this happen with this Government before.

The planning of this State should be done in a long term way—that is, in the main, we should take care of the State's environmental surroundings. We have seen this long term planning lacking in the legislation which has been put forward by this Government, in the sense that there should have been a strategy developed which was long-term and meant that people could know where they stood. This aspect, as spelt out by the Minister, should be contained in the considerations that are undertaken by the Western Australian planning commissioners, as we know them. There should be a developed plan in respect of town planning schemes, which should accommodate the situation being put forward by the Minister.

One should take, for example, the siting of the casino, which happened in the not-too-distant past. Obviously the same sort of thing would have to happen again—that is, the obliteration of the requirements of the Environmental Protection Act for that activity. The power of the environment Act was removed so the casino development could go ahead without any consideration for the Act. For all intents and purposes, it was removed from the Statutes.

Mr Hodge: That was done temporarily; it is not uncommon.

Mr RUSHTON: If this legislation is brought in, the next time this situation arises the Government could be tied up for years. It would have to do the same thing again—remove the legislation conveniently from the Statutes. The Opposition is saying, "Let's be frank about it—"

Mr Hodge interjected.

Mr RUSHTON: That is just one aspect where it would apply. It could be argued that the social surroundings relating to the casino would be offended.

Mr Hodge: You were reading this as "social welfare".

Mr RUSHTON: The Minister is just saying these things. What we must do is the reality of what the words say—not what we would like them to say. The previous definition of the environment included the physical factors prevailing in the State, including the land, the coastal waters, the seabed, soil and subsoil adjacent thereto, atmosphere, sound, odours, tastes and radiation, as well as the social factors such as aesthetics, and all factors affecting animal and plant life. This is far more applicable than what is in this new legislation. One has only to look at the situation of Bassendean in recent times. That is basically a town planning matter which developed into a political confrontation between the Minister and the Town of Bassendean over the question of the housing of some handicapped children. It has become a political and emotional situation. The same thing happened in Subiaco in my time as Minister when I had to advise the leader of a group to seek the proper zoning, which was done. However, today the same person would know that he has someone in the present Minister for Planning who will turn the situation into a political and emotional issue.

It does no good for the handicapped children. They are the disadvantaged ones; they are the meat in the sandwich. If this sort of wording remains in the Bill, it could apply to the situation of those children. It should be removed in favour of the present requirements which are far more applicable.

Mr BLAIKIE: I thank the Minister for his explanation. I do not share his optimism that the Bill, when it is finally promulgated, and if it remains in this form, will apply only to large projects. That will not be the case at all. It will apply to any project in the State, large or small, and to any development—to anything that moves.

Mr Hodge: To any proposal that may have a significant effect on the environment.

Mr BLAIKIE: That will not stop any person from expressing his point of view as to what "significant" means.

Mr Hodge: The EPA decides what is significant and what is not.

Mr BLAIKIE: It will mean different things to different people.

Mr Hodge: What it means to the EPA is important. That is all that matters.

Mr BLAIKIE: It is also important that Parliament understand what is in the legislation. If that terminology remains in the legislation it will ensure that the EPA gets a daily flood of

letters from people who will use the legislation to object to any project or proposal which they find significant. The subjective side of this is: What is a justifiable complaint?

Including the words "social surroundings" breaks new ground in Western Australia. We know what noise, oil, and environmental pollution are, but the term "social surroundings" is new ground.

Mr Hodge: It is not included in the definition of pollution. You are muddling the two. Read the definition of "environment" and that of "pollution"; they are two separate definitions, and you are rolling them into one.

Mr BLAIKIE: Pollution means direct or indirect alteration of the environment to its detriment or degradation; to the detriment of any beneficial use; or of a prescribed kind.

Mr Hodge: There is no mention of social surroundings there. That is where you are wrong.

Mr BLAIKIE: The words "social surroundings" may not appear under the definition of pollution, but they will be taken up by people who are going to use this legislation in 18 months' or two years' time, and the Government of the day will be plagued by those words.

Mr Hodge: People who try to improperly use the legislation will soon get the message because they will not get to first base.

Mr BLAIKIE: The legislation should be clear enough for people to understand that they cannot use it to make scurrilous or insignificant approaches. In my view the words "social surroundings" will cause a proliferation of complaints.

This clause will create new concern for the planning industry. I can imagine local government being greatly concerned when it looks at the interpretations set out in the Bill and when it realises that any proposals within its area, or any changes, can be questioned through clause 38. The timber and mining industries will be quite concerned also because the term "social surroundings" sets new directions. The Minister has said it is contained in Commonwealth legislation and that was one of the reasons it was put in the State legislation. There are many good reasons for not following the Commonwealth Government in such matters and they are valid reasons.

There are extreme groups in the community whose members will welcome this terminology as an opportunity to frustrate industry and development—because that is their role in life,

their goal and desire. We have seen them from this side of politics, and no doubt the Minister has seen them from his side. These words will also cause departments to shudder in future. I intend to move an amendment, but prior to that I want to read an excerpt from the Australian Conservation Foundation's annual report for 1985. Page 7 indicates some of the concern I have about measures that may be taken. I hope this will give the Minister sufficient cause to reconsider the comments he made in relation to the acceptance or otherwise of the term "social surroundings". The article is headed "Western Australian Campaign Activity", and it states—

During the first half of the year, the then W.A. Campaign Officer, Bill Hare, worked on obtaining reserves in the Jarrah forest, securing sensitive areas in the Karri forest and campaigning against the proposed aluminium smelter. Major victories were achieved when the Burke Government moved the proposed smelter site out of State forest onto adjacent cleared coastal land, and when the ACF used a leaked power contract to disrupt negotiations with the smelter consortium, the ACF led the campaign against the smelter exposing the billion dollar subsidy involved, and obtaining massive media publicity in W.A. on this issue.

There are people in the community who will go to extreme lengths to win an argument. This legislation and this definition will only allow them more scope to complain. It will frighten the daylights out of industry once it understands what the Government proposes to do. It will lead to an increase in the number of complaints which could be upheld should the Minister of the day decide that some extreme person had a significant complaint and allowed a referral to take place. That is the whole basis of our argument. I move an amendment—

Page 4, line 19—To delete "and social surroundings".

Mr MacKINNON: I support the amendment. As shadow Minister for Minerals and Energy, I was approached by APEA which expressed its concern about this definition. I therefore ask the Minister, on its behalf, whether the definition of "environment" will affect off-shore oil exploration and if so, how far off-shore? Will it apply to the exploration taking place on the continental shelf and if so, in what form?

Secondly, does the Bill override existing agreement Acts negotiated by the State, of which I believe there are about 20? Will those agreements have to be renegotiated?

I ask also whether the current legislation already takes into account the question of social surroundings.

Mr Hodge: Yes.

Mr MacKINNON: If so, will the Minister indicate how? For example, I refer to the most recent case of the Mosman boatshed. Were social surroundings taken into account in relation to that issue? It seems to me that the nub of the problem there has been the social surroundings.

Finally, the community, and certainly the business community, are gravely concerned about this legislation. Politicians of all ilk over the years have indicated that they are committed to reducing regulations that affect business and want to make things easier. APEA has expressed its concern that this legislation takes no proper account of the balance between industrial development and the protection of the environment. Certainly, my reading of the legislation does not enlighten me to the contrary about that matter.

Mr HODGE: The Government is opposed to the amendment. I will attempt to answer each point raised by the Deputy Leader of the Opposition. It is a pity that APEA did not make its concern known to me earlier because I would have assured it that its concerns were unnecessary. Only at the very last minute were we made aware of those concerns and we have now had talks with the group to reassure it. The Bill has been a public document for several months and it is a bit late in the day for these problems to be raised.

I have been advised that this legislation will have application to territorial waters to the extent of three nautical miles. Secondly, as is spelt out in clause 5, the Government will not abrogate any of the special agreement Acts it has entered into.

I cannot answer the points raised about the tearooms at Mosman because I do not have those details. Those questions should be put on notice and I will refer them to the Environmental Protection Authority for its advice. I know that that authority has left the assessment of the tearooms project to the Swan River Management Authority. The authority deemed that was the appropriate body to assess the project.

This is not an industrial development Bill or a mining Bill. It is strange that members, when speaking to environmental protection legislation, want to insert provisions that more appropriately relate to other fields. I am sure they would not expect me, when introducing a mining Bill, to spell out environmental protection provisions. This Bill is aimed at protecting the environment. That does not mean that the Government will protect the environment at all costs. As I said in closing the second reading debate, sensible environmental legislation should seek to have a correct balance between protecting the environment and allowing sensible development to proceed as speedily as possible.

Mr Blaikie: Would you not agree that "beneficial use of the environment" includes some commercial usage?

Mr HODGE: Not if one is defining the environment in an environmental protection Bill. It is really irrelevant to the definition. Those concerns display a sense of paranoia on the part of some people. They suggest that we should adopt an unrealistic attitude to protect the environment, even if it means closing every industry. That is obviously not what the Government intends.

This legislation has been carefully thought out and drafted. We have gone to unprecedented lengths to consult with industry. I do not agree with the Deputy Leader of the Opposition's observation that there is widespread concern in industry about this legislation.

Mr THOMAS: I oppose the amendment. I think it is essential to understand precisely what this type of legislation hopes to achieve. It is important to include within the definition of "environment" "social surroundings" because otherwise the term tends to be meaningless.

I illustrate that with two examples. The first concerns aesthetic surroundings. Earlier this year there was a controversy about the clearing of the trees along a particular road which had scenic value. It was the subject of a controversy around Pemberton. All sorts of people jumped up and down saying that the proposal to widen the road, thus necessitating removal of the trees, should be subject to environmental assessment. Most people, irrespective of what they think of that issue, would agree that a proposal such as that should be subject to environmental assessment. If we remove from the definition of "environment" in the Bill, the words "and social surroundings", quite clearly we would not be able to get a proper environ-

mental assessment of the proposal to clear the trees from the site of that road. The definition of "environment" without those words would read as follows—

"environment" means living things, their physical and biological surroundings, and interactions between all of these;

Essentially a botanist would be asked about the impact of removing the trees from the side of the road. The botanist would presumably reply that in a physical or biological sense, removal of the 10, 20, or 100 trees would be no more significant than the chopping down of any other 100 trees. The number of birds that live in the trees would presumably be the same. The significance of the trees along the side of the road lies in their scenic value and is, therefore, a cultural matter. We human beings ascribe significance to them because of their cultural importance, of which their scenic value is a part. It is for that reason that it is necessary to have this type of provision in the Bill. If we did not, the cultural, scenic, and other values which we attach to elements of the environment, could not be evaluated when matters are referred to the authority for assessment.

In a similar sense, if a project which would entail emissions were proposed, and the authority, in considering the impact of that project on the environment, had to consider the impact of those emissions, it must be able to consider, among other things, the cultural or aesthetic value of those emissions. Let us presume there was a proposal for a project which had a certain level of emission which would have an aesthetic effect—by "aesthetic" I mean more than aesthetic in a purely visual sense; I mean it also with respect to the other senses—on people in the locality, but which would not have any effect on health. There are emissions that have an aesthetic impact but do not have any adverse impact on health and hence cannot be said to be impacting on the environment in the narrow sense of having an effect on the physical and biological interaction of components of the environment. Thus it could be possible to have emissions which have an effect on people. It must be possible for the responsible environmental authorities to take into account those types of impacts which certainly affect, in the wider sense, the environment of the people who live in our State, but which do not necessarily have a significant physical or biological impact.

Mr Blaikie: How would you evaluate what is an aesthetic problem or a cultural problem if you were doing the evaluation? If I made a complaint, how would you evaluate it?

Mr THOMAS: The authority would first have to decide whether it was a matter appropriately dealt with. As was indicated in earlier debates, the authority could simply dispose of the matter when making a judgment as to what is significant. Essentially, we are talking about matters of opinion. The authority would have to make some sort of judgment as to what was acceptable, having regard for community values and the general public interest. It would then make a recommendation to the Minister and the Minister ultimately would have to make a judgment as to what was acceptable. He would then have to accept responsibility for that decision within the wider political process. That is the only way of dealing with those types of problems.

If we remove those words from the definition clause of the Bill, we would create a situation where, at law at least, it would not be possible to have those matters dealt with. Would the member seriously argue that the Government should not be able to deal with those matters? I do not think anyone would argue that. With respect to the Pemberton road-widening issue, numerous people were asking why the Government or some appropriate authority did not take up the issue and subject it to assessment. Without going into the merit of what that assessment ought to be, I think everyone would agree that those sorts of things should be examined. That is the only real impact of this particular inclusion in the Bill.

As the Minister indicated, responsible environmental authorities have been doing that in any event because, in a practical sense, without taking into account the social impact, the word "environment" tends to become meaningless.

Mr Blaikie: Would you also accept the argument that I put forward that bodies such as the Agriculture Protection Board could be subject to complaint under the provision we are currently discussing?

Mr THOMAS: How could the APB be subject to complaint?

Mr Blaikie: Somebody could lodge a complaint about the types of controls used.

Mr THOMAS: I cannot think of a case where the APB would have a significant effect that would be caught by the "social surroundings" addition to the definition of the environment.

Mr Blaikie: Poisoning animals.

Mr THOMAS: How does that affect social surroundings?

Mr Blaikie: Burning firebreaks, that sort of thing.

Mr THOMAS: I imagine that is the sort of thing that would be disposed of as not being something that was worthy of assessment.

Mr RUSHTON: The member for Welshpool has just raised our very fears of what was intended by this provision in the legislation. It looks like a continuance of the present activities of not considering environmental aspects in the planning stages of developing our State. I raise the issue with the Minister that surely these matters must be considered. A very important part of the issue is the matter of local government and its responsibilities. Local government is very attuned to addressing this subject, but provision for it to take part in considerations has been removed from the planning legislation brought in by the Government. Local government is not given a formal part to play in this legislation. In fact, it feels that it has been pushed further away.

Mr Hodge: Its role has been enhanced in this Bill.

Mr RUSHTON: Local government thinks that its powers have been reduced.

Mr Hodge: If so, it is wrong.

Mr RUSHTON: The Minister is not God; neither is local government. However, local government has a very important part to play. In fact, if we had not moved the way we have with respect to our planning legislation, we would not have the Mosman Park situation today. If the Minister were acting actively in his proper position as Minister for Environment, we would not have this confusion about what is taking place at Mosman Park. It appears to me that the Premier makes a decision and the rest of his Ministry falls in behind him.

This legislation is centralising power so that the Premier has only to ring about three of his Ministers and tell them what is going to happen. This legislation will allow him to do that. The Minister cannot claim that a formal role for local government is set out in this legislation.

Mr Hodge: Can you point to any provision in this Bill where local government has been removed or has had its powers diminished by comparison with the old Environmental Protection Act?

Mr RUSHTON: The other day the Minister wrote off my words as nonsense. I told him that we would have delegated to local government far more authority than is allowed for in the present Act. We have had a learning curve. We have experienced the present legislation for some 15 years. There is an opportunity to give a bigger role to local government. This legislation does not do that.

Mr Hodge: It does do it.

Mr RUSHTON: We will see as we go through the Bill in detail in the Committee stage.

Mr Hodge: We will if we ever get there.

Mr RUSHTON: I would be delighted if the Minister reassured me now in that regard.

Mr Hodge: All the pollution enforcement provisions later on in the Bill make provision for authorised officers to police all aspects of the pollution laws. At the moment they are involved only with noise pollution. In future they will be involved in all aspects of enforcing the pollution laws.

Mr RUSHTON: Local Government sees this legislation as hindering and holding up development unnecessarily. These are simple words.

I was interested to hear the member for Welshpool. He has been involved in environmental aspects of our society, as I have, for a long time, but he raised issues applicable to the casino development. The casino development would not have got off the ground if what he said was given consideration. It needs to be put into *Hansard* so that we know what the Minister is holding us to. He is not prepared to have these words removed to satisfy our concern. He should be able to put in a couple of sentences what he thinks will happen. I do not think he has been clear. Everybody should know what the Government intends to do. This legislation contains a tremendous number of words. The simpler it is the more effective the legislation will be.

One cannot cover every situation. It is the intention of a Government which is important, and that will show as the months go by. Where we have a situation upsetting people, like the siting of the prison at Casuarina, that is when the legislation will be seen to be effective or otherwise. When another Mosman marina comes forward we will be able to see whether the legislation makes any difference. These are the sorts of things about which the people are concerned.

We have had about 15 years of the old legislation. Environmentalists did not consider it as strong as they wanted. When in Opposition the Government pointed out its weaknesses. The Government has been in office for three-and-a-half years and has not met the expectations of the conservationists. This small amendment would remove those doubts which have not been satisfied. I hope the Minister will give us a couple of paragraphs of something to show what he is going to do, and we will see that it happens in the future.

Mr LEWIS: I have spoken before about the emergence of the ability of people to own land in fee simple. From those times it was recognised that people could do what they liked with their own particular parcel of land if they owned it in fee simple, provided they did not affect people without that land.

We have progressed now to town planning schemes and taken away the right of certain people to do what they want on their land. We have actually prescribed rights as to land use. Now we have another pegging back, as it were, of the right of a person to have fee simple ownership of his land.

A person may have property consisting of 500 hectares. A person could legitimately object to that man clearing that land to pursue his livelihood. It may be that the person objecting likes native and indigenous forest—which is acceptable. It could come to pass that that person's right to farm that land may be refused by the Minister.

Mr Hodge: Are you suggesting this is something new? Under the present Act people can lodge those sorts of complaints.

Mr LEWIS: But as I understand it, there is now power within that legislation for the Minister to say, "Thou shalt not do it." There were certain rights which the people retained to do what they liked with their land.

Mr Hodge: You want an environmental protection Minister with no powers?

Mr LEWIS: It is a very delicate balance of how a person buys a property legitimately, owns it, and over a period those rights in fee simple to do what he wants—

Mr Hodge: Regardless of the detrimental effect to the environment? No one has powers but the Minister acting on the advice of the EPA. There is an elaborate appeal mechanism as well. You are suggesting that people, regardless of the consequences, should be able to do what they want if they own a patch of ground?

Mr LEWIS: Provided they do not affect other people without that parcel of land.

Mr Hodge: If the person were refused permission to clear his land, he must obviously know of the serious adverse effect on the environment that would have.

Mr LEWIS: That is not necessarily so.

Mr Hodge: You have not read the legislation.

Mr LEWIS: This legislation is complex and very far-reaching. I do not think people understand the powers it contains.

Mr Hodge: It gives power to protect the environment. I suppose that is pretty radical in your eyes.

Mr Rushton: You could protect the environment before. You cannot control it by bringing legislation into force.

Mr Hodge: We had better abolish this Parliament if we are not going to try to control society by laws.

Mr Rushton: You want direct control.

The CHAIRMAN: Order!

Mr LEWIS: What I am suggesting is, if one is going to take away someone's proprietary rights which someone has paid for in this legislation, there should be an ability—

Mr Hodge: They have already been removed under various other pieces of legislation, such as the Soil and Land Conservation Act and various other laws.

Mr LEWIS: How far down the track does one go in socialising land absolutely? That is the track this Bill is going along.

Mr Hodge: This is the thin edge of the wedge, is it?

Mr LEWIS: If one is going to remove someone's rights to his fee simple ability to own his land, there should be provision to compensate him for those rights being removed.

Mr Hodge: You people are not serious about protecting the environment. Why do you not come out in the open and say that?

Mr LEWIS: If the public, via the vehicle of the Government, deems those rights should be removed, and the public wants that forest or bushland protected, the public should be prepared to recompense the owner of that land. It is not right to take away someone's rights which he has paid for and say he cannot use that land for the purpose for which he bought it. I would like the Minister to address that question in his reply.

Mr BLAIKIE: I would like first to thank those members for the support they have given this amendment, and also express my concern to the Minister for what appears to be a rather inflexible attitude.

Mr Hodge: Come off it! Which amendments am I to accept?

Mr BLAIKIE: That happens to be my view, and I believe this is a very critical part of the legislation.

The member for Welshpool let the cat out of the bag as to the intention of the Bill and what the section relates to. During the tea suspension the Minister might speak to his assistant about this matter. The member for Welshpool said that an area such as the Vasse Highway at Pemberton would come under the ambit of the legislation currently before the House, whereas no action could have been taken under the current legislation.

The local government bodies and the Main Roads Department made their determinations. Governments stopped the project while valuations were made, yet the road is still clear. The Government is intending to impinge on the rights of local authorities to ensure that whatever proposals they have are brought back to the EPA so no proposal can go ahead unfettered. The Vasse Highway would come under the provisions of this Act. I take exception to that. I have no doubt the Shires of Manjimup and Warren, and many local bodies throughout the State will also take exception to the direction indicated by the member for Welshpool.

The member for Dale was quite correct when he pointed out our concerns in relation to local government and how their roles could be impinged on. There are a series of projects under way. I refer to the casino. That project was completed with the absolute minimum of environmental impact information. It is obvious the Government did not intend that project to be fettered.

Mr Rushton: They removed the powers of the Act.

Mr Hodge: Your Government did that on scores of occasions with special agreement Acts.

Mr BLAIKIE: The Minister should not try to link the Burswood Casino with a special iron ore agreement Act.

Mr Hodge: It was a special agreement Act, the same as the others.

Mr BLAIKIE: It was a special agreement Act of the Parliament but the Parliament was presented with a fait accompli; the contracts were signed and the Parliament had to agree to the proposal. There was no argument.

The Australian Conservation Foundation has claimed some credit for its activities. While I believe the terminology "social surroundings" will do, it will allow that organisation—and other environmental groups, be they extreme or otherwise—to launch new attacks on industry and development in this State.

I refer to the annual report of the Australian Conservation Foundation. It revealed that the ACF has campaigned against the proposed Boddington gold mine in the eastern zone of the northern jarrah forest, and campaigned to save native forest; the foundation has taken its objections to the warden's court. The report also states that the ACF's national forest campaign is extending to Western Australia with particular emphasis on wood chip export, licence renewals, and restructuring of the timber industry.

Agreements that are currently in force will remain in force but agreements that need to be renewed, renegotiated, and reviewed again will be subject to the stringencies of this legislation. I wish to single out the timber industry because that industry seems to have taken the bulk of the criticism from the environmental movement. It is the springboard for environmental extremism. Is it the Government's intention to declare the timber industry an industry exempt from the provisions of this Act? Is the Minister intending that the timber industry and the renegotiation of the woodchip agreement be exempted from the provisions of this Act?

Mr Hodge: Of course not.

Mr BLAIKIE: This legislation will put in place a new set of rules and opportunities for the extremists in the environmental movement to attack the timber industry. The Minister knows full well that woodchip agreements have yet to be renewed and renegotiated. When this new Bill is enforced—and when the "social surroundings" provision comes into effect—the extremists will have a field day. Heaven help the timber companies trying to ward off the new attacks that will result from this legislation.

The member for Welshpool said that the removing of trees is a cultural matter. I have not the slightest doubt there would be a host of other people who would agree with him. The Government has opened a Pandora's box of

new areas, in which complaints will be based on different value judgments. What effect will the terminology "social surroundings" have on those value judgments? I have singled out only one industry. I would like to know what Alcoa is thinking. The Government has said it will renegotiate its agreement with Alcoa in relation to the Lane-Poole Reserve. The area in the northern jarrah forest will not have to be dammed. If that Act has to come back to the Parliament to be renegotiated, does that mean that the Alcoa agreement will then be subject to the conditions of this Act, or is the Government to exempt Alcoa? The Government will not exempt Alcoa. Every man and his extremist dog will have a field day. The Government has been caught out, pandering to the extremists in the community who are seeking this opportunity to attack industry, development, and commerce. The Government has an obligation to give a full account and explanation of its intentions. The amendment to delete those two words should be supported.

Mr HODGE: The Opposition is not dinkum about protecting the environment. That has become crystal clear from the contributions of the members for East Melville, Vasse, and Dale.

Members opposite really want to keep the status quo whereby they have a Minister for Environment who has no power to do anything. They would be happy with that arrangement. They are not really dinkum about protecting the environment, as can be seen by the fact that the moment they think the Minister may actually be about to gain some powers that will enable him to protect the environment, they come out with these hysterical arguments of the sort we have heard over the last hour.

I suggest that over the dinner break members opposite who have spoken so far in this debate obtain a copy of the Environmental Protection Act 1971-80 and read it; I will send them a complimentary copy because I do not think they have read it. Were they to have read it they would know that all the horrific scenarios they have been expounding to the Chamber are just not factual. Were they to have read the Act they would realise that most of the horrific things they have speculated about are already covered by the present Act. We have not seen all those horrific circumstances to which members opposite have been referring.

Sections 54, 55 and 56(1) of the present Environmental Protection Act already provide power for town planning schemes to be referred to the EPA. The EPA can initiate action itself to look at those schemes if it wishes. The EPA

can make recommendations to the Government about those town planning schemes through the State Planning Commission, and the Government can make a decision on those recommendations.

Under this legislation that same procedure will occur. The Minister for Environment will be able to consult then with another decision-making body, be that a local government authority, a Minister or a commercial body in order to negotiate and agree upon conditions to attach to a town planning scheme. If all agree, the project can proceed in accordance with those conditions. If all those bodies do not agree, the scheme could be submitted to an appeals committee.

Members opposite have been expounding a great deal of nonsense this afternoon. They are wasting the time of the Chamber and we will be here all night if they keep going on with this hypothetical nonsense.

Mr RUSHTON: The Minister will be in for a bad time if he thinks he knows everything and no-one else is entitled to an opinion. We are asking for some simple explanations.

He let the cat out of the bag then when he indicated that his environmental powers will cover town planning schemes, whereby local councils will need to have their schemes approved by the EPA, which is in effect the same thing as the Department of Conservation and Environment; the two are not independent bodies. So, the EPA will have overriding powers over all town planning schemes.

When a town planning scheme is submitted by a local authority to the State Planning Commission the environmental aspects of it should be considered then; the EPA should not have the power to say that a town planning scheme should be delayed after it has been given that initial approval. It is essential if we are to get anything done in WA that those environmental considerations be attended to at the same time as the scheme is considered by the Planning Commission. That is what happened with the MRPA under the old legislation. I am aware that schemes could be prolonged because the director of the department wanted to have another go at the scheme. He had a say when the scheme was before the MRPA but then he would want to take another look at it. All aspects should be considered at the one time so that a decision is made and it is all behind us.

The people involved with the scheme then know that they can get on with it.

This social surroundings provision is very nebulous. Who is to interpret it? Which professional is to give an opinion on it? The Minister should reconsider the idea that the Planning Commission should not be the sole body to consider the environmental aspects of a scheme. If when the Planning Commission studies a scheme something is found to be unacceptable, it is fair enough that the scheme should go back.

The environmental legislation is important, but it is not all-embracing; it has a contribution to make. The Government of the day has to make the final decision from time to time. We do not want planning matters to be delayed as they could be under this legislation. These things should be handled in proper sequence; in other words, the environmental aspects of a development should be considered at the same time as the town planning aspects are considered. The developers involved must know where they stand.

Local government is concerned about the fact that it will not be able to progress its activities in a reasonable fashion. Local government is closest to the people and reflects public opinion more closely. Local government is the real watchdog of what happens to our environment. The Government of the day often overrides environmental requirements, as we have seen with the casino. The City of Perth would not have allowed that development and in fact fought against it, but the Government ignored it. That sort of thing will happen again under this social surroundings provision. I would like the Minister to reconsider this aspect of the powers of the EPA in town planning matters.

Amendment put and a division taken with the following result—

Ayes 22

Mr Blaikie	Mr Mensaros
Mr Bradshaw	Mr Nalder
Mr Cash	Mr Rushton
Mr Court	Mr Schell
Mr Crane	Mr Spriggs
Mr Grayden	Mr Stephens
Mr Hassell	Mr Thompson
Mr House	Mr Trenorden
Mr Laurance	Mr Tubby
Mr Lewis	Mr Watt
Mr MacKinnon	Mr Williams

(Teller)

Noes 27

Mrs Beggs	Mr Marlborough
Mr Bertram	Mr Pearce
Mr Bryce	Mr Read
Mr Brian Burke	Mr D. L. Smith
Mr Terry Burke	Mr P. J. Smith
Mr Carr	Mr Taylor
Mr Peter Dowding	Mr Thomas
Mr Evans	Mr Tonkin
Dr Gallop	Mr Troy
Mr Grill	Mrs Watkins
Mr Gordon Hill	Dr Watson
Mr Hodge	Mr Wilson
Mr Tom Jones	Mrs Buchanan
Dr Lawrence	

(Teller)

Pairs

Ayes	Noes
Mr Clarko	Mr Parker
Mr Cowan	Mrs Henderson

Amendment thus negatived.

Mr BLAIKIE: I raise with the Minister the definition of the word "pollution". The Bill states—

"pollution" means direct or indirect alteration of the environment—

- (a) to its detriment or degradation;
- (b) to the detriment of any beneficial use; or
- (c) of a prescribed kind;

Points of Order

Mr HODGE: Mr Chairman, I am sure the member for Vasse has already spoken the maximum number of times he is permitted to speak on this clause. Would you give a ruling?

The CHAIRMAN: I will give my ruling, and I ask the member for Vasse to move the second amendment which is in his name on the Notice Paper to allow him to speak freely to this clause.

Mr HODGE: On a further point of order, Mr Chairman, the second amendment does not make sense now that the first amendment has been defeated—it was consequential upon the first amendment being carried.

Committee Resumed

Mr BLAIKIE: I assure the Minister for Environment that I can handle my own amendments, but I do appreciate his assistance. The second amendment was consequential upon the first amendment being passed.

I raise the point that I made at the commencement of the Committee debate: I will need to seek clarification on a number of clauses in this Bill, and I now seek your assistance, Mr Chairman.

Point of Order

Mr HODGE: If the member for Vasse is not going to move the second part of his amendment which is on the Notice Paper in his name, I put it to you, Mr Chairman, that he has exhausted his right to speak to this clause.

The CHAIRMAN: The Minister for Environment does have a valid point and I ask the member for Vasse to quickly wind up his line of questioning. In view of the comments made by the Minister, it may well be that during the course of the debate this evening I may have to break up the clauses in order that I can rule on the number of time members may speak.

Committee Resumed

Mr BLAIKIE: I question the effect of the meaning of the word "pollution", and I ask the Minister for Environment to indicate the type of prescribed regulations that he will put before the Chamber. This Bill is basically a Committee Bill, and many explanations will be sought during the debate. More importantly, however, the working part of this Bill, when it becomes an Act, will be the regulations.

A precedent has been set already in relation to the Mining Act. The regulations relating to that legislation were most important. The Government allowed members to peruse the regulations before that legislation was finally submitted to the Parliament.

I appeal to the Minister to follow a similar format with this legislation to allow the regulations relating not only to pollution, but also relating to the entire ambit of the legislation, to be given to members for their perusal.

I accept that the Government has the role of governing, but if this legislation is to be passed, a degree of cooperation is necessary. The Minister's office has been of assistance and I place on record my appreciation for its assistance.

The regulations form a large part of this legislation and I ask the Minister to give an undertaking that he will explain the gamut of the regulations he is proposing to attach to this legislation and which are not evident in the Bill.

Mr HODGE: The member for Vasse posed a question about the definition of the word "pollution". He asked what would be covered under paragraph (c) of the definition which refers to pollution "of a prescribed kind".

The sorts of matters that would be covered under that paragraph would be those things that are presently covered by the Noise Abatement Act and its regulations, the Clean Air Act

and its regulations, and the Rights in Water and Irrigation Act and its regulations. The "prescribed kind" would be regulations of air and noise emissions. I expect that we would adopt the normal mechanisms that the Government usually adopts when considering those sorts of regulations.

Clause put and passed.

Clause 4 put and passed.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Mr Hodge (Minister for Environment).

(See page No. 3667)

[Questions taken.]

Sitting suspended from 6.00 to 7.15 p.m.

ACTS AMENDMENT (ELECTORAL REFORM) BILL

Report

Report of Committee adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

MR BRYCE (Ascot—Minister for Parliamentary and Electoral Reform) [7.18 p.m.]: I move—

That the Bill be now read a third time.

MR MENSAROS (Floreat) [7.19 p.m.]: I want to say again something which I said towards the end of the Committee stage of the Bill, before it was recommitted.

We had an exceptional debate which I believe had a lot of merit and did only good for this Chamber and its members. It is my belief that if this type of debate, which was devoid of any personal attack or abuse, could be the order of the day throughout the proceedings of this place, this Chamber and its members would justly enjoy a much better reputation than they do at present.

I emphasise at the third reading of this Bill that the report of the Committee debate, although very difficult to understand and needing to be used in conjunction with the Bill and the parent Act which was amended, gives a fairly accurate picture of the legislation proposed by the Government and the policies of both the Liberal Party and the National Party. That came about because we insisted on moving all the amendments, although in some cases they may have appeared to be illogical

because some previous amendments were rejected.

If members refer to this report, they will see that there are quite a number of similarities between the proposals of both the Government and the Opposition parties. There are, of course, basic differences. The similarities are more in principle at this stage. The fact that the Opposition also proposed the concept of regional proportional representation in the Legislative Assembly is one of these similarities; the fact that the Opposition also proposed that there should be an Electoral Commission which was virtually independent from the Government, or at least from the day-to-day directions of the Minister of the time; and the fact that the Opposition accepted that the Electoral Commissioner and his deputy should be appointed after consultation by the Premier of the day with leaders of the Opposition parties, are all principles which are basically similar.

Members are also of one mind, as opposed to some propositions put years ago, that the Legislative Assembly should have a single electorate representation and electoral districts. Although it was not emphasised very much, I think that it is fairly significant that there was agreement, more or less implicitly, that there ought to be a metropolitan area as an entity; that is, there should be a metropolitan area and another area which is outside the metropolitan area.

The **SPEAKER**: Order! *Hansard* is obviously having great difficulty hearing the member. If all members would please be a little quieter, other than the member for Floreat, and if he would be a little noisier, it would help.

Mr MENSAROS: That in itself is a fairly important indication that a difference exists between the area which includes the metropolis, and the area outside the metropolis. Our policy signifies that difference in the fact that in order to have proper and equal representation, the number of voters within each district cannot be the same. Nevertheless, that principle is very important.

Apart from those, we had fairly small, perhaps not very important, agreements on various matters. It was signified in the recommitment of the Bill, and the amendments which have been passed after the recommitment enjoyed the support of both the Government and the two parties on this side of the House. It could be claimed that they were cosmetic in nature, but it was a step forward.

Of course there are still very basic and important differences and issues. These differences can be basically described as being related to the two Houses. I think we agree that they ought to be different, but we wanted to emphasise more the representation aspect of the Legislative Assembly, and the review, and therefore legislative aspect, of the Legislative Council. I emphasise that although we offered regions for the Legislative Council in the same way as the Government and the National Party offered different regions, we were not at all influenced by any thought of the Liberal or National Parties gaining some predominance in those regions.

I noticed only now, because I was not present during question time last Thursday, that the Minister has incorporated certain figures in *Hansard*. I have not had the opportunity to subject those figures to lengthy study, and therefore I do not want to challenge them at all. However, we have the Minister's assurance that if this matter of electoral reform develops further we might have the opportunity to look at those figures in more detail with the assistance of whatever department or help the Minister can provide.

I am fairly frank and genuine about this because I emphasise that what we want is a system where the representation is assured for the Assembly, and translated into everyday verbiage, that means a weighted vote in the Legislative Assembly between the metropolitan area and remote and country areas. At the same time we want to strengthen the review situation of the Legislative Council. We do not want to achieve in either House a situation which would benefit or be to the obvious disadvantage of any one of the parties. We would like to achieve a situation where the percentage of the popular vote, particularly for the major parties, would be reasonably well expressed by the percentage of members in both Houses.

That was the reason I dwelt at some length on my argument to show that one-vote-one-value, although it is theoretically claimed to achieve that situation, has not done so in Western Australia to the benefit or disadvantage of either side. At times it has benefited one side, and at other times the other side has benefited. We would like to achieve the result I have outlined by retaining the principle of representation and introducing regional proportional representation in the upper House. This is a field where we will have to come to some agreement with the Government.

The other basic difference was that we are fairly adamant about the staggered term of the Legislative Council. I do not want to go into detail, but I will mention the main argument for it. We do not believe that sudden changes which might occur and influence the political constellation from time to time, and which are short-lived, should influence the whole of the legislature for a longer time than those ideas might last with the public. That is the main argument for a different term for the Legislative Council, which is the case in every State in Australia and in the Commonwealth where a bicameral system exists—everywhere except Queensland. It is the case in almost every country we can think of which has this democratic type of representation.

Mr Peter Dowding: Like New Zealand.

Mr MENSAROS: There are differences. The other day somebody mentioned Canada, which has a House of Review. It is not an elected House of Review; it is nominated or appointed. Various other countries have similar institutions although they do not call them a Parliament. That is probably not the correct expression there either.

In any case of lack of agreement, either of two results could occur: The Government could lose the Bill in the Legislative Council because of the numbers only. That would be a bad result because if the Bill is not passed the endeavours of all members who have spoken to this legislation—indeed, the efforts of all three parties—would have been in vain, despite the fact that the Opposition parties have indicated that they agree to a change.

If the Bill is passed, again as a result of the numbers in the Legislative Council—and the numbers are fairly evenly set—the legislation will be entirely lacking in agreement. For reasons that cannot be explained, history has shown that such legislation generally rebounds on the Government.

I believe that the measure we implemented in 1981 was a mistake. The legislation was passed without the slightest agreement between the parties, which was contrary to what occurred in 1965 when the electoral reform legislation was agreed to by both sides of the House.

I would suggest, having heard the Government say that it is quite interested in some sort of agreement, that this avenue should be further pursued. I do not think it can be pursued very hastily because of the nature of things. If there are negotiations they have to be done properly; they must be in-depth nego-

tiations and in every case negotiators from both sides of the House would have to consult with their parties in order to get agreement. If that avenue is pursued, even if after the Bill passes through this House—the Government will use its numbers and I do not blame it for that—we could achieve something which has not been achieved for some time; but it would require a lot of patience and time of members concerned.

I can assure the Minister for Parliamentary and Electoral Reform that further negotiations will have goodwill on my part and on the part of the Opposition.

I emphasise again the point I made at the commencement of the Committee debate: The Opposition has placed its policies on record. The Opposition will vote against the third reading of the Bill, but that will signify only the fact that the package as presented by it was not successful. It does not mean that the Opposition is rigid in adhering 100 per cent to its every detailed policy if there are meaningful negotiations and if by considered agreement we can produce legislation that is proper.

MR STEPHENS (Stirling) [7.34 p.m.]: Like the member for Floreat I take this opportunity to congratulate all those members who took part in the debate on the reasoned manner in which the debate was conducted.

As the member for Floreat indicated, the differing points of view were logically advanced and, in my opinion, the debate lacked acrimony and personal abuse. I believe that it should act as a model in this House. I feel that if all matters can be debated with the same attitude as was displayed on this occasion, the prestige of this place can be advanced. I hope members who read the debate will note the logical way in which it was conducted and will try to copy that format for the rest of the session.

Like the member for Floreat, I was under the impression when the Minister spoke during the Committee stage that he would seek to have the figures incorporated in *Hansard* during the third reading debate. Unfortunately, I was not present in the House during question time last week and realised only this evening that the figures have been incorporated in *Hansard*; but I have not had a chance to study the figures and, therefore, I am not in a position to make comments about them.

I reiterate that the National Party's approach to this matter, particularly in regard to the upper House, is that it would like to see a

system which is comparable to that in the Senate. By that I do not mean one-vote-one-value, but that the various seats have equal representation. For that reason, the National Party feels very strongly that the number of seats in the upper House should be 17 in the metropolitan area and 17 in the country.

Recognising the vast distances involved in the country, the National Party has sought to separate the northern and agricultural areas to ensure that the north of this State would always have representatives and that the southern part of the State could be considered as one electorate. Unless this had been done it is quite possible that the representation could tend to come from the southern area only. The reason for the breakdown is to maintain a balance of representation throughout the State.

The National Party believes it is exceedingly important that any electoral reform be on the basis that the will of the majority is reflected in the voting patterns. At the same time we have to realise that under a Westminster style of Parliament the interests of the minority have always been recognised. This is one of the reasons the British system has endured for so long.

Under the present system, disregarding the Bill before the House, we have in the Legislative Assembly 30 seats in the metropolitan area if we include the peripheral seats—many of us regard them as metropolitan seats—which under the present system are called "country" seats. There are 33 or 34 seats involved and, therefore, there is a majority of representation from the metropolitan area.

I recognise that with respect to the upper House the metropolitan area is in a slight minority, but it is not slight if one considers the adjustment of the peripheral seats, because the breakdown is roughly 17:17.

I will give an example of where the interests of the minority are not always considered: Over the years we have seen many situations arise and I will refer to the present environmental problems in Cockburn Sound. In years gone by industrialists have used Cockburn Sound as an industrial sewage outlet and we have been faced with a large problem; over \$50 million of the taxpayers' money has been committed to clean up that problem.

For years we have had a problem in Princess Royal Harbour in Albany which has been regarded as being brought about by industrial effluent being discharged into the harbour. No

taxpayers' money has been advanced to help overcome that problem.

Mr Hodge: Yes it has been.

Mr STEPHENS: Very limited. The money that has been spent has been used to recognise that there is a problem, but nothing has been spent to rectify the situation.

Mr Hodge: Money has been included in this Budget to help overcome the problem.

Mr STEPHENS: It is interesting to find out that assistance will be given. However, the locals and the department have for years recognised that there is a problem, but nothing has been spent on rectifying it to date. The same could not be said about Cockburn Sound because money has been advanced in an endeavour to overcome that problem.

I am not trying to be political about that. I accept that some of the situations occurred prior to the Labor Government coming into office. I am trying to make the point about representation and how the interests of the minority have not been reasonably considered under the present situation.

Six or nine years ago there was, as there is now, a large Metropolitan Transport Trust deficit. The Westrail deficit was not nearly as large, but Westrail increased by 10 per cent freight rates for country people to try to reduce the deficit. However, Metropolitan Transport Trust fares were increased by only five per cent. It can be seen that once again there was favouritism towards the metropolitan area.

Many country members recognise that quite frequently education initiatives are tried out in metropolitan schools, found to be desirable, but are not implemented in country areas because of insufficient funds. Country people are disadvantaged yet again. That illustrates my point that the interests of the minority are not always protected.

As representatives of country people, we are completely opposed to increasing the imbalance between country and city, as the measures in the Bill before the House would do. Currently a predominant number of Legislative Assembly members come from the metropolitan area. Even under any review that might take place, that would be the case. We accept that. However, the National Party cannot accept a similar imbalance with respect to the upper House, particularly in the long term, as we would like that House to be developed as a genuine House of Review.

Mr Bryce: Do you realise that the weighting in the Legislative Council Chamber is currently—and would be even under the proposals that you brought to the Chamber—the worst in the world?

Mr STEPHENS: It is not the worst in the world. I have here an extract from the *Encyclopaedia Britannica* with respect to electoral processes. I think that the Minister for Parliamentary and Electoral Reform would accept that that encyclopaedia is fairly authoritative. It reads—

New York, with a population of nearly 20 million, has in the U.S. Senate the same number of representatives as Nevada, with a population of less than one million.

Mr Bryce: You are talking about the Senate. You are not talking about single-member constituencies.

Mr STEPHENS: The Minister for Parliamentary and Electoral Reform has missed the point. I have always argued that the basis of the National Party approach is to keep it comparative with the Senate system. That is the basis for the three regions we propose. That is the basis of our argument. It is possible to win any point by arguing acceptance for one part and non-acceptance for another. However, I am conducting the argument on that approach.

The same principle applies in England. According to figures released in 1975—I understand that there has not been any substantial alteration in the ratio—the average number of electors for each constituency in England was 65 400; in Scotland, it was 25 000; in Wales, 56 000; and in Ireland 86 000. Thus there are large differences between constituencies in other countries also. It is wrong to claim that the figures with respect to our upper House are the worst in the world.

In addition, the Minister for Parliamentary and Electoral Reform has not taken into account the vast distances and the low population densities which are a greater problem in Western Australia than in any other State in Australia and perhaps even in the world. Certainly our population spread differs greatly from other countries such as Great Britain.

I will not repeat the arguments advanced during the second reading debate. I merely reiterate the reasons the National Party feels so strongly about this measure and why we were disappointed that the Government could not see its way to accepting our amendment. Even if this Bill does not succeed, some good will have come from the debate and progress may

be made. I repeat that we were hoping that our amendments would be accepted as a package. That has not been the case. Therefore, although we still support some provisions in the Bill, we will oppose the third reading because our amendments were not accepted.

MR MacKINNON (Murdoch—Deputy Leader of the Opposition) [7.45 p.m.]: I join with the member for Floreat and the Deputy Leader of the National Party in thanking the Government and all members who participated in this debate for the manner in which it has proceeded. As the Minister for Parliamentary and Electoral Reform knows, I handled the legislation in the absence of the member for Floreat during the second reading stage and from then on he handled it for the Opposition.

As other members have said, the debate has progressed in a very good manner. As a consequence we have probably the best result that could have been expected at this stage of the game. Perhaps some more can be achieved in due course if discussions are held outside the Parliament to try to arrive at some agreement in that regard. The member for Floreat has rightly indicated the Opposition's concerns, so I will not expand on those. I place on the record the thanks of the Opposition to the member for Floreat for the tremendous job he has done and for the very expert manner in which he has represented our point of view and represented us in a very proper and able way during this debate.

MR BRYCE (Ascot—Minister for Parliamentary and Electoral Reform) [7.46 p.m.]: It is nearly four months since I provided the Legislative Assembly with the second reading explanation—on 8 July. At that time I took the fairly unusual step of providing members on both sides of the House who were interested in this Bill with the very detailed explanation of the clauses. I did that for a very deliberate and particular reason. From the outset the Government has wanted the debate on this very fundamental subject to proceed on the basis of information and facts. We can have very basic differences of opinions about where our values lead us, but the very last thing we wanted was for the Bill to be dealt with on the basis of basic differences between the two sides of the House in respect of factual material.

The second reading debate was adjourned over the long recess of approximately three months and the Committee stage has taken almost the entire month of October, off and on. Thus the process has not been rushed. I appreciate the detail which members opposite

who have handled the debate for the Opposition have applied to the task. It is quite obvious that both sides of the House have treated the subject as a matter of importance. It has been recognised and accepted that there is a need for reform of the electoral legislation. Four or five important Statutes are involved.

Both sides of the House have accepted that there is room for modernisation, improvement, reform and change. Where we differ is in respect of the pace and the direction of that change. The very significant areas of agreement in substance have been achieved during the Committee stage. However, it is true to say that both sides of the House remain fairly intransigent about certain key issues. Those issues are principally three in number. While the Bill involves 104 clauses, the differences between the respective sides of the House boil down to three issues: The question of whether the Parliament should be structured with two Houses that face the people—or the shareholders, to use a colloquial term—at precisely the same time; four-year terms for both Houses of Parliament; or a Parliament comprising those two separate Houses, one with a four-year term and the other with an eight-year term.

Mr Blaikie: You used the example of facing the shareholders. If that had been the position, the board would have been removed tomorrow.

Mr BRYCE: That sort of innuendo went through underneath the chairs on which Government members sit very early in the debate and we decided not to conduct that debate at that level. I will not respond to it at this stage of the third reading. We made considerable headway on both sides of the House, although there was plenty of temptation for all of us.

This question of the structure of the Houses in respect of the terms members serve is one of the key issues. The National Party and the Labor Government representatives in this Chamber have, in fact and in substance, agreed that there is a great deal of validity in the Bill. We support the idea that both Houses of the Parliament should be dissolved at precisely the same time after a four-year term.

Mr Rushton: Do you think there may be a time a little further ahead when one of the Houses may not be needed because they are doing the same job?

Mr BRYCE: The Liberal Party proposed we should have an eight-year term for the upper House and a four-year term for the Legislative Assembly. This we do not accept.

Mr Mensaros: We are not necessarily advocating an eight-year term. What we do advocate is that the fixed period for the Council should be double the maximum of the Legislative Assembly, whether it is three years and six or four years and eight.

Mr BRYCE: I accept that correction. I gained the distinct impression there was a growing consensus of opinion amongst members opposite, even in the Liberal Party, that a four-year term was preferable for Government in the 1980s. The implication of what the member for Floreat says is therefore for four- and eight-year terms.

The second area is the question of vote weighting. Members opposite seem quite intransigent at this late stage of the 1980s about the structure of this Parliament, and that representation of members should be dominated by a system of weighting which is much more severe than anywhere else in Australia, and, according to research on my part and on the part of my staff, than anywhere else in the world which has single-member constituencies.

Mr Lightfoot: What about the ratio in Tasmania?

Mr BRYCE: I intend to ignore that remark as well, because the member is not up with the debate. I trust he is not going to insist on pursuing that point of view.

Mr Lightfoot: It is a reasonable analogy.

Mr BRYCE: It is not. It is an analogy which has been rejected time and again.

Mr Lightfoot: It might have been rejected by you, but it is still a fact.

Mr BRYCE: I wanted to make the point tonight that Queensland is singled out and recognised by Australians across the length and breadth of their country, as the State with the most gerrymandered and unfair system of electing parliamentary representatives because of the way in which vote weighting has been used to distort the will of the people in that State. Amazingly, Western Australia's vote weighting system is far worse than Queensland's. I would like to spell out the numbers, for the sake of the record, with your approval.

Mr Rushton interjected.

Mr BRYCE: We have already been through this system. It is extraordinary that the Johnny-come-lately would pick on this issue. For nearly four months this issue has been under consideration. It has been admitted recently by one of Australia's foremost experts in this field, a for-

mer Prime Minister. He made the observation that Joh Bjelke-Petersen came to the Premiership 18 years ago, and he inherited a system which was crooked, a system which he improved in his own right—he made it more crooked. Nobody has ever suggested that the system that Joh Bjelke-Petersen's predecessors in the Liberal Party in Queensland inherited was not a bent and crooked system. Of course it was.

Mr Laurance: It was made by the Labor Party.

Mr BRYCE: That does not give me any sense of pride. We can always rely on the member for Gascoyne to bring down the debate to the bottom of the floorboards.

What we seek to do in this Bill is to eliminate the opportunity for politicians ever to do that in Western Australia. We invite members on both sides of the House to join us in this. The member for Gascoyne and his mates, when they were in Government, and others, went out of their way to demonstrate that politicians cannot be trusted with a pen in their hands when it comes to drawing lines on an electoral map. The intention is to provide for independent electoral commissioners to draw those lines. Some of the members opposite have lost sight of the fact that we have actually reached agreement that that independent commission ought to be put in place and ought to be given the job of drawing those lines in future. That concerns me a little.

Mr Lightfoot: You cannot be trusted either.

Mr BRYCE: I mean nobody. Nobody can be trusted. In case the member seeks to put himself on a pedestal, plenty of his predecessors have demonstrated in this place—I am sorry I do not have time to remind him of the detail—that they cannot be trusted either.

In Queensland, an average metropolitan electorate consists of 29 800 voters, and in the country areas it is about 8 000. That is described as the worst gerrymander in Australia based on malapportionment, the way Joh Bjelke-Petersen has been juggling the figures. There are tiny exceptions to that average which are slightly worse, but generally speaking the relationship between the city of Brisbane and the regional cities and the rest of Queensland is nowhere near as bad as a similar relationship in WA, and certainly would not compare with our upper House. The situation in Queensland is nowhere as bad.

Mr MacKinnon: They do not have an upper House.

Mr BRYCE: Of course they do not have an upper House. Our upper House has a vote weighting system of about four to one, with the extreme case reaching a situation of more than 11 to one. In Queensland the average case is two to one, and it gets to about four to one in the worst possible case.

The point I am trying to make is that it is well understood around the length and breadth of this country that all is not well. Something smells in the electoral laws in the State of Queensland, yet the irony is that in this State the malapportionment is even worse. If members opposite, with their colleagues in another place, insist on refusing to bend now to the principles of fairness and justice, they will find that their parties in this State will begin to attract the odium which is now attached to the National Party and Joh Bjelke-Petersen in Queensland.

There is scarcely an Australian who has a working understanding of politics who does not know that the system he has further developed over the years to serve a distorted vested interest is the worst in the country.

Mr Stephens interjected.

Mr BRYCE: How many times does the member for Stirling want me to say it? The Queensland Premier has gone to absurd lengths when it comes to selecting electoral commissioners. He does not even name them in the legislation. He says any three people may be selected by the Government of Queensland to draw his electoral boundaries. He picks any three cronies, selected from anywhere, and gives them the job of drawing the boundaries. Is it any wonder he has gone to that length?

Mr Stephens: He did acknowledge that he had further refined the Australian Labor Party's system.

Mr BRYCE: I am prepared to donate, at my own expense, a hearing aid for the member for Stirling. If he did not hear my response to the smart alegs sitting opposite, he should remain tuned in for the next three minutes.

Mr Stephens: You still have not answered my question.

Mr BRYCE: The answer is "Yes". It proves nobody can be trusted. The tragedy of this debate is that there are members opposite who have sat around discussing this issue at party meetings, and who are mortified knowing that

members cannot be trusted, because the Labor Party might do to the National and Liberal Parties over the next 80 years what the National and Liberal Parties have done to the Labor Party for the last 80 years.

Our experience in this place, and with Governments of all political complexions in other parts of the country, shows that some of them will seek to remain in office as long as they possibly can by warping the system. That is why we brought to this Parliament a system that provided for an independent electoral commission, taking the pen out of the hand of the politician and providing for a structure, in the first instance, which does constitute a straight bat. Not a single member opposite has actually said that the model the Government proposed was a model designed to give the Australian Labor Party a long term built-in advantage or majority because it was not. It was the fairest system that I could possibly help to structure with the regions we have. I have asked for other people's input to improve its fairness.

Mr Stephens: You reflected about some of us coming into this place and making our own decisions. Wouldn't you agree that as representatives of our electorate we come here to represent the point of view of the people who put us here? I challenge you to go to my electorate to see whether I have represented views in this House contrary to the will of the majority of people I represent.

Mr BRYCE: I know, the members know, and they know that I know that they do not have more than the tiniest handful of people in their constituencies who understand the structure of this place or have ever walked into their member's office, sat down, and discussed with them, as elected members of Parliament the structure of this place. I made the point during the second reading debate that these electorates are gerrymandered; they are rigged in their structures by virtue of the people who occupy them. There are people who sit in this place who have, from time to time, gone out of their way to preserve their positions in this place. They do not, as a general rule, go back to their electorates and ask for opinions.

I refer to the question of regions. It has become apparent during the course of the second reading debate, whilst there is a considerable list of issues in respect of which we agree, the area where the most fundamental disagreement

surfaces is in respect of the regions. While we have reached agreement that there ought to be proportional representation in the upper House, we have not been able to reach agreement in respect of the actual structure of those regions.

Having said that, I close by saying to members on both sides of the House that as we reach the final stage of this Bill in this place, I do not regard it as being the final chapter as far as the question of electoral reform is concerned, either now or at any stage into the foreseeable future.

I am absolutely convinced that not only will important parts of this Bill be accepted and passed into law, but that there will be a subsequent series of amendments to the Electoral Act which will attract support from members on both sides of the House. It is one I referred to earlier in the debate as the miscellaneous amendments Bill which touches on things like names of political parties on ballot papers, six o'clock closing, and various other issues that constitute a miscellaneous round-up of less significant issues relating to the way in which we structure the Parliament. I say to those members with whom I have had significant ongoing discussions both inside and outside this House, that we have made very considerable progress despite our inherent differences of opinion about certain basic factors. As a result of those discussions, we will find significant room for negotiation and compromise. I look forward to our working with the other House of this Parliament to achieve that in respect of this Bill.

Question put.

The SPEAKER: To be carried, I advise that an absolute majority is required and if, when putting the question, a dissentient voice is heard, I will have to divide the House.

Division taken with the following result—

Ayes 29

Mrs Beggs	Dr Lawrence
Mr Bertram	Mr Marlborough
Mr Bridge	Mr Pearce
Mr Bryce	Mr Read
Mr Brian Burke	Mr D. L. Smith
Mr Terry Burke	Mr P. J. Smith
Mr Burkett	Mr Taylor
Mr Carr	Mr Thomas
Mr Peter Dowding	Mr Tonkin
Mr Evans	Mr Troy
Dr Gallop	Mrs Watkins
Mr Grill	Dr Watson
Mr Gordon Hill	Mr Wilson
Mr Hodge	Mrs Buchanan
Mr Tom Jones	

(Teller)

Noes 23

Mr Blaikie	Mr Mensaros
Mr Bradshaw	Mr Nalder
Mr Cash	Mr Rushton
Mr Court	Mr Schell
Mr Cowan	Mr Spriggs
Mr Crane	Mr Stephens
Mr Grayden	Mr Thompson
Mr House	Mr Trenorden
Mr Laurance	Mr Tubby
Mr Lewis	Mr Watt
Mr Lightfoot	Mr Williams
Mr MacKinnon	

(Teller)

Pairs

Ayes	Noes
Mr Parker	Mr Clarko
Mrs Henderson	Mr Hassell

The SPEAKER: An absolute majority was achieved. I declare that the Bill has passed the third reading.

Bill read a third time and transmitted to the Council.

ENVIRONMENTAL PROTECTION BILL

In Committee

Resumed from an earlier stage of the sitting. The Chairman of Committees (Mr Burkett) in the Chair; Mr Hodge (Minister for Environment) in charge of the Bill.

Progress was reported after clause 4 had been agreed to.

Clause 5: Inconsistent laws—

Mr BLAIKIE: I ask the Minister why this Bill differs from what is contained in the Act. The Bill provides that the Act will not apply to or in relation to any Act which received Royal Assent before 1 January 1972. The second question is: Is it intended that this Act shall override all other Acts of Parliament in relation to environmental matters?

Mr HODGE: I have already answered the queries in the earlier debate. Clause 5 is inserted to ensure that the State in no way abrogates special agreement Acts which have been entered into and which provide exemption from environmental laws. We do not intend to override those special Acts, but in all other regards, if there is any conflict between this legislation and any other piece of legislation, this legislation is superior.

Clause put and passed.

Clause 6: Power of Minister or Authority to exempt—

Mr BLAIKIE: This gives the Minister or the authority power to exempt certain areas and premises, or any specified area, from the provisions of the Act. This is fairly similar to what is contained in the existing legislation, but I did

not want the opportunity to pass without making some comment. The exemptions will be made with the approval of the Governor. If the authority wants to declare a certain industry or project to be exempt from the provisions of the Act, the authority makes application to the Minister who then takes it to a meeting of Cabinet which will make the decision.

That is a proper function of Government, and Governments must be judged on the way they run a country, and that includes environmental as well as other laws. Government must be accountable to the people. I do not want to criticise this clause, but it gives me the opportunity to refer to two or three projects in which the Government has used the exemption provisions. Some have been of a most controversial nature. I refer to the Burswood Casino, the Mosman Park tearooms, which is now the subject of wide controversy, and the Swan Brewery site which is another area which would not have had the absolute scrutiny of the EPA.

The Government made its determinations and decisions, and while I am critical from time to time of Government decisions, people will eventually make their determination by way of the ballot box. We need to consider a further concept. It is all very well for Governments and Ministers to make these decisions, but we are approaching a stage in environmental management where Parliament in due course should be called on to make decisions about exemptions and whether certain projects should have environmental evaluation rather than a Cabinet veto. It is already the case with State forests and national parks that the approval of Parliament is required if areas of land are to be added to or taken from them. The Parliament can make a determination. The Government of the day can make a recommendation, but Parliament has the final say as to what should go on.

We are approaching a stage where future Governments will have to consider the demand by people that Parliament should be able to make an expanded determination in environmental matters. We already have a Public Accounts Committee and Standing Committees of Parliament, and I believe in the not too distant future this Parliament will have a Standing Committee to deal with conservation and the environment, with members drawn from both sides of the House. One of the most important aspects to be considered is to divorce environmental and conservation matters from the political arena.

If that is done more balanced decisions can be made. I believe it is proper for the Government to grant exemptions, but I also believe that Parliaments will have to be more involved in certain determinations through Standing Committees so that much of the heat can be taken out of these matters before they become the subject of public debate.

Mr HOUSE: Many conservationists are concerned about this clause. As I understand the Bill, this clause allows the Government to grant exemptions for things that are contrary to the spirit of the Bill. I guess one could go to the extent of quoting the example of the Government allowing a gross violation of the Bill by permitting woodchipping in a national park. I disagree with this clause permitting the Minister to make a decision in that regard.

I believe these matters should be dealt with by the Parliament. They are matters of great magnitude and should not be dealt with by the Minister or by Cabinet.

Mr RUSHTON: The Bill also allows the authority to grant exemptions. Will the Minister tell me why the authority has that power? What sort of things will be exempted under these provisions?

Mr HODGE: The exemption provisions are included already in the present Environmental Protection Act, the Noise Abatement Act, and the Clean Air Act. To the best of my knowledge, the exemption provisions in the Environmental Protection Act have never been invoked. Exemptions are fairly regularly sought and granted under the Noise Abatement Act and are occasionally sought and granted under the Clean Air Act.

This Government has never lightly granted exemptions. I give very serious consideration to every application that I receive. Some of them I reject and some of them I agree to, after fairly lengthy consideration, but usually on fairly stringent conditions.

The most frequently applied for exemptions are applied for under the Noise Abatement Act. Exemptions for outdoor concerts, such as Carols by Candlelight in the Supreme Court Gardens and Festival of Perth occasions are also sometimes exempted under that Act.

The member for Dale said he thought it was strange that the authority would be able to grant exemptions. The authority cannot grant exemptions. The Minister and the authority recommend to the State Governor that an exemption be granted, which means they recommend to Cabinet. Obviously, if an

exemption were applied for through the authority, that application would go to Cabinet through the Minister. The only reason for the authority also being allowed to recommend exemption is to allow for flexibility. There is no other motive for including that provision in the Bill.

Most exemptions sought would be from the pollution control aspects of the Bill. I cannot think of any other reason for a person applying for exemptions from other parts of a Bill. The member for Vasse raised examples of the casino and the Mosman tearooms of people obtaining exemptions under the Environmental Protection Act. That is not correct. The casino was not the subject of an exemption under that Act. It was exempted by a special agreement Act of this Parliament, as has been the case in scores of cases.

My notes from the department suggest that the Water Authority's sewerage, reticulation and waste water treatment facility may be the sort of project requiring an exemption from parts of the legislation at one stage or another.

Mr RUSHTON: The penalties under this clause have been increased and are very severe. Why have the penalties been so severely increased?

Mr HODGE: We make no apology for the severity of the penalties. If someone deliberately flouts the exemption requirements of this legislation, he should be severely dealt with.

Mr Rushton: There are degrees of transgression.

Mr HODGE: That is why we have magistrates and they will take into account the seriousness of the offence. The penalties in this Bill are all maximum penalties, and it is very rare for a magistrate to impose a maximum penalty. We want to make it clear to the judiciary that Parliament considers breaches of this legislation very serious indeed.

Mr Rushton: Would you give an example of what you imagine the maximum and minimum penalties would be?

Mr HODGE: I would not like to speculate on that. Obviously it is open to a magistrate to dismiss a charge, and the maximum penalty is set out in the schedule. It is up to the courts to decide the penalty; it is their job to impose a fine as they think appropriate. It would depend on the seriousness of the breach of this part of the Bill. Certainly, the old Environmental Protection Act was drawn up in 1970, and I do not know off the cuff how long it is since the penal-

ties in that Act were revised. People who breach this part of the legislation would probably be guilty of a fairly serious offence; and we should telegraph to the judiciary that we regard it as a serious matter. It is up to the court to decide, on the merits of the case, the severity of the punishment meted out.

Clause put and passed.

Clause 7: Continuation and composition of Environmental Protection Authority—

Mr BLAIKIE: I ask the Minister for explanations for the variations between the current Act and the Bill. At present the Act provides that the Environmental Protection Authority shall comprise three members, one of whom shall be a legal practitioner. I indicated in the general debate that I did not know why it was necessary to have a legal practitioner as a member of the authority. Under the current legislation a further member is required to have experience and knowledge of environmental matters.

The Government proposes that the Environmental Protection Authority shall comprise five persons, who shall be either full-time or part-time members. The chairman will be the head of the new department to be created. We disagree with this aspect because we do not consider that a chairman of what is supposedly an independent authority can be the head of the department and at the same time maintain the separate autonomy which we believe is important.

Mr Hodge: It was achieved very successfully for more than a decade.

Mr BLAIKIE: It was achieved very successfully for more than a decade, but in 1980 amendments were made to the legislation and for the last five years it has run successfully with those amendments.

Mr Hodge: Not as successfully, but quite successfully.

Mr BLAIKIE: Obviously it was a good officer who was able to meet the policy demands of Government.

The difficulty is that on the one hand the Chairman of the Environmental Protection Authority is not subject to direction by the Minister, but on the other hand the head of the department who is the same person will carry out the policy of the Minister. The time will come when the Minister will tell the head of the department that he wants certain duties carried out in relation to policy and the head of the department will say, "I have changed my hat;

you are now speaking to the head of the Environmental Protection Authority and you have no right to direct me."

Mr Hodge: It could and did happen under the existing legislation, but it cannot happen under these provisions. We have written it into the Bill.

Mr BLAIKIE: It could be an administrative nightmare for the Minister of the day.

Mr Hodge: If we had not provided for it in the legislation it could be, but we have made allowance for it. Having two permanent heads is also an administrative nightmare.

Mr BLAIKIE: The head of the department could refuse to carry out the policy of the Government on the basis that he was wearing his other hat as chairman of the authority.

Mr Hodge: You would not say that if you had read the legislation.

Mr BLAIKIE: I have read the legislation.

We will agree to disagree on this clause; but in the Minister's reply I ask him to explain how he will overcome this hiatus in the legislation.

This legislation provides an opportunity for a series of committees to be appointed. Under the previous legislation, a Conservation Council was available for representative groups to be part of environmental reviews; that has now gone.

A weakness in the legislation is that local government does not have a right or a definite obligation. The Minister has indicated that he is prepared to accept some amendments which will certainly go a long way towards healing that breach in the legislation. By the same token, local government plays a very important role in Western Australia; and the Opposition has put forward an amendment giving local authorities the right to be represented on the Environmental Protection Authority. This Bill will encompass all other environmental legislation; it will be an Act supreme in all matters and will be the grandfather of all Acts of Parliament. The legislation impinges on the rights of local government and it is important to ensure that local government has a voice within the authority. That voice should specifically be in the membership of the five persons making up that authority.

My final comment is that the Government has determined, and the Committee is now considering, that the five members of the authority shall be appointed on account of their interest in and experience of matters affecting the environment generally. That certainly gives

the Minister a very wide scope, because those terms of reference suggest that the Minister could appoint any moonwalker, or any person he may choose, because that definition would include anybody in Western Australia.

During the second reading debate we referred to the people who have previously given this State good service—people such as Professor Bert Main, Professor O'Connor, Dr Mulcahy, and others of that ilk who have served the State extremely well. It is most important that the Minister at least give this Chamber an undertaking that when he is appointing the five new members of the authority he is prepared to look for people with that type of capacity. If he does not look for people of that capacity and is encouraged to appoint extremists, whomever they might be, it certainly will not help the operation of the legislation and will cause people to lose confidence in the legislation when it is proclaimed.

I was quite concerned that the Government appointed Dr John Bailey as a member of the Environmental Protection Authority, because I saw Dr Bailey, who at that stage was the Chairman of the Conservation Council of Western Australia, carry out and be involved in a public demonstration on Farrington Road. The member for Welshpool might have been there and seen Dr Bailey as well. If people want to make their points of view public, so be it, but if the Government is going to appoint people to positions such as these—

Dr Gallop: He is a thoroughly competent and principled person.

Mr BLAIKIE: I am not saying I doubt his competence.

Dr Gallop: You are implying it.

Mr BLAIKIE: I am certainly not implying it at all. I am saying that I question Dr Bailey's carrying on as he did, as I saw him in Farrington Road. It does not give a person the stature he ought to command in a position such as that. Professor Bert Main has a profound influence in Western Australia, but does not go around demonstrating in a public way. He is more responsible. That is the point I want to make, and I want to make it objectively.

Dr Gallop: You are implying that people who demonstrate cannot capably fulfil a public duty.

Mr BLAIKIE: If someone wants to demonstrate against a woodchipping terminal in an active way, inciting other people to break the law, I believe it puts a question mark in the minds of people, and he will ultimately be

judged by them on environmental matters. Surely to goodness, if we are going to set a standard, we should appoint to the authority people who at least command the respect of the wider community.

I am not questioning the competence of Dr John Bailey, but although he was the Chairman of the Conservation Council at the time I do not believe his actions did him a great deal of good. That is my view.

When the Minister comes to appoint the members of the authority, he will have an extremely wide scope. It is very important for him to choose people who have the general confidence of the community and a degree of respect in order that the legislation may work effectively. That has been the case in the past, and the appointments made by previous Governments have been a credit to them. This point is one of the linchpins by which this legislation will sink or swim.

Mr LAURANCE: I want to comment on this clause because it interests me.

[Quorum formed.]

It is rather disappointing to see that the Government is not interested in its own legislation.

Mr Carr: There are more on our side than on your side.

Mr LAURANCE: No, there are not.

I want to talk about the composition of the authority as it is intended to be set up by this Government. I agree with some of the matters contained in the legislation. For instance, the number of members on the authority has been increased from three to five. I can go along with that, because it was always my opinion that a committee composed of three members only must place pressure on these three people.

The legislation also allows for the chairman to be a full-time member. Even that has some merit, because it was my experience in my brief term as Minister for Conservation and the Environment that the part-time chairman of the authority was under considerable pressure to keep up with the requirements of that position.

Mr Hodge: Professor Main recommended that it become a full-time position.

Mr LAURANCE: That does not surprise me, because Professor Main is the Chairman of whom I am talking. He had great difficulty in maintaining the requirements of that office because of his other involvements around the State. I must say that he did a magnificent job

of maintaining his effort as chairman of the authority, but he did it with some difficulty and was under great pressure.

Professor Main may not have wanted to be a full-time Chairman of the EPA, because I know he enjoyed his other involvements. He appreciated that he was able to make a contribution to the State by being chairman of the authority and at the same time keeping up his academic life and his other public duties, which I know he enjoyed.

I take this opportunity to pay tribute to Professor Bert Main, a man to whom Western Australia owes a tremendous debt of gratitude. He served as Chairman of the EPA for a considerable number of years, as well as carrying out his other public duties, and was a highly respected academic. It was a great honour for me to be a Minister of the Crown and to be associated with him.

It is important we recognise that Professor Main brought a sense of balance to a difficult task. This sense of balance is something that any Minister for Environment in any Government should be aiming at. It is absolutely remarkable that a person with such scientific qualifications should be able to understand other people's point of view and be able to take such a balanced and sensible approach when considering the competing interests of development and conservation, something he did in a very clever way. He is a man of great wisdom.

It was not always easy for him. There were times when the EPA wanted to stop various developments that the Government considered to be desirable. On several occasions when I saw that it was obvious there was to be no meeting of ways by developers and conservationists, I asked Professor Main to meet directly with the developers. He did not like being put in that position because he wanted to be able to sit back and have the information come to him and his committee so that they could make a judgment on the merits of the submissions received. He did not like to confront, eyeball to eyeball, those people who were put out by decisions made by the EPA. Nevertheless, he met with those people whenever I asked him to.

One case in particular I remember is the development known as Murray Lakes. During my time as Minister we had a number of applications for canal developments. The Government put a lot of work into the whole question of canal developments and sent experts around the world, particularly to America, to look at

good and bad canal developments. There are plenty of both examples to be found.

At the time, all canal developments put to me were approved except for the Murray Lakes development. I could not disagree with the EPA's view in knocking back that development. I must add I was delighted that the developers, who were not happy with Professor Main, were able to pursue their objectives through the town planning process and were subsequently able to get the development approved through that avenue. I realise they had to follow an expensive and lengthy route to achieve their objectives, but I am pleased they were successful. The EPA had said that the project would have problems with the turbidity of the water; the developers said there would be no such problem. I do not know now whether turbidity will prove to be a problem. I have recently visited the area and I believe it to be a magnificent development. I hope the people who bought blocks there enjoy the canals and I trust that the water will prove to be satisfactory. The blocks sold in short time, so we could say the public voted with their cheque books. I am not saying that the EPA was wrong or right on that occasion.

My point is that Professor Main was prepared to accede to my request to meet with the developers, on several occasions, to put to them directly the reason that the EPA objected to the proposal. So I have taken this opportunity both to pay tribute to Professor Bert Main and also to tell the Minister that the balanced approach shown by Professor Main is something which made the EPA an effective body and something which should be kept in mind at all times.

I support the comments of my colleague, the member for Vasse, that another member of the EPA might not be showing that balance. I am not saying that he is not showing that balance and nor did the member for Vasse say that; he did not say that person was not qualified or balanced. But the people who make decisions in this area need to be seen to have that balanced approach; they should not portray a different attitude in the community which will have people believing that they do not have a balanced approach.

The Bill provides that we could have five full-time members of the authority and I do not know whether that is in the best interests of protecting the environment. I would like the Minister to indicate whether it is his intention to have a full-time or a part-time deputy chairman.

Clause 4 provides that the chairman shall be the permanent head of the department. This idea has been a point of contention for some time. I was not the Minister concerned when the previous Government separated those two positions, but from our experience over a long time in Government, this arrangement more often than not does not work. For instance, the General Manager of the State Housing Commission was also made chairman of commissioners. I have the greatest respect for the person involved, but I think it was a mistake to have him fill both positions. I think it is a mistake in this instance for the chairman to carry out both functions.

I know Mr Colin Porter, who initially held both positions, was unhappy when our Government separated the two positions. Nevertheless I know he worked extremely well in the role of departmental head.

He had his detractors, but I certainly was not one of them. I admired his academic qualifications; I believe that he worked well with the EPA and that he and his department acted in a very objective way.

I believe the EPA operated most efficiently because it received submissions from the public which had been put into proper order by the department.

I also had the pleasure to be able to work with the two other members of the EPA, Professor O'Connor and Mr Athol Gibson. One was an academic and environmental scientist and the other a person of considerable legal standing in this city. Those qualifications stood them in good stead and assisted them in carrying out their responsibilities in a professional and objective way for the people of this State.

The Minister should ensure that the new members appointed to the authority have certain qualifications.

It seemed to work well when Mr Porter, as head of the department, had to work and cooperate with a separate head of the EPA. Mr Porter never indicated to me his dissatisfaction with having those two functions separated. While I was responsible for the portfolio, he carried out his functions particularly well.

I believe it is not necessarily the best thing to have the chairman of the EPA also permanent head of the department. I know of examples where that has not worked in the past.

Mr RUSHTON: In my speech in the second reading debate, I spoke about what was desirable for the EPA. This Bill amalgamates the

EPA and the department with one head. The Minister, however, has said that the EPA will be at arm's length from the department. What reasonable thinking person would believe that? The chief executive officer of the department and the chairman of the authority will be the same person. It is therefore not feasible to suggest it will be an independent body.

The Conservation Council made comments about what it thought was desirable. Among other things it said that the EPA must be entirely independent of the Department of Conservation and Environment and that the director of the department should not be a member of the EPA. It suggested that the authority should have its own small secretariat to prepare submissions to it. It said that its suggestions would guarantee the independence of the authority.

My colleagues referred to the integrity and professionalism of previous members of the EPA. The public had great respect for and confidence in those people.

In this legislation, the Government is attempting to do what it has done to control other public authorities. The Government has now created a Department of Transport in order to assume total control of transport in this State. In doing so, the Government has attempted to nobble the Commissioner of Main Roads by setting up a committee. We have seen the same occur with the Department for the Arts. The one that really scares me is the Government's attempt to politicise planning matters in this State by creating the Western Australian Planning Commission. In doing so it has removed the checks and balances for local government by the destruction of the MRPA. I could list the effects of that move. One of the main examples, however, is the controversial Mosman Park situation. That would not have occurred under previous planning arrangements. A development of that type would have first to be subject to the checks and balances at the MRPA level. We have witnessed the debacle of the Premier saying that the development was approved and different Ministers saying they had not given their approval. Subsequently they said that they had approved of the development.

A few years ago, the Government followed the routine of previous Governments in supporting a foreshore protected for use by the general public. People should not be allowed to own any part of it. Leases were granted for people to operate restaurants and for other purposes. In my time as Minister, the people of

Peppermint Grove objected to the development of a restaurant. My decision was that the rights of the individual should continue unless the Shire of Peppermint Grove purchased the property. That matter is still being held in abeyance.

The Mosman Park Town Council previously approved of tearooms on the controversial site. Those tearooms were destroyed by fire and we are now seeing attempts at a major development on that site. My judgment in those matters was that it was desirable for agreement between the Government and the council because the council could resist a development proposal approved by the Government by not approving the connection of deep sewerage and water across the foreshore reserve.

To me it is an untenable situation and the councils in both cases should take the opportunity, if they want to disagree to the tearooms-type of development, to purchase those two properties, not to do as was suggested to me over the Peppermint Grove development; that is, to refuse the granting of a lease for the tearooms. That to me was not just, but if the councils want to obstruct this development I believe they should offer to purchase the properties.

The facts are totally different from those given by the Premier on the "Sattler Report" programme. The Premier was totally untruthful as far as I am concerned in the way he portrayed my part. My decision was nothing like what the Government is doing today. This is just another example of the centralisation of power by this Government in different areas.

Mr Court: What he said was convenient for his argument.

Mr RUSHTON: That is right, but he made people believe that I approved of this development at Mosman Park in the present form. That is totally wrong and untruthful. I listened to a number of his comments and they were far from the truth. The sad part, of course, is that nobody will have the opportunity of portraying what is truthful. I believe this is a good example and it should be used as a lesson to us all.

There is a part for the EPA to play in this situation. As far as I am concerned, the EPA had not made a decision when the Minister answered questions the other day regarding this activity. I think he said today that the Swan River conservation council had in fact given an opinion but there is confusion. Nothing seems to be certain, and people totally object to this. I

think we should all reinforce the decision of our forebears that the river, basically, should be available for the general public and any development—such as restaurants and so on—which takes place there should not be on a leasehold basis and should not preclude the public from using that facility.

These two jetty developments should receive equal treatment and this is going to be interesting because the Government has shown favour to one while leaving the other languishing. There are examples which need to be explained when it comes to considering this legislation. The point I would make is that when one has a situation such as this, where the Chief Executive Officer and the chairman have the same role, those positions cannot be separated. There can be words to that effect within the legislation itself, but in no way can that same person act differently with the person who is his master or his Minister, for that matter.

That person will be influenced by the Government's wishes and he will be influenced by what the Minister has to say. Heaven help him if he does not because that is the Government's role. The Government and that person will work something out together and the Government will then agree with it or disagree with it. However, I think every fair-minded person would want to see an arm's length approach by the EPA.

The weakness of the EPA over the years would support Professor Bert Main's opinion that he found it to be too much for a part-time operator. I would certainly like to see the committee of three being given responsible support, and have the opportunity to be independent and do its own thing, instead of having to work within the department's parameters. That was the weakness of the EPA as it was, but that does not mean that the situation will continue.

The Minister has come forward with legislation which, as he said, is to approve the EPA. I am all for that, and I am right behind the review now taking place. However, we do not want to put in things which are less effective than what we have already. It comes back to the ability of the people involved. We have been well served in the past, and it is now on the heads of the Minister and this Government to appoint people to these positions. The success or failure of the body depends on the people appointed to it. Nothing the Minister can do will save the environment of this State if he has appointed the wrong people to those positions.

That is a very awesome and difficult task. The effectiveness of the Government in which I served can be demonstrated by looking at the people that it appointed, and the great credit that a person such as Professor Main has received. Other people whom the previous Government appointed also served in an exemplary way. The Government faces a very different situation now, and the position is different.

The Government for years has uttered ineffective statements such as "We can't do anything because the EPA hasn't got any teeth." The only brief that the community will have relating to the environment is that it wants a better environment. That is the essential thing. Whatever one wishes to direct will not last. One has to educate people to want a better environment. That can be interpreted in different ways by different people.

It is essential that the EPA be independent of Government. The challenge is to the Minister now to try to convince the people that the EPA is at arm's length from Government. No doubt he will quote some words, but he and I both know that when one works in a department there cannot be any independence whatsoever when one person wears two hats.

If the Minister tries to demonstrate to the Chamber how this one person is going to manage, I would ask: Is this person going to be a public servant or not? I believe other members of the committee cannot be public servants, but can the chairman be a public servant or not? If he is, how can the EPA be independent? The Minister has said on a number of occasions that this is so; however the Opposition does not agree. The public does not agree. I believe the Minister has a big task ahead of him. As I close my remarks, I would like to confirm that what I said about the Mosman Park situation clarifies my position in that respect. It was only a brief explanation, but it was very important to me that the Premier's incorrect presentation of the situation should not go unanswered.

I know the Premier and his Ministers can go on the "Sattler Report" and make Press statements; it might be necessary for me to make a report and attempt to have that publicised, because it is not good that the public should receive the Premier's misinformation about the facts because this misinformation is far from the truth and people need to understand what is the truth.

Mr HODGE: It may have given the member for Dale great satisfaction to get off his chest the Premier's allegations, made on the "Sattler Report", but I cannot relate that to the clause that is being considered at the moment. Nevertheless, I hope it made him feel better. I do not think I could convince the member for Dale that he should agree with what I am proposing in this Bill. I think he has well and truly made up his mind and I could debate this matter all night and still not convince him.

I remain convinced, however, that the authority will be successful, as it was successful between 1971 and 1978, when Dr Brian O'Brien occupied both positions, and I have never heard anyone suggest that it was not. Dr O'Brien was the head of the department and he was the chairman; Colin Porter also did the same two jobs successfully from 1978 to 1980. There are a number of very senior positions of high office around Perth that also successfully combine two positions. The position of Commissioner of Police is one that readily comes to mind. The commissioner is an independent person who cannot be subject to direction on operational matters by the Government of the day, but he is the permanent head, the Chief Executive of the Police Department, and is answerable to the Government on departmental, administrative, and budgetary functions. The Chairman of the State Energy Commission is the Chief Executive of the SEC and he chairs the commission, it would appear to me, successfully combining both positions. The Chairman of the State Planning Commission is the Chief Executive and the chairman of the commission.

Mr Laurance: You tried to split the functions of the SEC.

Mr HODGE: Not as far as I am aware. Mr Kirkwood is still the commissioner and the Chief Executive Officer of the SEC. I think we will just have to agree to disagree about what is the most effective model. I am not saying that the Opposition is entirely wrong. I believe that it is best to have the positions combined. It is a recipe for continuing conflict and unrest in the departmental structure to have a departmental head who, in theory, should be the Government's chief adviser on matters on which the department is in charge, and also to have a chairman of the EPA who is an adviser to Government on environmental matters.

Mr Rushton: Who recommended this move, the conservation committee of the Labor Party?

Mr HODGE: No, this is my move. I take responsibility for it. I am convinced that it will be successful.

Section 12 of the Environmental Protection Act reads—

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, 1978, the administration and control of the department of the Public Service of the State known as the Department of Environmental Protection.

That can be quite clearly interpreted as meaning that the department exists solely for the purpose of servicing the EPA. It seems to me to be appropriate that the head of the EPA, therefore, is the head of that department. It is a built-in recipe for continuing conflict and unrest to have a permanent head of the department—who is there to advise the Minister and theoretically to exist for the sole purpose of servicing the EPA—who is separate from the full-time permanent head of the EPA.

Under my formula, there will be no conflict or potential for conflict. It will be quite clear that the department exists solely for the purpose of facilitating the function of the EPA. The Chairman of the EPA will issue the instructions to the department on how it will allocate its resources, how it will do the job. The department will do its job to the satisfaction of the EPA.

Mr Rushton: It is a Caesar unto Caesar situation.

Mr HODGE: No. The function of the department is to service the EPA. Thus it seems to me quite logical that the head of the department should be the head of the EPA. The department's only function is to make the EPA work.

The member for Gascoyne raised the question about the Government's intentions in respect of full and part-time positions. My intention is that the only full-time person at this stage shall be the current chairman. I have no intention of appointing either a full-time deputy chairman or full-time members of the EPA. I merely put in that provision to cater for what may happen in the future. The old legislation was enacted in 1971. It is now 1986 and the world has changed considerably in that period. I am hoping that the new legislation will serve the State well for many years to come. I am trying to build into it a flexibility that will allow future Governments to appoint further

full-time people to the EPA as the State grows and the demands and pressures on the EPA increase. I have no doubt that in years to come the pressure of work will be such that we may need to consider extra full-time people.

Mr Blaikie: Wouldn't it be more appropriate to amend the legislation as the need arose?

Mr HODGE: The member for Vasse was one of those who criticised us for being short-sighted and for amending legislation and coming back a short while later to amend it again. I am trying to save the Parliament and the State a bit of expense and rigmarole by building in that flexibility. Any Government would then have the ability to use it if they wished, but would be under no obligation to use it if they did not so wish.

Mr Blaikie: I was saying that you amended legislation and then rewrote the Acts.

Mr HODGE: The member for Vasse implied that we were short-sighted and did not look ahead or use any foresight. Now that I am doing that, he is criticising me.

There was some criticism that the qualifications of the people who could be appointed to the EPA were fairly wide and fairly vague and that anyone could be appointed. Clause 7 (2) of the Bill states—

Subject to this Act, the authority shall consist of 5 members appointed by the Minister on account of their interest in, and experience of, matters affecting the environment generally—

The old legislation was remarkably similar. It said that the authority was to consist of three members appointed by the Governor, of whom one shall be a legal practitioner. The member for Vasse mentioned that. It also provided that at least one member should be a person with a knowledge of and experience in environmental matters. That is almost word for word what is in the present Bill.

Mr Blaikie: There is a slight difference between someone having an interest in something and someone having a knowledge of it. There is a fairly substantial difference.

Mr HODGE: I daresay that the member for Vasse would claim to have a knowledge of environmental matters, but I would not fancy putting him on the EPA. The same applies to myself; although I would claim to have a knowledge of environmental matters, I would not for a moment think that I have the knowledge, the interest or the experience to be a competent member of the EPA. I think the member

is splitting hairs in quibbling about that wording.

Mr Blaikie: I take it that you will be looking for qualified people?

Mr HODGE: We have gone to all this trouble. Much time and energy has gone into drafting the Bill because we wanted to have an effective EPA. Obviously if we do not appoint the right people, the effectiveness of the EPA will be diminished or destroyed.

I take the opportunity to say that I have full confidence in all the current members of the EPA. I have not had one moment's unrest or unease with either Mr Carbon, Mr Johnson or Dr Bailey. I do not know what incident in which Dr Bailey was involved upset the member for Vasse.

Mr Blaikie: Farrington Road.

Mr HODGE: I went to Farrington Road myself. Part of it was in my electorate and I was quite concerned about it. Dr Bailey has not done anything improper or caused concern to me since he has been a member of the EPA. His involvement in the Farrington Road incident would have occurred before he was appointment to the EPA and I do not believe it fair to hold that against him.

I am very pleased with the work of Dr Bailey and all the members of the EPA. I assure the House that it is the Government's intention to keep on those existing members of the EPA and when it is expanded, we will do our level best to find two additional members with the best experience and those who are best able to guard the public interest. To do otherwise would render this exercise futile.

Mr LAURANCE: I further comment as a result of the Minister's response. First, his explanation with regard to the department's servicing the Environmental Protection Authority has some dangers for him. He tried to be even-handed in his response by saying that there were examples to show that having the one head of an authority like this and a department which services it did work and did not work. If the Minister thinks about it for a moment, he will see that if the same person is head of a department which is there to provide a service to the Environmental Protection Authority, and head of the department which is preparing that information, looking at submissions and so on, and providing information to the authority, he will not then be able to sit in judgment on those submissions in a purely independent and objective way. It is just not possible for the departmental head who has

responsibility for the staff who are working there to get all this ready, submit it to the EPA and suddenly jump across and look completely objectively at what is happening to—

Mr Hodge: I acknowledge that that is a possibility, but equally there is also the possibility that if the permanent head is not the chairman there will be disputes about the permanent head preparing and supplying the EPA with the information it requires for its meeting.

Mr LAURANCE: At least they are in a position to criticise. When the departmental head carries both responsibilities, any criticism within the EPA of submissions or the way a matter has been handled by the department is a direct slap in the face for the departmental head who is also chairman of the authority. He is responsible for the department. That does not happen when those two functions are split.

Mr Hodge: It might not come at all if they are split.

Mr LAURANCE: Without doing it publicly in an acrimonious way, Professor Main—we have both sung his praises—was in a position to say to the department that he did not think much of this or that because he was totally independent. He did not worry about criticising the department. A criticism of the departmental head could not come from the chairman, because he is also responsible for providing the information.

Mr Hodge: The departmental head is responsible for providing what the EPA asks for.

Mr LAURANCE: Yes. Sometimes they may not have the resources.

Mr Hodge: That is a matter of priority.

Mr LAURANCE: It is a matter for the Government.

Mr Hodge: The departmental head allocates the priorities.

Mr LAURANCE: If he does not have the staff he must go to the Government and the Minister to get the staff. That criticism was not always a criticism of the departmental head because it may not have been within his power to provide those resources.

Another matter on which the EPA would often criticise the department was the time taken. There may often not have been sufficient staff to deal with matters properly. The Minister will be aware that very often the department cannot coordinate submissions because of one or two tardy departments.

Mr Hodge: It may have been the case that the permanent head did not allocate a high enough priority to get the EPA's done.

Mr LAURANCE: That is a possibility. Even so, he could well come in for some criticism by the EPA if the chairman was not happy about what was happening. There would not be that criticism if the same bloke is the chairman and the departmental head.

Mr Hodge: You could have that criticism ignored equally.

Mr LAURANCE: It does not leave him in a position of being independent and objective, because he would be pretty touchy about any criticism from within the EPA about the department; responsibility would rest clearly and squarely on his shoulders. That is one of the difficulties. I outlined it before, but because of the Minister's response I went into it in a little more detail.

For a period the EPA certainly had the independence it should have to do its job. Any departmental head who is also the head of an authority such as the EPA will be in a defensive role, defending his department, because he cannot be seen to do anything else. He cannot be disloyal to his staff on the one hand and on the other say, "I am not too happy about this, that, or the other aspect." The Minister should reconsider this.

To bolster up his move, two examples have been quoted. Both were very poor. The Police Commissioner does not have within his area an authority in any way similar to the EPA of which he could be the head as well; he runs a department. The Minister made an obtuse point about being independent from Government in terms of operation.

Mr Hodge: It is not obtuse.

Mr LAURANCE: The commissioner does not have to wear two hats, like the person we are talking about here.

Mr Hodge: Yes, he does.

Mr LAURANCE: Not at all. There is no police authority separate from the commissioner, which meets to determine police matters.

Mr Hodge: The commissioner has authority in himself. He is independent from the Government on operational matters. He is a one-man authority.

Mr LAURANCE: The Minister is drawing a long bow. This man is a departmental head. There are minor differences from other depart-

mental heads, but he has the position of being the head of a department.

The SEC is a particularly poor example, because it was this Government which separated the planning aspect from the day-to-day aspects. This very year this Government came to the House and sought approval of the Parliament to separate the planning and operational functions of the State Energy Commission.

Mr Hodge: You are talking about the creation of the policy advisory committee.

Mr LAURANCE: Yes; quite separate. The Government wanted to separate them because it said it was not operating efficiently or properly. The very example the Government chose is the example we are talking about.

Mr Hodge: I think the chairman is still the Chief Executive Officer of the SEC.

Mr LAURANCE: Look at what the Government has done. I did not bring the legislation to Parliament, the Government did. The Government should look at its own reasons for splitting those functions. The bodies had been together for a long time before. We found it worked all right, but this Government did not. The example the Minister used was a bad one because it supports our argument, not his.

Mr THOMAS: I would have thought the Minister had adequately dealt with the question of the separation of roles of the Chief Executive Officer and the chairman of the authority. I do not think it is necessary to say a great deal more.

However, in relation to what was said by the member for Gascoyne, if one looks at the public sector one can find both models. It is possible to quote some organisations which are working well and others which are not, therefore it is difficult to discern a general rule for the best way of organising the public sector to carry out certain operations.

The fact of the matter is that in terms of track record the problem with this organisation was that when there was a division of authority, the allocation of priorities did not work well.

Mr Rushton: Give us an example.

Mr THOMAS: I do not think it is necessary to provide examples.

Mr Laurance: It certainly was not my experience.

Mr THOMAS: Perhaps not, but perhaps the member was not asking the organisation to perform as well as the subsequent Government did. For that reason, within that organisation,

one has had both models, and one is able to make a comparison.

Clear problems arose as to priority within that organisation.

Mr Rushton: Give us an example so that we can agree or not.

Mr THOMAS: The second and more important point in relation to this question—and I believe the other question, has been dealt with extensively by the Minister previously—concerns the comments made by the member for Gascoyne in relation to Dr Bailey. I believe they were most unfortunate comments and should be discounted. The fact of the matter is that there are people in the community who are very concerned about matters of the environment, and they are organised into a voluntary environmental movement. An organisation is centred round the Conservation Council of Western Australia, with which most of those organisations are affiliated. For the most part of the history of those organisations, they have been excluded from any official role in decision making. This has led to a degree of frustration and an unfortunate degree of character assassination, represented by some reference made by members opposite earlier.

Dr Bailey, who was previously President, I think, of the Conservation Council of WA and an activist with some position within the Tasmanian Wilderness Society, has performed very creditably since his appointment to the EPA. In fact, he has been asked to chair an inquiry which the Government has commissioned into the interaction of the mining industry and national parks and nature reserves. I understand from feedback I have received to date—the committee has yet to report—from both conservationists and representatives of the mining industry, that everyone has praised his role as chairman of the inquiry.

That illustrates very well the point I am seeking to make, which is that if we give people the responsibility and the opportunity of making a contribution to public policy-making, they will act responsibly and make a creative and professional input into that decision-making structure. The role of Dr Bailey since he has been appointed to the EPA is witness to that. The somewhat snide comments made by members opposite about him were quite gratuitous.

My third point in relation to the structure of the EPA, a topic which has arisen in discussion on this clause, concerns the allegation that the dual role of Chairman of the EPA and execu-

tive officer of the department will make it impossible for the EPA to be able to be independent. In fact the very converse is the case.

The structure which is created by this legislation—not only at this clause but also elsewhere—is one that will almost guarantee such independence to the extent that legislation can guarantee that we will have an independent organisation.

I cite two factors: One clause in the Bill provides that the authority is not able to be directed by the Minister. How much more clear can we have it than that? Secondly, the authority is to operate in an atmosphere of, if I can put it this way, open government.

So many provisions are sprinkled throughout the Bill over every stage of the formulation of the authority's advice and its rendering of that advice to the Minister. Virtually every piece of documentation and advice must be made public and available for public scrutiny. This means that the authority's submissions and the Minister's responses will be on the public record. It will not be possible to have a "secret" direction from the Minister to the authority saying, "I want you to make this decision because it suits the Government." The people will know what is happening all the time and everything will be in the open. There will be public scrutiny and the nature of the field is such that it will probably be expert and close scrutiny. Members opposite cannot have a better guarantee of the independence of the organisation.

Mr BLAIKIE: The member for Welshpool has just claimed that the authority shall be completely independent from the Minister. The Bill provides that whatever the authority may wish to do it will be at the discretion of the Minister. It can send out as many letters as it wants, but the writing of those letters will be subject to the discretion of the Minister. The member for Welshpool should not run away with the notion that the authority will be independent.

Mr Hodge: What clause provides for that?

Mr BLAIKIE: It is sprinkled throughout the Bill. Clause 28 provides that submissions from the EPA can be made to the Minister and the Minister will make determinations. On it goes through the legislation.

Mr Hodge: Clause 28 relates to people who are appealing to the Minister.

Mr BLAIKIE: And the Minister can take certain action.

Mr Hodge: But that is not interfering with the EPA's decision-making.

Mr BLAIKIE: The Minister can assess submissions from the EPA and make determinations. The authority will not have a blank cheque to operate on its own. But we can continue this argument on other clauses. The authority will have absolutely no autonomy. The department is to become part of the authority and this is at total variance with what has happened previously.

Mr Hodge: No; I have just read you clause 12 of the present Act. The sole purpose of the department's existence is to assist the EPA, and it is subject to the EPA.

Mr BLAIKIE: The EPA has been an independent body with its own independent head, who has not also been head of the department.

Mr Hodge: The EPA is not as independent under the present legislation as it will be under this Bill.

Mr BLAIKIE: Time will tell who is right. This legislation will remove the EPA's autonomy.

In a moment I shall move an amendment which is on the Notice Paper to delete paragraph (c) of subclause (2). If the deletion is agreed to it will mean that instead of having all full-time members of the authority, three shall be part-time members. It will further ensure that one of the five-person authority shall be chosen by the Minister from a panel of names submitted to him by the Local Government Association and the Country Shire Councils Association.

There is a real purpose for having local government representation on the authority. Local government has a very positive role to play in environmental matters. Unfortunately over recent years we have seen a diminution of local government's role in this area. Government is fast becoming controlled by and based in the city. A local government person would be accountable to local authorities. This legislation being all embracing, there is a need for some assurance that the views of country people will be heard.

Our town planning body has recently been revised and all its five members are city-based. I can assure the Minister and the Government that people in the more remote areas of the State feel very sore they they will not have a voice on the State Planning Commission; they believe their representations are being overlooked. That may not be the case, but if this legislation is to work it needs to appear to

country people that their interests are recognised.

I move an amendment—

Page 11, lines 8 and 9—To delete “and

(c) 3 of whom shall be full-time or part-time members.”

Mr RUSHTON: I support the amendment. I would like to see provisions in the Bill allowing for the delegation of power to local government. In that way we can demonstrate to local government that we have some regard for it. Some responsibilities are better carried out by local government.

I referred earlier to the MTT and the Minister's assuming a more dominant role in its control. The same dominance now occurs in all areas of transport, including matters to do with main roads.

Mr Hodge: Don't you believe in the Westminster system?

Mr RUSHTON: I believe that our officers operate best when they have responsibility and are subject to the Minister's control, as occurred in the past. The Commissioner of Main Roads must now feel that he has no responsibilities at all. He is a superb administrator, as are other administrators in the Public Service who are gradually losing all control of their responsibilities. The good thing in the past in this State was the degree of autonomy that many of these people had. That should continue.

The Government has now also created a Department for the Arts so that the Minister now directly controls all aspects of that portfolio. I have received reports from various sources that the Minister has been intruding into matters that should be under the control of different agencies.

I said previously that the area which scares me most is the Minister's control of planning matters. No longer do we have the checks and balances provided by the MRPA. I know that, in the past, some people accused it of being too slow. However, I believe those checks and balances are preferable to any politically motivated control of those functions.

Mr Blaikie: When those planning proposals were in place, local government was acknowledged.

Mr RUSHTON: Yes, local government had an input into the MRPA.

I believe that the real checks and balances in our community are those applied by local government. Local government is directly re-

sponsible to the people at the grassroots level. This legislation has no regard for that. Is it not strange that this Government is attempting to take away the powers of local government?

I hope the Minister will accept the amendment which should provide for a balance within this five-man authority. It will at least demonstrate to local government that it has been given some credit for the part it plays in these matters.

Mr HOUSE: The National Party supports the amendment. It is important that we have country representation on the authority, and I support the amendment which seeks that representation.

Mr Hodge: This amendment does not say that.

Mr HOUSE: What does the Minister think it says?

Mr Hodge: It says that the Minister shall select from a panel of names submitted to him by the Local Government Association and the Country Shire Councils Association. There is no guarantee that the authority will end up with a country member on it.

Mr HOUSE: Perhaps there is no guarantee that the Minister would select someone from the Country Shire Councils Association. I am suggesting that perhaps he would.

Mr Hodge: The amendment you are supporting will not achieve what you desire it should achieve.

Mr HOUSE: It certainly gives local government an opportunity to be involved.

I am concerned that the world has become full of academics. I have no objection to their being involved in decision making, but we also need a lot more practical people. I raise, by way of example, the situation in the Fitzgerald River National Park, which has been closed because of the dieback problem.

Mr Hodge: It is a real problem.

Mr HOUSE: Has the Minister seen it?

Mr Hodge: No. I would not know it if I fell over it.

Mr HOUSE: That is my point exactly. The people the Minister appoints to this authority should have some practical experience.

Mr Hodge: How do you know whom we will appoint?

Mr HOUSE: If the amendment is passed, people with some knowledge of these matters might be appointed.

Mr Hodge: And you might get an academic from the country.

Mr HOUSE: There are not many academics in the country; country people are too smart for that.

The point of the amendment is to involve people who are reasonably practical and concerned about the environment, and people who will not get bogged down in hypothetical situations.

Mr HODGE: Firstly, I will correct the member for Dale. It will not be a five-man authority; it will be a five-person authority. I hope that some of the appointments to it might be women to break the long drought of a man-only EPA. I do not think a female has ever been appointed to that authority.

The Government does not dispute the fact that local government has an important role to play in helping to manage the environment. That does not necessarily mean, however, that local government, be it country or city-based, should be represented on the EPA.

Mr House: If you think it is so important, why is there no provision for it to have an input into the EPA?

Mr HODGE: I mentioned the other day that there is provision in the Bill for an extensive advisory network to be put in place. I envisage that local government, along with other interested organisations and groups in our community, will play an important role when we establish the advisory committee structure. I have an open mind as to what that structure should be and how it should be put in place. I will be having wide consultation with the public, seeking its views on what sort of advisory structure we should put in place. We may have a seminar and invite public participation and submissions suggesting to us what type of structure we should have and what sort of advisory role local government and other strata of society should have.

I said, by way of interjection to the member for Dale, that there is an enhanced role for local government already built into this Bill. The member for Dale did not accept that, but if members go through the Bill they will see in it numerous places where reference is made to authorised officers—health surveyors and shire officials; they will be appointed to take care of enforcing all sorts of provisions in this legislation, particularly in relation to counteracting pollution and enforcing the provisions in relation to noise, clean air, and water pollution. The local government authority will play a very

big role in all those fields. I will shortly be moving an amendment to make it crystal clear that power can be delegated to local government officers to enforce this legislation.

I do not believe it is appropriate to appoint a person specifically to represent local government on the EPA. The Liberal-National Country Party Government was in office for many years and in charge of this legislation. It never thought it was essential to do that. It was in office from 1974 to 1983 and had ample opportunity to amend the Environmental Protection Act if it felt it was so important for local government to be included.

Mr Rushton: They were obviously committed to delegation of local government. That was to come into their review.

Mr HODGE: We have not changed that attitude. We are happy for local government to be fully involved. Once the door is open to appoint one special interest group—and the member for Vasse made the point in his contribution that they were there to represent local government and accountable to local government—I think that destroys the very careful balance and independence that all members have spoken of as being absolutely essential to the operation of the EPA. I do not think we can afford to have a person on the EPA, not to be a member and have sole loyalty to the EPA, but to represent local government, report back, and be accountable to local government. I do not think that would be conducive to the best operation of the EPA.

There will be numerous other groups that could claim membership of the EPA as a right if the Local Government Association were given it. The Conservation Council of Western Australia would have a right to demand a position.

Mr Lewis: Why is that?

Mr HODGE: Because it is a very large community-based organisation which represents thousands of members of the public through its affiliated organisations.

Mr Lewis: They only have one ideal.

Mr HODGE: It does not. The member obviously does not know much about the Conservation Council of Western Australia. I suggest he has a look at its list of affiliated organisations. It covers a very broad spectrum. That organisation would have a strong claim for saying it should have a guernsey as well. We would then go to the Environmental Law Association, and perhaps the Australian Medical Association. Health has a large input into consider-

ation of environmental matters. We could go on and on and end up with an EPA the size of a football team representing the various groups that elected it. I think that would be a fatal error.

If members opposite stop and think, they will remember that their Government never did it during the years it was in office. It never saw fit to amend the Act to put a particular vested interest group on the EPA. I am not about to do it. I understood the member for Vasse agreed with the action I was taking to take out the specific reference to a lawyer being on the EPA. I am not saying a lawyer is not a valuable member to have on the EPA. There will almost always be a lawyer on the EPA, but we have taken out the specific undertaking that lawyers should be automatically represented on the EPA. I am not about to agree to this amendment for the reasons I have given.

Mr BLAIKIE: I am disappointed the Minister has taken the view he has. I believe local authorities have a special role in this State. A representative drawn from that particular area could have performed a very important function as a member of the EPA, not specifically as a representative of local government, but to bring to that authority a special degree of expertise and practical knowledge.

The member for Katanning-Roe indicated he would have liked to have seen a country person as part of the five-person authority. I would be very disappointed if the Minister, in making the appointment, failed to appoint a person who had a knowledge and understanding of country areas. When one starts to make decisions in relation to the environment and pollution, there is an important degree of practical knowledge, application, and experience. It would augur well with the others appointed if the Minister chose to appoint a country person.

I do not believe the Minister can draw an analogy between local government in Western Australia and the Conservation Council of Western Australia. There is no comparison.

Mr Lewis: One is an elected body representing the third tier of government.

Mr Hodge: What about the Chamber of Mines or the Confederation of Western Australian Industry?

Mr BLAIKIE: The Chamber of Mines and the Confederation of Western Australian Industry would also like to see a person on this authority representing their particular interests. I am not putting them forward.

A member: I know there is a proposition that the Federal Government might like to have representation.

Mr BLAIKIE: The State should be responsible for the sovereign right of that State in making its decisions. I do not see any reason for having a Federal representative.

Local government has a very special and important role in this State. Over the years, particularly under this Government, the various roles of local government have been diluted time and again. This legislation will be grandfather legislation which will control other legislative processes in the State. It is important, if it is to work successfully, that the people who are appointed to the authority need to have recognition from the greater part of Western Australia. The Minister was quite wrong in saying he was not prepared to look at this amendment which would have ensured a panel of names being submitted to the Minister from the Local Government Association and the Country Shire Councils Association.

The authority will be making decisions affecting the environment. It will also be making decisions affecting people. They will need to have an academic and technical understanding of the environment, the community, and the people concerned.

In the second reading debate I instanced a set of circumstances that occurred in the United Kingdom. A Select Committee of the House of Lords was investigating a matter in which the environmental protection group in that country had protested against the implementation of a draft directive with regard to the production of titanium dioxide. The committee concluded that the draft directive would have consequences adverse to the environment without any proportionate benefit to the quality of certain rivers. Not only did the committee have regard for the environment but also for the proportionate benefit to the total community.

A very positive role could be played by at least one member of the authority being a person with practical knowledge and understanding of Western Australia. Local government could well provide that person.

If the Minister in his wisdom agrees to this amendment, he could ensure that one of the five members was representative of country areas of Western Australia. If he fails to do that, in due course the authority will not have the regard it should have. If it gets off to a bad start in this instance, the Government will have

difficulty selling this legislation as a positive legislative package.

I recommend the amendment to members.

Mr LAURANCE: I support the amendment; it has a great deal of merit. I would not agree to it if we were to remain with a three-member committee, but now that it is proposed to expand the membership to five that gives the Minister the opportunity to broaden the experience of the committee by drawing upon local government knowledge. If the Minister chose a member from a panel of names submitted by country and city local authorities, he could well choose a person from the country.

More and more the Environmental Protection Authority will be concerned with country areas of Western Australia, and it would be most appropriate for a person with local government experience to be involved in the EPA. That may well be the reason that the Minister has increased the number and why we support him in doing so.

I commend this amendment to the Minister. He has been very fair-minded in accepting some amendments, and has shown that he has a capacity to accept the other point of view. Here is an opportunity to prove his flexibility and fair-mindedness—by seeing the value of arguments put forward by the Opposition.

I touch also on a point made by the member for Welshpool. He gave a magnificent oration supporting the point of view I put forward earlier. He was talking about having the departmental head as chairman of the EPA. When putting his argument he said that it had to be independent because the Bill made it independent. The Minister is getting tied up with his own Bill.

I understand that clause 11 gives the authority independence from the Minister. On the one hand, the chairman of the authority is independent of the Minister; but on the other hand, as head of the department, he is subject to the Minister. There we have a conflict, and the member for Welshpool made a beautiful job of explaining why my argument is absolutely right; we should not have the same man doing both jobs. How can a person be independent of the Minister one moment and subject to him the next moment? Clearly, he cannot; it is a paradox of the first order. It will be most difficult for this person to occupy both positions because of the way the Bill has been written. It is obviously wrong and two different people should be doing those jobs so that they can maintain their independence.

I thank the member for Welshpool for adding support to my argument; and the Minister has now had time to reflect on the wisdom of accepting the amendment put forward in a responsible and serious manner by the Opposition.

Amendment put and a division taken with the following result—

Ayes 18

Mr Blaikie	Mr Nalder
Mr Cash	Mr Rushton
Mr Court	Mr Schell
Mr Cowan	Mr Spriggs
Mr Crane	Mr Stephens
Mr House	Mr Thompson
Mr Laurance	Mr Tubby
Mr Lewis	Mr Watt
Mr MacKinnon	Mr Williams

(Teller)

Noes 23

Mrs Beggs	Mr Read
Mr Bertram	Mr D. L. Smith
Mr Terry Burke	Mr P. J. Smith
Mr Carr	Mr Taylor
Mr Peter Dowding	Mr Thomas
Mr Evans	Mr Tonkin
Dr Gallop	Mr Troy
Mr Hodge	Mrs Watkins
Mr Tom Jones	Dr Watson
Dr Lawrence	Mr Wilson
Mr Marlborough	Mrs Buchanan
Mr Pearce	

(Teller)

Pairs

Ayes	Noes
Mr Clarko	Mr Parker
Mr Hassell	Mrs Henderson
Mr Mensaros	Mr Gordon Hill
Mr Lightfoot	Mr Brian Burke
Mr Bradshaw	Mr Bridge
Mr Trenorden	Mr Bryce
Mr Grayden	Mr Grill

Amendment thus negatived.

Clause put and passed.

Clause 8: Independence of Authority and Chairman—

Mr RUSHTON: This clause cannot be seen to be practical as it is. The Chief Executive Officer is answerable to the Minister. The wording of this clause seeks to make him seem to be independent, but in no way can he be seen to be so. We should wait and see whether the other place does something about it. We should observe the result, and remedy it in due course, when we have the authority to do so. In the meantime, it is consistent with what the Government has been doing. This is one of the areas which is similar to what it has already done.

It is a matter of concentrating power, and the clause gives the Government more authority to direct what will happen. It is a very dangerous practice because the success of the people in the

Environmental Protection Authority is based on their independence. People such as Bert Main, Professor O'Connor, and others, have built up a tremendous reputation of having independence of thought and action, and have served us tremendously well.

It will be interesting to see whom the Minister appoints. He has already indicated that Mr Carbon will be there in his dual roles, but four others are to be appointed. I do not agree with this clause, but the Government has the numbers and the authority to put in what it wishes. The saddest thing is that it takes away the credibility of the legislation because the authority can in no way be seen to be independent of Government direction.

Clause put and passed.

Clauses 9 to 15 put and passed.

Clause 16: Functions of Authority—

Mr BLAIKIE: It seems that the functions of the authority were compiled by a committee, and that every man and his dog involved on the committee had an opportunity of putting in a particular clause that related to a particular function. Some of them appear to be extraneous.

I draw the Minister's attention to subclause 16(a), and ask him whether it is the intention of the Government that the authority will in fact conduct environmental impact assessments, or is the authority to require environmental impact assessments to be carried out? That is a very salient point. Will the authority now have its own army of environmental scientists to carry out the work one would expect either the private sector or other sectors of the community to carry out?

Elsewhere in the legislation, reference will be made to people in the community who will be obliged under certain conditions to carry out environmental impact assessments, if the Chief Executive Officer or the Minister determines that they should do so. If that is to be the case, I envisage a proliferation of environmental scientists joining the ever-increasing army of people being employed by the Government.

My second question relates to subclause (h). I imagine the authority will be inundated with work in any event, let alone having a role whereby it can be canvassed by the public. Surely that is not what the Minister intends the members of the authority to be doing. Members of the public should contact the department to make their representations. I cannot imagine people using Bert Main, say, as a point to which to direct their personal represen-

tations. Surely the role of the authority should be beyond that of a general wailing post for the community. That subclause has obviously been inserted for a reason, and I ask the Minister what the reason is.

Mr LAURANCE: I refer to subclause (m) which relates to the coordination of activities relating to the environment. I agree with many of the subclauses prior to that, most of which are motherhood-type statements which no-one could oppose; and indeed, we expect to see them in environmental legislation such as this. The coordination referred to in subclause (m) relates also to clause 38 of the Bill, and I will deal with that in due course. However, I wish to deal with subclause (m) as it relates to governmental activities.

Every time a Government sets up an authority, that authority wants to have jurisdiction over other Government agencies. For instance, the new State Planning Commission has assumed a number of roles that previously were the responsibility of other Government departments. It is usually the newest and latest department that decides it wants in some way to be above all the decision-making bodies. It is a problem for all Governments. I am not talking in a party-political way, but of the business of government—of running the State and getting things done.

All the various functions of government should have equal billing. There should not be one which says, "You can all belong here, but we will be on top, and when you have made your decisions you can refer them to us." The Planning Commission is guilty of that; it wants others to look at things and refer them to the commission. The EPA wants everyone to do its work and it will coordinate and give the final decision on whether a project should go ahead.

It is a trap for Governments that each element of the bureaucracy wants to be in a pre-eminent position to make the final decision on behalf of the Government. I do not believe that the environmental lobby or agencies should be in that situation. The environment is important, but it should rank with all other Government decision-making bodies.

One of the most frustrating things for people who want to do things in this State is that they have to refer their proposals to more and more Government agencies. We have all been guilty of initiating more agencies, because as life gets more sophisticated and complex we want to set up more hoops for people to jump through. If one said to a developer at the outset of a devel-

opment that these were the steps he had to go through to get approval, most projects would not get off the ground. Thankfully, most developers believe it is going to be easy and that there are only a couple of people to refer a project to, and then they will be able to do what they want.

I refer to the canal developments. I can remember the previous Government putting together a booklet on those developments to make it easy for the developer. It outlined all the steps he had to take. I do not want to breach Cabinet solidarity, but I was never happy about the proposal. It was such a convoluted decision-making process that we were putting developers through. Rather than assist them, any self-respecting developer who read it would have run 100 miles.

There are so many agencies to refer things to. We not only have this plethora of agencies which want to be consulted and have some input into the decision-making process, but there are all types of departments which say, "Do that first, and then bring it to us." The Minister for Environment has an important role to play here.

Another problem is that if any one of the Government agencies decides to change part of the proposal all the others say they want the developer to resubmit the proposal in the new form. It may have gone to 20 different departments, and the Main Roads Department will say, perhaps, that the developer has to change a traffic light. The developer agrees, and the other agencies say that now he has changed one aspect, he has to resubmit the proposal. Developers go around and around the ring, and then the EPA says, "Now that you have done all that, refer it to us."

It may be the Planning Commission which is the culprit. That may not be intended under paragraph (m), but if it is intended it is a worry, not in a party political sense, but in a governmental sense. The environmental agency should rank equally alongside all the other Government agencies which are required to give approval before a development can take place. The EPA is important, but all the other decision-making bodies are equally important. It is not the supremo, and it should not be; it should not be the final arbiter. People involved in environmental legislation and agencies may say that because of some mumbo jumbo their body is more important than other parts of Government.

Mr Blaikie: That will happen under this legislation.

Mr LAURANCE: I do not believe it should happen. I warn the Government that it should ensure it does not happen. Rather than any one Government agency—whether the State Planning Commission or the EPA—being the final body that any proposal should go to, there should be only one final arbiter under our system of democratic government, and that is the Cabinet.

If there is a disagreement between agencies responsible to different Ministers, the Government has to make a decision in the final analysis. If Cabinet makes the wrong decision, the Government is answerable to the people. That is the way it should be. It is a magnificent form of government. It has served this State and the country extremely well for a long time. Our stability, security, and development have been part of that form of Cabinet Government. One does not need all these agencies to do their work and ask for final approval from the EPA. It should take its place alongside those other decision-making bodies, because if there is any difficulty between the agencies about pre-eminence, it is a matter for Cabinet.

It may be the Minister for Environment, or any of his Cabinet colleagues, who takes a matter to Cabinet for decision. Our system is served best when any dispute between Government agencies winds up in the Cabinet room. A decision is made, and the Government is criticised or applauded by the community. If there is any flak, and the community is upset, it expresses its disapproval of Cabinet and the Government in the appropriate way. We accept that no matter who is in Government. If a Government makes enough decisions which are not accepted by the public, that Government will be removed. That is an important part of the democratic process.

If this clause means that the EPA is above and beyond the other developmental agencies the Minister should proceed with extreme caution. I would like him to tell me that that is not the way this clause is to be interpreted.

Mr HODGE: The member for Vasse raised the question of whether the EPA would get into the business of conducting environmental impact studies itself. I can assure him it will not. When a proposal is referred to the EPA, it will decide whether that proposal is likely to have a significant effect on the environment. If it decides that that is likely, it will require the proponent to conduct a study of the likely effects

on the environment. The study may be at various levels of intensity, and when it is completed it will be provided to the EPA which will assess the study. That is precisely what happens now and will continue to happen in the future. There will be no change in practical terms to the present system; it will be formalised by putting it into Statutes.

Mr Blaikie: Would you have a further look at the wording? It may give it a slightly different meaning.

Mr HODGE: I will have another look at it, but I am reasonably happy that the wording is accurate. I will get some advice.

The role of the EPA is to assess the environmental impact, and it does that with the benefit of a study by the proponent according to the terms of reference worked out in conjunction with the EPA.

Far from putting on hordes of staff, the EPA has divested itself of staff and recently it has shed a number of functions. Some staff have gone to the Department of Agriculture, some to the State Planning Commission, and some to the Department of Conservation and Land Management. So the actual staff numbers in the EPA have been reduced recently, and its role and functions have become more defined.

The member for Vasse raised a point concerning paragraph (h) which states that the functions of the authority are, "To receive representations on environmental matters from members of the public". I think the member has misunderstood that paragraph. The representations do not necessarily have to go personally to the three or five persons who make up the actual authority. In future the whole establishment, including the department, will be known as the EPA.

I refer members to section 56(1) of the present Act which states—

Any person or body may in writing refer to the Authority any matter which gives rise to concern as to a possible cause of pollution.

The word "pollution" has a wide definition in the Bill. There is plenty of scope for members of the public to do what is contained in paragraph (h) of clause 16. I do not anticipate a flood of frivolous letters to the EPA in that regard.

The member for Gascoyne made a good point—with which in general terms I do not disagree. What the member said about competition between the various bureaucracies with

each one wanting to be the boss cocky and head department is true. However, I do not believe his comments are relevant in this case. The exact words are contained in the current Act; they have not been changed. Paragraph (h) of section 30(4) of the existing Act states—

co-ordinate all activities, whether governmental or otherwise, as are necessary to protect, restore or improve the environment in the State;

Members opposite do not need to worry, because this is an environmental Bill. The powers and functions of the EPA are restricted to environmental matters and to coordinating the activities, which are environmental activities and not planning or developmental activities.

Indeed, I saw it working a few days ago when Mr Carbon, in his capacity as Chairman of the EPA, convened a meeting of all interested parties involved in the current dispute about the Mosman tearooms. Interested parties were invited by Mr Carbon to take part in a round-table conference to discuss the problem. Representatives from the local authority, the architect and all those people who have a vested interest in the development took part in the discussions and we hope that some of the issues have been clarified and that the warring parties were given the opportunity to have their say.

Mr Rushton: What was the result? Did the council change its mind?

Mr HODGE: They did not reach a final agreement, but many people were able to obtain information which they had not been given before and a lot of points were clarified. It served a useful purpose.

Mr Laurance: It was an informed debate?

Mr HODGE: Yes. While I agree with the sentiments espoused by the member for Gascoyne I think I can confidently assure him that he need not worry in relation to this part of the clause.

Clause put and passed.

Clause 17: Powers of Authority—

Mr BLAIKIE: In his comments to the previous clause the Minister clearly said, when talking about the powers of the authority, that he was, in fact, referring to the body that will be established and not necessarily to the five persons appointed to the authority. Subclause (1) states that the authority has all such powers as are reasonably necessary to enable it to perform its functions. Subclause (3) states that without limiting the generality of this section, the authority, if it considers it appropriate or as

requested to do so by the Minister, may do a series of things.

The new agency has the capacity to do a series of things which have been set out in the Bill. I refer the Minister to paragraph (h) which states—

exercise such powers, additional to those referred to in paragraphs (a) to (g), as are conferred on the Authority by this Act or as are necessary or convenient for the performance of the functions imposed on the Authority by this Act.

I believe that paragraph (h) becomes a blank cheque and it will allow the authority to make other determinations which it may wish to make before it carries out the functions of the legislation.

I ask the Minister to indicate to the Chamber the reason that he believes this is necessary. Paragraph (h) confers wide powers on the authority and they are not subject to approval by the Minister. The authority can go ahead and exercise other powers as it sees fit.

I look forward to the Minister's response and indicate to the Chamber that if I am not satisfied with it, I will make further comments.

Mr HODGE: The member for Vasse has misunderstood this clause. The powers which the authority may exercise are only those powers that are authorised and contained in this legislation. It has no power to exercise any powers which are not included in this Bill.

This clause is no different from section 29(e) of the Act which states that the functions of the authority are—

generally, to administer and give effect to the provisions of this Act and to carry out such other functions as may be prescribed.

The terminology in this clause is very similar to that used in the original Bill. The authority will not be given additional powers to those contained in the Act.

Mr Blaikie: You are intending to have a series of prescribed regulations on which the authority would act?

Mr HODGE: Of course there will be regulations and environmental policies enacted pursuant to this legislation being passed and the authority will be responsible for policing and enforcing those regulations and policies.

Mr Blaikie: The words in the existing Act are clear and the Minister's explanation is satisfactory.

Clause put and passed.

Clause 18: Delegation by Minister—

Mr BLAIKIE: I ask the Minister the reason for this clause. I have searched through the existing Act and I certainly cannot find a similar section. The Minister's role in relation to influence and power needs to be zealously guarded.

I would be very concerned if the Minister delegated his role to other people. To what extent can the Minister delegate his authority and why does he seek such a provision?

Mr RUSHTON: From my observation it would appear that under this Bill many more powers will reside in the Minister. The old authority had certain powers. It had the power to delegate. Under this Bill, most of the powers reside in the Minister and he needs to delegate in order that he is not burdened with carrying on the business of administration. The independence of the authority is seen not to be standing up under this clause.

Mr HODGE: This clause gives the Minister authority to delegate to local government or to officers of other Government instrumentalities or authorities powers to enforce the pollution control provisions of the Bill. Again, it is not a radical departure from the present circumstances. I refer members to the Noise Abatement Act, section 17(a), and the Clean Air Act, section 12(a), which provide for delegation by the Minister to other officers to fulfil pollution-policing roles.

At the moment it is very common for local government health surveyors to prosecute in regard to excessive noise and to enforce the provisions of the Noise Abatement Act. As I said before to the member for Katanning-Roe, that role is enhanced considerably in this legislation. There is a much greater role for local government officers to enforce the provisions of this Bill. This is one of the clauses that helps facilitate that greater role.

Mr Blaikie: Is it simply your intention to have people within the system assist in the proper functioning of the Act? It is not your intention to bring somebody else from outside as an adviser or a de facto member of Parliament?

Mr HODGE: No. As I said before, I anticipate that it will be local government authority officers and officers of perhaps the Western Australian Water Authority and Government instrumentalities who will have delegated power to act on matters to do with pollution control.

Mr Blaikie: An unscrupulous Minister could have a bit of a birthday with this provision if he wanted to.

Mr HODGE: A Minister, unless he is very satisfied about the maturity and responsibility of the people to whom he delegates his powers, would be very foolish because the buck would come back and land at his feet if the persons he delegated abused that power. Ministers usually think long and hard before delegating their powers. They need to be satisfied that the people to whom they delegate are very responsible.

Clause put and passed.

Clause 19 put and passed.

Clause 20: Delegation by Chief Executive Officer—

Mr HODGE: I move an amendment—

Page 18, line 12—To delete “or the power to institute prosecutions under section 114”.

This amendment has been requested by the Western Australian Water Authority and the Institute of Health Surveyors so that the Minister and Chief Executive Officers can delegate their powers to allow outside agencies to carry out prosecutions. This clause has to be read in association with section 114, relating to the institution of prosecutions. It is foreseen that the Minister, as necessary, will delegate his power of granting consent to a prosecution and the Chief Executive Officer will, as necessary, delegate the carrying out of that prosecution. It is in a similar vein to the provision we were just discussing.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 21: Authority to make annual report—

Mr BLAIKIE: This clause sets out the requirement for the authority to make an annual report. The Opposition recommended an amendment to which the Minister has indicated his agreement. Currently, the authority reports on its activities during the financial year and the Minister tables the annual report in the House within nine sitting days of receiving it. The administration of departments needs to be tidied up in a number of areas, not that I am making any implications against the environmental protection bodies as such. However, the Opposition recommends that the report should lie on the Table of the House before the end of the October following the end of that financial year. The financial year finishes on 30 June. By the end of

October, the department will be obliged to complete its annual report and deliver it to the Minister, who will put it in the hands of the Parliament. I move an amendment—

Page 19, line 3—To insert before “make an annual report” the following—

and in any event before the end of October next following that financial year

Mr HODGE: The Government supports this amendment. The member for Vasse suggested a number of amendments to me. I have had them assessed by my advisers and the Parliamentary Draftsman and have agreed to most of them. This amendment has quite considerable merit and the Government is happy to support it.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 22 to 24 put and passed.

Clause 25: Advisory groups, committees, councils and panels—

Mr BLAIKIE: Clause 25 proposes that the Minister or the authority may establish advisory groups, committees, councils and panels as they think fit for the purpose of advising either the Minister or the authority.

One of the weaknesses—and I know the Minister is determined to cooperate as much as possible with all groups in the community—is the establishment of this total system of panels, groups, and committees. At the end of the day the Government must still make the decisions. As the Prime Minister of Australia has found, one can go out and offer consensus to everyone, but eventually the Government of the day must make the decisions. Those decisions will not achieve consensus for all people. The Minister is attempting to offer a palliative to many groups in the community. I can well imagine, when he was framing this legislation, the Conservation Council of Western Australia, the WA Chamber of Mines, and other groups badgering the Minister for a position of influence on the authority. The Minister might say, “Hang on a minute I will find a place for you somewhere.” The “somewhere” will be on these committee council panels.

The Minister indicated that the former Conservation Council did not work satisfactorily. With all the best will in the world I doubt whether the series of panels the Minister is hoping to establish will work satisfactorily.

Mr Hodge: What would you do?

Mr BLAIKIE: I would have looked at the role of the Conservation Council and put a greater degree of balance into it so as to offset some of the influence that the heads of departments had in their set ways.

Having watched the programme "Yes, Minister" I certainly know it would not happen to this Minister. Heads of departments can be impossible on occasions. If they do not want to sit on a particular committee the work of those committees can be quite impossible. I can well imagine from time to time some of the heads of departments will be sitting on these panels anyhow. One of the Minister's ministerial counterparts may ask for his departmental head to sit on a certain body to look after the particular interests of that department or that Minister's interests.

With all the best will in the world, Governments still have to govern. Although the Minister is attempting to satisfy the wider demands of the community, in the true light of day the Minister will finish up with a bigger headache than what he has now because he will still be obliged to make decisions. He will be making decisions against some of the interest groups who, although they have been able to make input to the various panels, will not be satisfied and two or three years down the track the Minister will make the decision anyhow.

I expect to be here in three years' time. I do not want to be accused of having hindsight. I wish the Minister well in his endeavours. It would not have been the way I would have gone about this clause.

Mr HOUSE: The National Party supports this clause because it is an area in which we can obtain involvement for country people. Where there are specific areas of interest, groups and committees can be set up to report to the EPA on particular areas. There is a danger that concern is not so much about the people the Minister might hear from, but about those he does not hear from. It is open to the Minister's interpretation as to whom he will appoint and allow to report to him.

Will there be any accountability for the funds? In the clause it says there is room for remuneration for people who serve on those advisory committees.

Mr RUSHTON: I have had the experience of both situations in the Transport portfolio. We created a situation where we appointed committees to deal with specific subjects. I have seen it work. It depends on the ability of the chairman to appoint members who will achieve

a result. On the other hand, the Liberal Party would have supported the continuation of the Conservation Council of Western Australia because continuity of advice should be encouraged. People have been giving attention to the issues the Minister would want dealt with, and I refer to the Conservation Council of Western Australia. There has been support for that. The council should be made to work more effectively than it does at the present time. That body is being disbanded. It does not bring credit upon the powers that be that the Conservation Council of Western Australia did become ineffective.

It will depend on the quality of the people appointed to the new structure and the ability of the Chief Executive Officer. Is he to be the chairman of all committees or will he delegate that chairmanship to other people? I suspect it would depend on who is chosen, but in the transport area the Director of Transport, Dr John Taplin, chaired those groups. He provided the continuity within that area. That is why I would prefer to see the Conservation Council of Western Australia continue.

Mr HODGE: I do not disagree with most of the points made by the three members. I thank the member for Katanning-Roe for his active support of the clause. I have an open mind as to what mechanism shall be put in place, and I have had some experience of establishing such a mechanism. I did so when I was responsible for the Health portfolio and established a structure called the health advisory network.

It was a rather extensive network of health care consumers and providers who each reported to a council. There was a coordinating body that linked the two councils. I did not appoint all those people. I appointed the chairperson of the three bodies—the two councils and the coordinating body. The remaining people were elected from within their own ranks. We conducted quite proper and formal elections under the supervision of the State Electoral Department. All the various interest groups and elected representatives were to be placed on the various panels. The network has been commended by international experts as being one of the best models they have seen. It is early days yet to claim its success in the health area as it has been operating only a short time. I lean towards that sort of model. I am open to suggestions from the public.

As I earlier indicated, we may hold a seminar or ask for public submissions on what form the network should take. I do not think that I, as Minister, should have the say in hand-picking

the people to be appointed to the advisory network.

I would envisage that most of the members on the advisory committee would not be paid at all. It is possible they would be paid an expense allowance if they had to travel, but I would not envisage that they would be paid a salary.

The health advisory network committee had three chairpersons who each received a small salary. I think, from memory, two council chairpersons received what amounted to \$3 000 a year, and the chairman of the

coordinating panel received \$5 000. So, it was a very modest operation. I believe it cost \$10 000 for the entire year, or something like that. I would envisage something along those lines.

This is a very innovative clause and I am pleased that it has received the support it has.

Clause put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr Hodge (Minister for Environment).

House adjourned at 11.11 p.m.

QUESTIONS ON NOTICE

TRANSPORT

Taxi Licences: Temporary

1339. Mr LAURANCE, to the Minister for Transport:

- (1) How many temporary taxi licences have been issued for the period of the America's Cup?
- (2) When are these additional licences being used?
- (3) Has this period been extended in recent weeks?
- (4) How is demand generated by the America's Cup monitored?
- (5) Has the Taxi Control Board received any complaints from America's Cup visitors about the lack of taxis?
- (6) How much has the demand for taxis increased in recent weeks as a result of the America's Cup?

Mr TROY replied:

- (1) 54.
- (2) Thursday 6 p.m.—Friday 6 a.m.
Friday 5 p.m.—Saturday 5 a.m.
Saturday 6 p.m.—Sunday 6 a.m.
Sunday 6 p.m.—Monday 6 a.m.
- (3) Yes.
- (4) Through the radio companies and by the observation of the board's field staff.
- (5) The board does not distinguish between local and visitors' complaints regarding lack of taxi service.
- (6) The Taxi Control Board's observation is that the America's Cup has had only marginal impact on the taxi industry to date.

TRANSPORT

Taxi Fares: Non-payment

1340. Mr LAURANCE, to the Minister for Transport:

- (1) Is he aware of numerous complaints within the taxi industry regarding the non-payment of fares by taxi patrons?
- (2) Have such complaints been examined by the Taxi Control Board, and if so, with what result?

Mr TROY replied:

- (1) No.

- (2) All complaints of this nature are examined. However, the Taxi Control Board has only recently taken steps to give it full legislative powers in this regard. It is because of the lack of legislative authority to prosecute, understandably, that its efforts have met with only moderate success.

FREMANTLE GAS AND COKE CO LTD

Purchase: Cabinet Approval

1366. Mr HASSELL, to the Premier:

Could he explain why the \$40 million purchase of the Fremantle Gas and Coke gas reticulation network was not subject to Cabinet approval when the \$20 million sale of the Perth Technical College and the \$450 000 sale of the Midland abattoir both required the approval of Cabinet, and when the proposed \$2 million purchase of the Linley Valley abattoir will also require, according to the Minister for Agriculture, the approval of Cabinet?

Mr BRIAN BURKE replied:

All of the cases raised by the member, other than the SEC's purchase of Fremantle Gas and Coke, impact in some way on the Consolidated Revenue Fund or on Government policy. For example, proceeds from the Perth Technical College site were paid into State funds. The sale also had implications for other departments besides those making the sale—e.g., Education.

Essentially, Cabinet exists to determine Government policy, resolve differences between differing portfolios, and set priorities in terms of Government expenditure. Normally when there are matters which do not impact on any of the above, they are not brought to Cabinet except where the Minister concerned feels that he needs the advice of his or her colleagues on the matter.

In the Fremantle Gas case, there is no impact whatsoever on the State's Budget and it does not impact on other departments. The Government's policy, and indeed the SEC's policy, of wishing to acquire the operations was well known. Thus the Minister concerned quite appropriately handled it within his own portfolio.

HOTHAM VALLEY TOURIST RAILWAY*Economic Circumstances*

1381. Mr BRADSHAW, to the Minister for Transport:

- (1) Is he aware that due to—
 - (a) increased charges by Westrail;
 - (b) large costs for Westrail staff,
 fears are being expressed for the survival of the Hotham Valley Tourist Railway?
- (2) Is he prepared to review charges by Westrail so that the Hotham Valley Tourist Railway can continue to provide the excellent tourist service, bringing joy to the thousands of people who travel on these trains?

Mr TROY replied:

- (1) Yes.
- (2) Yes. Various aspects of the Hotham Valley Tourist Railway operations, which affect the level of charges, are currently being reviewed by Westrail, as are some aspects of the charge itself. The parties as recently as last Saturday, 18 October 1986 met in my office under my chairmanship to discuss this matter.

DEPUTY PREMIER*Office: Staff*

1385. Mr MacKINNON, to the Deputy Premier:

- (1) How many people are allocated to the office of the Deputy Premier?
- (2) In each case, what are their duties?

Mr BRYCE replied:

- (1) I refer the member to Divisions 15 and 17 of the Consolidated Revenue Fund Estimates of Revenue and Expenditure for the year ending 30 June 1987. In addition, officers are seconded to my office from time to time for brief periods to carry out specific project work.
- (2) The duties of officers within the Deputy Premier's office consist of clerical, keyboarding, secretarial, administrative, research, and policy.

**GOVERNMENT EMPLOYEES:
RELOCATION***Bunbury: Incentives*

1400. Mr MacKINNON, to the Premier:

What incentives or assistance has been provided to employees relocating from their positions in the metropolitan area to a relocated position in the Bunbury Tower?

Mr BRIAN BURKE replied:

None.

**"MANAGING CHANGE IN THE PUBLIC
SECTOR"***Policies: Implementation*

1404. Mr CASH, to the Premier:

- (1) Further to his answer to question 1253 of 1986 concerning changes in the public sector, will he advise if he has already consulted with the Civil Service Association on the strategy to enable implementation of the policies outlined in the white paper?
- (2) If "Yes", will he advise on the frequency and extent of these consultations; and has the Civil Service Association indicated its membership is satisfied with progress to date?
- (3) If "No" to (1), is his reluctance to consult in conflict with the policies outlined in the white paper?

Mr BRIAN BURKE replied:

- (1) Yes.
- (2) The Government's proposals for consultation with the Civil Service Association on the implementation of the white paper were outlined by me to a meeting of their executive on 20 October. Further details on the implementation process will be announced at a conference of permanent heads to be held on 7 November.

The Civil Service Association has accepted an invitation to take part in this conference, and it is anticipated that the Civil Service Association will join working and consultative arrangements to be established after that conference.

- (3) Not applicable.

HEALTH

Genetically Engineered Organisms: Use

1410. Mr CASH, to the Minister for Industry and Technology:

- (1) Are genetically engineered organisms being—
 - (a) used;
 - (b) tested;
 in Western Australia?
- (2) If "Yes"—
 - (a) can he identify these organisms;
 - (b) what regulations or guidelines exist to control the use and testing of these organisms?

Mr BRYCE replied:

- (1) (a) Yes;
- (b) yes.
- (2) (a) *Escherichia coli* is commonly used as a host for genetically engineered material in Western Australia;
- (b) the Federally-sponsored recombinant DNA monitoring committee has issued guidelines for work with genetically engineered organisms.

WATER RESOURCES

Manjimup: Government Commitment

1418. Mr STEPHENS, to the Minister for Industry and Technology:

- (1) Further to question 1154 of 1986, with respect to the provision of suitable water supply arrangements for Manjimup, what are the details of the Government commitment?
- (2) What are the details of the "buy-back" arrangements which are part of the Edgell proposal?
- (3) In view of the Government's assistance to both the Manjimup Cannery and Southern Processors, did the Government suggest or encourage consultation between the groups to see if a merger or joint arrangement was possible? If "No", why not?
- (4) Despite several requests, why did he take so long to respond to a letter sent to him by Southern Processors on 18 June?

Mr BRYCE replied:

- (1) Edgell is presently examining alternative water sources in the Manjimup area for its plant, and until those deliberations have been completed the extent of investment required by both the Government and Edgell will not be known.
- (2) The Crown Law Department has been asked to prepare a formal agreement, the salient features of which will be—

the agreement will have a maximum life of 12 months;

it covers only the existing cannery;

it will be exercisable only if Edgell is prevented from proceeding with its proposed vegetable processing works;

the causes of prevention will be defined and will cover only matters over which the Government can exercise direct or indirect control—provision of an adequate water supply, environmental approvals, and building permits are the principal items of concern to Edgell;

the buy-back will lapse as soon as construction commences on either the processing works or the water supply;

in the unlikely event that the buy-back comes into force, the Government will repurchase assets on terms comparable to those which applied to the Edgell purchase.

- (3) Yes.
- (4) Southern Processors' letter of 18 June 1986 was received in my office on Friday, 20 June 1986. A reply was despatched on 14 July 1986. I do not consider that delay to be inordinate, and my files do not reveal any interim requests for a reply. I might add that in my reply I prevailed upon Southern Processors to make contact with the cannery.

TRANSPORT TRUST FUND

Collections

1429. Mr RUSHTON, to the Minister for Transport:

- (1) What is the total amount within the Budget Estimates to be collected into the transport trust fund this financial year?
- (2) What is the source and amount of the contributions making up this total?
- (3) To what agency and for what purpose are allocations within the Budget being made this financial year from the transport trust fund?
- (4) Is any provision being made in this year's financial arrangements for a start to be made towards the electrification of suburban rail services?

Mr TROY replied:

- (1) and (2) \$90 million from the wholesale licence fee on petrol and road-use diesel fuel.
- (3) Transport subsidies administered by the Department of Transport, \$3.0 million;
Transperth deficit, substantially covering peak period operations which reduce traffic congestion and minimise the demand for peak period road capacity, \$44.5 million;
Main Roads Department works programme, \$42.5 million.
- (4) A start has already been made on suburban rail electrification with the expenditure in 1985-86 of \$0.6 million on planning. A further \$0.3 million is to be spent on planning in 1986-87.

SMALL BUSINESS GUARANTEES SCHEME

Approvals

1432. Mr COURT, to the Minister for Small Business:

- (1) How many guarantees has the Government approved under its small business guarantees scheme over the last 12 months?
- (2) What is the average time taken to process the application?
- (3) What is the total value of the guarantees given?

Mr TROY replied:

- (1) and (3) Operation of the scheme commenced October 1985, and as at the end of September 1986, 39 applications for a total of \$2 million had been approved.
- (2) Each application currently takes the equivalent of five working days to conduct the evaluation of the proposal and arrange the administration necessary. This time is on average spread over a period of four-six weeks, depending upon the degree of supporting material available from the banker and the client.

What should be understood is that the processing of applications is not a simple matter of ensuring that all the spaces on a form are filled in. What the processing officer at SBDC has to construct is essentially the business plan for the enterprise. Until SBDC is satisfied that the proposal, and the people involved, are commercially sound in all respects, it is not prepared to provide its endorsement to the application.

I am entirely satisfied with its methods of assessment and believe the output rate to be satisfactory.

MAIN ROADS DEPARTMENT

Employees: Kununurra

1446. Mr COURT, to the Minister for Transport:

- (1) How many people are employed by the Main Roads Department in the Kununurra operations?
- (2) Are the Kununurra operations to be transferred to Derby?
- (3) How many people will be transferred and how many will be retrenched?
- (4) How many will remain in Kununurra?
- (5) What effect will this have on Kununurra-based contractors working for the Main Roads Department?

Mr TROY replied:

- (1) 40.
- (2) No.
- (3) Eight people will be transferred from Kununurra. Two people have been offered alternative work. Of these, one has elected to resign. No-one will be retrenched.

The reduction reflects the reduced road programme in the Kununurra area.

- (4) Of those currently employed, 31.
 (5) The adjustments to numbers employed are not expected to have any significant effect on Kununurra-based contractors working for the Main Roads Department.

	\$
(d) Carnarvon Irrigation District	
—improve headworks by automation of some bores	148 000
—investigations	124 000
—minor improvements	153 000
TOTAL	\$425 000

STATE FINANCE: GENERAL LOAN AND CAPITAL WORKS FUND

Allocation: Carnarvon

1453. Mr LAURANCE, to the Minister for Water Resources:

Will he provide details of the works proposed with the following funds provided in the capital works programme for 1986-87 at Carnarvon:

- (a) Water supply—\$1 084 000
 (b) Sewerage—\$46 000
 (c) Drainage—\$790 000
 (d) Irrigation—\$425 000?

Mr BRIDGE replied:

	\$
(a) 1. Gascoyne Junction water supply improvements	10 000
2. Exmouth water supply—source improvements	115 000
3. Denham water supply—minor improvements	150 000
4. Carnarvon Town water supply	
—source improvements	357 000
—minor improvements	88 000
5. Town water supplied within the district	
—minor improvements and extensions	312 000
—works for subdivisions	52 000
TOTAL	\$1 084 000
	\$
(b) Exmouth sewerage minor improvements	
—sewer mains extensions and connections to subdivisions	46 000
(c) Carnarvon Drainage District Flood mitigation works—Closure of the South Arm and land matters	785 000
Installation of telemetry equipment on Gascoyne River	5 000
TOTAL	\$790 000

TRANSPORT TRUST FUND

Income

1454. Mr LAURANCE, to the Minister for Transport:

- (1) What is the total amount expected to be raised for the transport trust fund in the 1986-87 financial year?
 (2) How will these funds be appropriated?

Mr TROY replied:

Refer to my answer to question 1429.

STATE FINANCE: GENERAL LOAN AND CAPITAL WORKS FUND

Allocation: Mandurah Police Station

1475. Mr CASH, to the Minister for Police and Emergency Services:

- (1) Will he provide details of the proposed expenditure of \$2 573 000 in respect of the proposed Mandurah Police Station, of which \$1 000 000 has been set aside in the capital works programme for the year ending 30 June 1987?
 (2) When is the project due for completion?

Mr GORDON HILL replied:

- (1) The new police station complex proposed for Mandurah at an estimated cost of \$2 573 000 will replace the existing inadequate facility erected in 1958 near the old traffic bridge and will accommodate general duties police, CIB, liquor and gaming officers, and traffic police.
 \$1 000 000 has been set aside in the 1986-87 capital works programme to enable construction to commence this financial year. The remaining expenditure will carry over to the 1987-88 capital works budget.

(2) November 1987.

STATE FINANCE: GENERAL LOAN AND CAPITAL WORKS FUND

Allocation: Police Department

1476. Mr CASH, to the Minister for Police and Emergency Services:

Will he provide details of the proposed expenditure of \$2 859 000 for the computer equipment as set out in the capital works programme for the year ending 30 June 1987?

Mr GORDON HILL replied:

The \$2 859 000 provided for computer equipment is for—

1. Upgrading of the central mainframe system and peripherals	\$1 463 056
2. Purchase of an NEC automated fingerprint identification system	\$1 072 315
3. Purchase of computer terminals, printers, word processors, and microcomputers	\$323 629
TOTAL	\$2 859 000

WASTE DISPOSAL

Littering: America's Cup Races

1479. Mr HASSELL, to the Minister representing the Minister with special responsibility for the America's Cup:

- (1) What measures are being taken to ensure that people of all nationalities are encouraged not to permit garbage, rubbish, or other matter to be deposited in the control area as designated by the America's Cup Yacht Race (Special Arrangements) Act 1986?
- (2) What action will be taken against such offenders?
- (3) (a) Have special arrangements been made to monitor the ocean shoreline daily and clean up any pollution that might occur as a result of the America's Cup races;
(b) if not, will such arrangements be considered?

Mr PEARCE replied:

This question has wrongly been addressed to the Minister with special responsibility for the America's Cup. It has been referred to the Minister for Transport, and he will answer the question in writing.

SEWAGE DISPOSAL

America's Cup Races

1480. Mr HASSELL, to the Minister for Health:

- (1) What measures are being taken to ensure that sewage from the spectator fleet viewing the America's Cup does not cause a health nuisance to the waters and shorelines in the Perth area?
- (2) If the waters do become polluted, what measures will be taken to ensure that the waters do not become a health hazard?

Mr TAYLOR replied:

- (1) The Government has proclaimed a regulation under the America's Cup Yacht Race (Special Arrangements) Act 1986 which states that a person shall not discharge wastes—includes sewage—from a vessel. Arrangements have also been made with a private contractor to remove solid and liquid wastes from pleasure craft and ferries. Education of the boating community in relation to the need for voluntary control of pollution from vessels is also being undertaken.
- (2) The Health Department of Western Australia regularly samples ocean bathing areas, and should any of these results indicate a pollution potential, action will be taken to protect public health.

WASTE DISPOSAL

Littering: America's Cup Races

1481. Mr HASSELL, to the Minister for Transport:

- (1) What measures are being taken to ensure that the boating public viewing the America's Cup races do not permit rubbish, garbage, or other material to be deposited in the control area as per the America's Cup Yacht Race (Special Arrangements) Act 1986?
- (2) If such rubbish, garbage, or other matter is deposited in the control area, what arrangements are being made to ensure that local beaches are not polluted?
- (3) If the beaches become polluted, what measures will be taken to rectify the matter?

(4) Is a publicity campaign planned to encourage the boating public not to permit garbage, rubbish, or other matter to be deposited in the control area?

(5) If so, when will the campaign commence?

Mr TROY replied:

(1) Directions have been given to all boat owners and operators by the Harbour Master, Fremantle and Harbour Master, Port of Perth, under the America's Cup Yacht Race (Special Arrangements) Act prohibiting garbage, rubbish, or other matter being deposited in controlled waters. Those directions were published in the Press on 1 October 1986, and it is planned to republish them monthly.

Spectator vessel operating instructions issued by the Department of Marine and Harbours and the Fremantle Port Authority through their own public counters, the America's Cup Information Centre, yacht and boating clubs, and organisations of boat owners and charter vessel operators, contained warnings against littering the oceans.

Department of Marine and Harbours inspectors aboard patrol vessels keep a watch on vessels around the courses in an effort to detect litter, etc., being thrown overboard.

The Keep Australia Beautiful Council is providing litter bags at public boat ramps.

(2) No practical arrangements can be made to prevent isolated and undetected garbage from being washed onto beaches. The State counter disaster plan for marine pollution is designed to counter serious pollution by oil and other noxious substances.

(3) Beach clean-up is a matter for the relevant local authority.

(4) and (5) The Keep Australia Beautiful Council (WA) has undertaken a \$170 000 television campaign which commenced on 22 June 1986 and will extend until mid-February 1987. The messages are aimed at the boating public to prevent litter being dropped overboard.

"ENVIRONMENT MANAGEMENT GUIDELINES FOR ANIMAL BASED INDUSTRIES"

Publication

1488. Mr RUSHTON, to the Minister for Water Resources:

(1) Will he please let me have a copy of the report or draft report, "Environment Management Guidelines for Animal Based Industries"?

(2) Is the authority requiring owners or occupiers to licence non-artesian bores in the Peel groundwater area which are used for domestic and stock purposes only?

(3) If "Yes" to (2), are these licences transferable on sale of property?

(4) If "No" to (3), why is the licence not transferable?

(5) Because of the potentially severe adverse effect on the property value due to non-transferability of the licence, what administrative practice is available for owners to such transference of the licence over the water bore?

(6) Are pigs regarded as livestock for the purposes of licensing when the authority considers wells and bores being utilised for domestic and stock purposes only?

(7) If "No" to (6), what is the reason for this determination?

Mr BRIDGE replied:

(1) As stated in my answer to the member's question 823 of 15 July 1986 on the same topic, the document is still in the hands of the subcommittee involved in its preparation. This subcommittee, which includes industry representation, expects that an updated draft will be available for wider circulation at the end of the year. I will arrange for a copy of the report to be made available to the member after it is finalised.

(2) Yes, but only for non-artesian wells situated on lots of area 2 000 square metres or greater.

(3) No. The new owner must apply for a licence in his own name, and a licence will normally then be issued as a matter of course.

- (4) Under the provisions of the Rights in Water and Irrigation Act, licences are not transferable.
- (5) It is common practice that a purchaser makes an offer subject to the granting of a licence. The Water Authority normally gives an undertaking that a licence will be issued to the new owner.
- (6) and (7) Yes, but only to the extent of the drinking requirements for free-range operations. Intensive raising of pigs can be a relatively large user of groundwater and has the potential to pollute the water resource. Overall water requirements are evaluated on the same basis as other large users.

WATER AUTHORITY

Professional Surveyors

1490. Mr MENSAROS, to the Minister for Water Resources:

- (1) How many professional surveyors are employed by the Water Authority of Western Australia at present?
- (2) How many auxiliary staff to assist the surveyors are employed?
- (3) What are the—
 - (a) city; and
 - (b) country depots from where these surveyors work preparing construction jobs?
- (4) Would he please describe the construction jobs presently ready for surveying work?

Mr BRIDGE replied:

(1) Professional surveyors	33
(2) Trainee surveyors	2
Technician	1
Senior Instrument Hands	22
Instrument hands	8
Survey hands	50
Total	83

- (3) (a) City depots are Leederville, Shenton Park, Hamilton Hill, Welshpool, and Gwelup;
- (b) country centres are Albany, Broome, Bunbury, Collie, Carnarvon, Derby, Geraldton, Kalgoorlie, Karratha, Kununurra, Mandurah, Merredin, Narrogin, Northam, and Port Hedland.

- (4) The surveyors situated at the above locations provide surveying services supporting design, construction, and maintenance of the authority's facilities.

The surveying service provided for construction works is only one of the functions performed by the surveyor. The number of actual construction jobs ready for survey control are too numerous to separately list. Generally, however, the construction projects include sewerage reticulation, rising mains, pumping stations, treatment works, water mains, service reservoirs, drainage, and utilisation works.

SPORT AND RECREATION: COMMUNITY CAMP

Noalimba: Use

1497. Mr MacKINNON, to the Minister for Sport and Recreation:

- (1) Are the Australian Institute of Sport members currently housed at the Noalimba Reception Centre?
- (2) If so, where will they be housed when the Centre closes?

Mr WILSON replied:

- (1) Yes.
- (2) The Department for Sport and Recreation is cooperating with the Australian Institute of Sport to find alternative accommodation. A meeting has already been held with representatives from the Australian Institute of Sport and the men's and women's hockey associations to discuss this issue. Further meetings are to follow, and the needs of the AIS hockey unit will be fully addressed during the feasibility study that is to be conducted in relation to the provision of residential accommodation for sporting and community groups.

The State Government has been at the forefront in securing for Western Australia the AIS hockey unit and has ensured the unit will remain in this State by providing an annual grant of up to \$50 000 and contributing \$1.3 million towards the cost of the additions to the Commonwealth Hockey Stadium including facilities for a permanent AIS headquarters.

PLANNING: TEAROOMS

Mosman Park: Building Licence

1505. Mr HASSELL, to the Minister for Transport:

- (1) Does he recall a report in *The West Australian* newspaper of last Friday that he had asked for the development of the Mosman Park river tearooms to be halted till he had approved a building licence for the project?
- (2) Whom did he ask to halt the development?
- (3) Was it halted?
- (4) Is it still halted?
- (5) Has he yet given approval for a building licence?

Mr TROY replied:

- (1) Yes.
- (2) The General Manager of the Department of Marine and Harbours.
- (3) Yes.
- (4) No.
- (5) Yes.

PLANNING: TEAROOMS

Mosman Park: Access

1506. Mr HASSELL, to the Minister for Transport:

- (1) In giving approval for the development of the Mosman Park river tearooms, what arrangements has he approved in relation to—
 - (a) access for land-based services;
 - (b) parking for patrons relative to the capacity of the tearooms?
- (2) Will those arrangements comply with requirements which would be imposed if the development were on land within the Mosman Park municipality?

Mr TROY replied:

- (1) (a) Power, water, and sewerage have already been provided to the development site by the relevant authorities;
- (b) this matter was considered by the State Planning Commission prior to it approving the development.
- (2) The land planning issues are matters which are outside the area of my responsibility.

PLANNING: TEAROOMS

Mosman Park: Liquor Licence

1507. Mr HASSELL, to the Minister for Transport:

In relation to the Mosman Park river tearooms development, in what way and by what arrangements will the Government guarantee—

- (a) that the development is operated as a tearooms only;
- (b) that there will be no liquor licence on or in respect of the site at any time in the future;
- (c) that the business of the provision of food will not operate outside the hours 8 a.m. to 8 p.m.?

Mr TROY replied:

- (a) The jetty licence will specify the approved uses for which the building may be used;
- (b) the jetty licence will contain conditions relating to the restriction on obtaining a liquor licence; this Government will oppose any application for a liquor licence for the premises;
- (c) the jetty licence will specify the hours of operation of the business.

PLANNING: TEAROOMS

Mosman Park: Plan Approvals

1508. Mr HASSELL, to the Minister for Transport:

- (1) Does he recall his statement of last Thursday, reported in *The West Australian* last Friday, that he would not issue a building licence for the Mosman Park river tearooms development until the plans had been approved by the State Planning Commission, the Swan River Management Authority, the Department of Marine and Harbours, and the Mosman Park Town Council?
- (2) Why is he not now proceeding on that basis?
- (3) Has final approval for the development to go ahead now been given?

Mr TROY replied:

- (1) Yes.
- (2) Since making that statement the Government has seen fit to examine the proposed project. It considers that

all necessary approvals have been obtained and that the project should be permitted to proceed.

(3) Yes.

EDUCATION: PRIMARY SCHOOL

Broome: Renovations

1511. Mr LAURANCE, to the Minister for Education:

- (1) Did he give an undertaking that repairs and renovations would be carried out at the Broome primary school—Weld Street site—when he met with the parents and citizens and local representatives at the school earlier this year?
- (2) Has any allocation been made in the 1986-87 budget for this work to be carried out? If not, why not?

Mr PEARCE replied:

- (1) and (2) Minor items of repair and renovation are to be undertaken in the current financial year. Any work of this nature will be independent of the general building programme which is scheduled for Broome this year.

POLICE FORCE

Recruitments

1512. Mr CASH, to the Minister for Police and Emergency Services:

How many persons are to be recruited into the Police Force between Tuesday, 21 October 1986 and 30 June 1987?

Mr GORDON HILL replied:

In order to provide the Commissioner of Police with additional manpower to enable him to meet the policing tasks imposed as a result of increased activities in the Fremantle area during the America's Cup period, while minimising possible disruption to policing in the rest of the State, the Government authorised the Commissioner of Police to recruit in advance, in respect of both increases to authorised police strength and replacement for anticipated retirements.

This advance recruiting programme is now completed and accordingly it is not planned to recruit further until after 30 June 1987 as officers who would normally have been recruited to

that date have already been recruited earlier than may otherwise have been the case, and the necessary funds to support this advance recruitment were allocated in the recent Budget.

I welcome the opportunity provided by the member's question to again place on record that this Government has provided the most substantial boost to police numbers in the history of policing in this State, by increasing the authorised strength of the Police Force by 300 officers in its first term and undertaking to repeat that initiative in its second term of office, in order to address and rectify the neglect of the previous Liberal Administration in regard to police strength.

FORESTS

Woodchipping: Surveys

1513. Mr STEPHENS, to the Minister for Conservation and Land Management:

- (1) With respect to proposals advanced years ago by Whittakers to develop woodchipping in the south-west, in what year were the surveys done?
- (2) What area is involved and how many hectares?
- (3) What tonnage is sought and what are the proposed terms of operation?
- (4) What was the substance of the report to the Government and what were the recommendations in respect to making the resource available for the particular project?

Mr HODGE replied:

- (1) The feasibility studies were undertaken in 1970 and 1971.
- (2) No particular area was specified. The investigations were initiated on areas east of the Frankland River.
- (3) The initial proposal envisaged an export tonnage of 100 000 to 200 000 tons per annum. No precise terms of operation were laid down.
- (4) In view of the State's commitment to the WACAP project, a second project did not proceed.

LOCAL GOVERNMENT

Albany: Boundaries Commission Investigation

1514. Mr STEPHENS, to the Minister for Local Government:

(1) With respect to the appointment of the Boundaries Commission to investigate the situation in the town of Albany and the Shire of Albany, under what section of the Local Government Act was the appointment made?

(2) Who are the appointees?

(3) What are the terms of reference?

Mr CARR replied:

(1) Section 12(6) of the Local Government Act.

(2) Chairman—Dr Michael C. Wood, Secretary, Department of Local Government

Member—Mr James G. Burnett, Mayor, City of South Perth

Member—Cr. Richard W. Maslen, Shire of Greenough.

(3) The Boundary Commission's terms of reference in respect of the Albany situation referred to—

1. The viability of the establishment of the one local government on the boundaries proposed in the petition submitted to the Governor by the Albany One Movement and the effect of that proposal on adjoining local governments;

2. The impact of the formation of one local government on rating and services;

3. The desirable arrangements for representation; and

4. Other matters which the Commission believes should be brought to the attention of the Minister for Local Government.

PLANNING: TEAROOMS

Mosman Park: Approval

1515. Mr RUSHTON, to the Premier:

(1) Adverting to question 1430 of 1986, will he please table a copy of the Press statement?

(2) Who gave approval for the Mosman Park marine complex to proceed?

(3) Under what Act was this approval given?

Mr BRIAN BURKE replied:

(1) Yes. The statement follows.

(2) The Minister for Transport, State Planning Commission, and the Department of Marine and Harbours.

(3) The Metropolitan Region Town Planning Scheme Act and the Jetties Act.

MEDIA STATEMENT

Department of the Premier and Cabinet

The State Government will oppose any application by developers Dallas Dempster and Denis Marshall for a liquor licence for the tearooms being built at Mosman Park.

Premier Brian Burke said today the Government would also insist the developers give a commitment the tearooms would be open only between 8 am and 8 pm.

Local residents had expressed fears the owners would operate the tearooms as a restaurant.

The State Planning Commission already had insisted that a second storey be removed from the plans before approval was given.

There had been complaints also that the original plans provided seating for only a handful of people and the tearooms would become an exclusive club for the rich.

Mr Burke said the latest plans provided much greater public access to the tearooms and kiosk.

The Premier said the developers of the project had received all the necessary Government approvals for the work currently being undertaken.

"After hearing reports from the Ministers for Transport, Planning and Environment it appears every legal requirement has been met by the developers," he said.

The first approval was given by all parties in March to replace Smith's boatshed and tearooms.

That approval had been given subject to three conditions. These were to use building materials more in keeping with the environment, to reduce the height of the building and to clean up old piles and debris around the site.

The new plans—which provided for a slightly smaller development but increased public access—had been approved by the State Planning Commission and now an argument had developed about them.

The only approval still required was the final approval from the Minister for Transport for a jetty licence to enable the construction of the buildings. The developers already had permission to proceed with the jetty part of the structure.

Mr Burke said initial plans for the marina were approved in March after talks between the developers, Mosman Park Town Council, the State Planning Commission, Swan River Management Authority and the Department of Marine and Harbours.

TECHNICAL AND FURTHER EDUCATION

Lecturers: Conditions of Employment

1516. Mr COWAN, to the Minister for Education:

- (1) Can he advise the House of the required teaching hours and duty hours of various grades of technical and further education lecturers?
- (2) How does this compare with educational institutions elsewhere?
- (3) Is the Government following the recommendations of the Dormer Report, either in part or in whole?
- (4) If "Yes", how closely?

Mr PEARCE replied:

- (1) The weekly duty hours for all technical and further education lecturers in the Education Department is 30. The actual teaching hours vary depending on the grade of lecturer, nature of subjects taught, the number of different subjects taught, and whether work

undertaken after 5.30 p.m. falls within the 30-hour weekly duty.

The teaching hours are determined according to the following chart—ref. TSPI 106.02—with further reductions for work undertaken after 5.30 p.m. Each hour worked after 5.30 p.m. as normal tour of duty is counted as 1½ hours toward the required 30 weekly hours.

- (2) Other institutions in the State do not operate in a manner comparable in all respects to the complete set of arrangements outlined in the answer to question (1). Furthermore, annual leave entitlements vary across institutions, which makes comparisons even more difficult.
- (3) No. The decisions taken by Government are in no way connected with recommendations contained in the Dormer Report.
- (4) Not applicable.

PREPARATION OF TIME-TABLES:

TSPI 106.02

TABLES 1 and 2 LECTURING HOURS AND DOTT.

1. See Policy 106.

2.

TABLE 1: LECTURERS

Subject Load	Lecturers A				Lecturers B & Lecturers B (Trades)	Lecturers C & Lecturers C (Trades)
	Category					
	1	2	3	4		
Lecturing in 5 or more subjects	16	18	20	21	21	22
Lecturing in 4 subjects	17	19	20	22	22	22
Lecturing in 3 subjects	18	20	21	23	23	23
Lecturing in 2 subjects	19	20	21	23	23	23
Lecturing in 1 subject	19	20	21	23	23	23

3.

TABLE 2: SENIOR LECTURERS

Subject Load	Senior Lecturers A				S/Lecturers B & S/Lecturers B (Trades)
	Category				
	1	2	3	4	
Lecturing in 5 or more subjects	12	14	16	17	17
Lecturing in 4 subjects	13	15	16	18	18
Lecturing in 3 subjects	14	16	17	19	19
Lecturing in 2 subjects	15	16	17	19	19
Lecturing in 1 subject	15	16	17	19	19

* Category 1: Not less than 12 actual hours Group 1.

Category 2: Not less than 12 actual hours Group 1 and 2 not less than 5 actual hours of Group 1.

Category 3: Not less than 12 actual hours Groups 1 and 2.

Category 4: Less than 12 actual hours Groups 1 and 2.

EDUCATION: SCHOOLS

Computers: Policy

1517. Mr BRADSHAW, to the Minister for Education:

- (1) Does the Government have a policy and/or plan for computers in schools?
- (2) If so, what is the policy and/or plan?
- (3) Has he written to those schools who had been promised a computer and explained the Government's attitude?
- (4) When can the schools expect to receive computers as promised?
- (5) Is any research being carried out into use of computers in schools?

Mr PEARCE replied:

- (1) and (2) Yes. However, the abandonment of the Commonwealth computer education programme and professional development programme, in addition to the recently announced State Budget decisions, have obliged me to seek a major review of the Education Department's plans for computer education. The results of this review will be announced as soon as possible.
- (3) I have taken steps to see that schools will be advised of the implications of these Budget decisions.
- (4) The Government will continue with its subsidy scheme for the provision of computers during the 1986-87 financial year. The prospect of more extensive support will be kept under review.
- (5) The Education Department is engaged in a collaborative project with the University of Western Australia examining the effectiveness of different approaches to learning through computers.

SOLAR ENERGY RESEARCH INSTITUTE

Buildings

1519. Mr CASH, to the Minister for Minerals and Energy:

- (1) What does the Government intend to do with the Solar Energy Research Institute of Western Australia buildings at Bentley?
- (2) Did the Government consult with the staff at the Solar Energy Research Institute of Western Australia before the decision was made to amalgamate the Solar Energy Research Institute of Western Australia with the Western Australian Mining and Petroleum Institute?
- (3) If "No" to (2), were the staff informed of this decision?
- (4) Does this reflect Government policy on its dealings with its staff?

Mr PARKER replied:

- (1) No decision has yet been made.
- (2) to (4) The decision to amalgamate the functions of SERIWA and WAMPRI was a policy decision. The staff were informed of the decision immediately prior to the Budget presentation.

TECHNICAL AND FURTHER EDUCATION

Lecturers: Non-striking

1520. Mr CASH, to the Minister for Education:

- (1) Is he aware that some lecturers at technical and further education institutions who have been presenting themselves for work at their respective places of employment have been told by their supervisors that there is no work to be performed during the current industrial action and that irrespective of whether they present themselves for work and remain at work ready and willing to perform their jobs, they will have deducted from their salary an amount equal to the number of days of the industrial action?
- (2) (a) Does this action by supervisors constitute a lockout;
(b) if so, what action does he propose to take?

- (3) Will any deductions be made from the salaries of lecturers who present themselves for work during the current industrial dispute?

Mr PEARCE replied:

- (1) It is possible that such action has occurred since most senior college-based staff with authority to close classes are also members of the union that took industrial action last week. The department has taken action to ensure that staff who did not take industrial action will not suffer loss of pay.
- (2) (a) I accept that some closure of premises is inevitable during industrial action by lecturers, for safety and security reasons, where insufficient staff are on duty;
- (b) departmental staff are endeavouring to ensure that classes can continue wherever lecturers are available for duty.
- (3) No.

ENERGY

Solar Projects: Terminations

1521. Mr CASH, to the Minister for Minerals and Energy:

- (1) Will he list the solar energy projects which were under the control of the Solar Energy Research Institute of Western Australia when the Treasurer delivered the Budget on 16 October 1986?
- (2) Will any solar energy projects be terminated when the Solar Energy Research Institute of Western Australia amalgamates with the Western Australian Mining and Petroleum Institute?
- (3) If "Yes" to (2), which projects will be terminated?
- (4) Will the amalgamation of the Solar Energy Research Institute of Western Australia and the Western Australian Mining and Petroleum Institute result in cost savings?
- (5) If "Yes" to (4)—
- (a) how much will be saved;
- (b) how will these savings be made?

- (6) Will there be any likely conflict of interests in the new organisation formed by the amalgamation of the Solar Energy Research Institute of Western Australia and the Western Australian Mining and Petroleum Institute?

Mr PARKER replied:

- (1) The following projects were under the control of the Solar Energy Research Institute of Western Australia—SERIWA—when the Treasurer delivered the Budget—

Solar powered electrical services for remote Aboriginal homeland settlements;
interfacing and control of PV diesel systems;
solar water pumping evaluation—NERDDC;
inverter evaluation programme;
design guide for energy-efficient buildings;
Broken Hill Associated Smelters battery investigation;
Northern Territory solar water pump evaluation;
monitoring of Balladonia Roadhouse;
manufacture of two Solar Paks for Aboriginal community;
energy balance booster control;
PV spectral reference measurements.

The institute also provides an information dissemination service, sponsors external design competitions, and funds external projects.

- (2) It is hoped that existing projects will be completed and new projects initiated by grants made by WAMPRI.
- (3) See (2) above.
- (4) Yes.
- (5) A final figure in regard to the savings that will be made is yet to be ascertained. However, SERIWA asked for a grant of \$750 000 for the current year from the State Government. The final savings will at least amount to the salary and overhead costs of the administration of SERIWA.
- (6) No.

STATE FINANCE: BUDGET

Allocation: Police Department

1522. Mr MacKINNON, to the Treasurer:

- (1) Will he detail the items in general terms which made up the \$4 381 000 expended on plant, equipment, etc under Division 93 of the 1986-87 Consolidated Revenue Fund Estimates?
- (2) Why is the budget estimate for this item in 1986-87 only \$842 000?

Mr BRIAN BURKE replied:

This question has been incorrectly addressed to the Treasurer. It has been referred to the Minister for Police and Emergency Services, and he will answer the question in writing.

STATE FINANCE: BUDGET

Allocation: Police Department

1523. Mr MacKINNON, to the Treasurer:

- (1) Will he detail the items in general terms which made up the \$6 347 345 expended on support services under Division 93 of the 1986-87 Consolidated Revenue Fund Estimates?
- (2) Why has the Budget estimate for this item increased in 1986-87 to \$13 642 000?

Mr BRIAN BURKE replied:

This question has been incorrectly addressed to the Treasurer. It has been referred to the Minister for Police and Emergency Services, and he will answer the question in writing.

STATE FINANCE: BUDGET

Allocation: Police Department

1524. Mr MacKINNON, to the Treasurer:

- (1) Will he detail the items in general terms which make up the other staffing costs of \$5 579 646 expended in 1985-86 as listed under Division 93 in the 1986-87 Consolidated Revenue Fund Estimates?
- (2) Why is the Budget estimate for this item in 1986-87 only \$556 000?

Mr BRIAN BURKE replied:

This question has been incorrectly addressed to the Treasurer. It has been referred to the Minister for Police and

Emergency Services, and he will answer the question in writing.

STATE FINANCE: BUDGET

Allocation: Westrail

1525. Mr MacKINNON, to the Treasurer:

Why has the depreciation provision in Division 87 of the 1986-87 Consolidated Revenue Fund Estimates reduced from \$14 965 000 in 1985-86 to an estimated \$7 million in 1986-87?

Mr BRIAN BURKE replied:

This question has been incorrectly addressed to the Treasurer. It has been referred to the Minister for Transport, and he will answer the question in writing.

GOVERNMENT EMPLOYEES

Superannuation: Agreements

1526. Mr MacKINNON, to the Premier:

- (1) Has the Government, since 1 February 1986, concluded any agreements for workers in its employ who are not covered by the State Superannuation Scheme?
- (2) If so, what are the details of those agreements?

Mr BRIAN BURKE replied:

The member's question is not understood. If he is able to clarify it, I should be only too pleased to respond.

STATE FINANCE: BUDGET

Allocation: Surveys and Studies

1527. Mr MacKINNON, to the Treasurer:

What surveys and studies were carried out in 1985-86 and in each case at what cost for the total expenditure of \$434 965 under the heading "Surveys and Studies" on page 74 of the 1986-87 Consolidated Revenue Fund Estimates?

Mr BRIAN BURKE replied:

This question has been incorrectly addressed to the Treasurer. It has been referred to the Minister for Budget Management, and he will answer the question in writing.

STATE FINANCE: BUDGET

Allocation: Systems Research Institute

1528. Mr MacKINNON, to the Treasurer:

For what purpose has \$625 000 been allocated to the Systems Research Institute of Western Australia in the 1986-87 Consolidated Revenue Fund Estimates?

Mr BRIAN BURKE replied:

This question has been incorrectly addressed to the Treasurer. It has been referred to the Minister for Industry and Technology and he will answer the question in writing.

STATE FINANCE: BUDGET

Allocation: Incidentals

1529. Mr MacKINNON, to the Treasurer:

What payments were made in 1985-86 that totalled \$80 003 under Item 115 of the Miscellaneous Services vote in the 1986-87 Consolidated Revenue Fund Estimates?

Mr BRIAN BURKE replied:

This question has been incorrectly addressed to the Treasurer. It has been referred to the Minister for Budget Management, and he will answer the question in writing.

HEALTH

*Specific Learning Difficulties Association:
Financial Support*

1530. Mr MacKINNON, to the Treasurer:

- (1) Will the Government be providing any financial support to the Specific Learning Difficulties Association of Western Australia during the year ending 30 June 1987?
- (2) If so, what will be the nature of the support?
- (3) If not, why not?

Mr BRIAN BURKE replied:

This question has been incorrectly addressed to the Treasurer. It has been referred to the Minister for Education, and he will answer the question in writing.

STATE FINANCE: BUDGET

Allocation: Rural Adjustment and Finance Corporation

1531. Mr MacKINNON, to the Treasurer:

What plant and equipment is to be purchased by the Rural Adjustment and Finance Corporation of Western Australia for the \$554 000 allocated for that purpose in the 1986-87 Consolidated Revenue Fund Estimates?

Mr BRIAN BURKE replied:

This question has been incorrectly addressed to the Treasurer. It has been referred to the Minister for Agriculture, and he will answer the question in writing.

EMPLOYMENT STRATEGY TRUST FUND

Administration

1532. Mr MacKINNON, to the Minister for Employment and Training:

- (1) Who administers the Employment Strategy Fund Trust Fund?
- (2) What was the balance of that fund as at 30 June 1986?

Mr PETER DOWDING replied:

- (1) The Department of Employment and Training.
- (2) \$97 852.47.

STATE FINANCE: BUDGET

Allocation: Nurses' Salaries

1533. Mr MacKINNON, to the Minister for Health:

What increase in nurses salaries has been budgeted for in the 1986-87 Consolidated Revenue Fund Estimates?

Mr TAYLOR replied:

In accordance with normal practice, a general provision for award increases in 1986-87 for the health work force as a whole has been included in the Consolidated Revenue Fund Estimates for hospital fund—operating and other subsidies. At this time it is not possible to separate an amount for nurse salaries in general.

STATE FINANCE: BUDGET

Allocation: Community Health Services

1534. Mr MacKINNON, to the Minister for Health:

Why has the budget allocation for Community Health Services increased from an expenditure of \$2 849 046 in 1986-87 to the budgeted figure of \$11 770 000?

Mr TAYLOR replied:

The major factors contributing to the 1986-87 increase in the Consolidated Revenue Fund allocation for Community Health Services are increases in the joint State and Commonwealth-funded home and community care programme, the transfer from CRF Item 18 Senior Citizens Services re-home and community care programme, provision for escalation, and an increase in expenditure under Commonwealth community health programme.

STATE FINANCE: BUDGET

Allocation: Health Department

1535. Mr MacKINNON, to the Minister for Health:

Why has the Budget allocation for operating and other subsidies—Item 12 in Division 75 of the Consolidated Revenue Fund Estimates—increased from an expenditure of \$426 483 000 in 1985-86 to a budget figure of \$497 370 000 in 1986-87?

Mr TAYLOR replied:

The major factors contributing to the 1986-87 increase in the Consolidated Revenue Fund allocation to the hospital fund—operating and other subsidies are additional costs of industrial decisions and new initiatives flowing on from 1985-86, provision for escalation in wages and other goods and services, charges in revenue from various sources, recurrent costs for 1986-87 associated with capital works to be completed in the financial year, and various other items, net.

STATE FINANCE: BUDGET

Allocation: Government Property Unit

1536. Mr MacKINNON, to the Treasurer:

- (1) Will he list the expenses which made up the \$121 860 expended in 1985-86 under Item 14—Government Property Unit—Division 80 of the 1986-87 Consolidated Revenue Fund Estimates?
- (2) Why has the 1986-87 budget expenditure for this item increased to \$271 000?

Mr BRIAN BURKE replied:

This question has been incorrectly addressed to the Treasurer. It has been referred to the Minister for Lands, and he will answer the question in writing.

STATE FINANCE: BUDGET

Allocation: Tourism Commission

1537. Mr MacKINNON, to the Treasurer:

- (1) Will he list the grants and subsidies made by the Tourism Commission in 1985-86 that totalled \$978 455 in the 1986-87 Consolidated Revenue Fund Estimates?
- (2) Why has this Item's budgeted expense increased to \$1 324 000 for 1986-87?

Mr BRIAN BURKE replied:

This question has been incorrectly addressed to the Treasurer. It has been referred to the Minister for Tourism and she will answer the question in writing.

STATE FINANCE: BUDGET

Allocation: Tourism Commission

1538. Mr MacKINNON, to the Treasurer:

- (1) Will he list for me the detail of expenditure made by the Tourism Commission in 1985-86 under the heading "South East Asian Development" which totalled \$469 866?
- (2) Why has this Item's budgeted expenditure declined to \$130 000 in 1986-87?

Mr BRIAN BURKE replied:

This question has been incorrectly addressed to the Treasurer. It has been referred to the Minister for Tourism, and she will answer the question in writing.

WATER RESOURCES: DAM*Murray River: Rejection*

1539. Mr MENSAROS, to the Minister for Water Resources:

To what extent does the announced Cabinet decision to reject water supply dams on the Murray affect the long planned and proposed North Dandalup dam; is the latter still planned to go ahead in the 1990s or has it been rejected with the announced Cabinet decision?

Mr BRIDGE replied:

The decision of Cabinet is related to potential developments within the Lane-Poole reserve and does not affect planning for the proposed North Dandalup dam. The Water Authority is proceeding with planning and environmental studies evaluating the proposed North Dandalup dam and its alternatives.

WA DEVELOPMENT CORPORATION*Noalimba: Transfer*

1541. Mr COWAN, to the Minister co-ordinating Economic and Social Development:

- (1) When will Noalimba be transferred to the Western Australian Development Corporation?
- (2) Is it the Government's intention to sell Noalimba—
 - (a) to the Western Australian Development Corporation;
 - (b) through the agency of the Western Australian Development Corporation; or
 - (c) by any other means?
- (3) If "Yes" to (2), by what method?

Mr BRIAN BURKE replied:

- (1) to (3) The transfer details have yet to be negotiated between the WADC and the Government.

WATER AUTHORITY*Staff: Collie*

1542. Mr COWAN, to the Minister for Water Resources:

- (1) Has a decision yet been made on the future of Water Authority staff at Collie?

- (2) If "Yes", what is that decision?
- (3) If "No", when will the decision be announced?

Mr BRIDGE replied:

- (1) No.
- (2) Not applicable.
- (3) No proposal regarding the future of Water Authority staff at Collie has been put to me for a decision. However, in the event of my making such a decision, I will announce it as soon thereafter as possible.

RURAL AND INDUSTRIES BANK*Capital Stock Issue*

1543. Mr NALDER, to the Treasurer:

- (1) With reference to the capital stock issue of the Rural and Industries Bank earlier this year, is information relating to which institutions took up the capital stock available publicly?
- (2) If so, where?
- (3) Does he view with any concern the inclusion of \$30 million of the stock in the Armstrong Jones prime investment fund?

Mr BRIAN BURKE replied:

- (1) No.
- (2) Not applicable.
- (3) No.

EDUCATION*Tertiary Fees: External Students*

1544. Mr HOUSE, to the Minister for Education:

- (1) With reference to the recently announced \$250 fee for students enrolling at tertiary institutions for 1987, is the fee to be paid in full by external students?
- (2) Is the fee to be paid in full by part-time students?
- (3) If "Yes" to (1) and (2), what steps has he taken to point out to the Commonwealth Government the injustice of the application of full fees on part-time and external students?
- (4) Is he considering the waiving of compulsory guild membership for those external and part-time students who cannot afford to pay both guild fees or their equivalent and the new fees?

- (5) If "No" to (4), what financial assistance, if any, is the State Government prepared to offer part-time and external students so that the total of fees maintains relatively to the fees payable by full-time internal students?

Mr PEARCE replied:

- (1) Yes.
- (2) Yes.
- (3) I have made representation to the Commonwealth Government about the fee in general and the anomalies in particular.
- (4) No.
- (5) This is a Commonwealth charge, and State financial assistance would not be appropriate. However, the Commonwealth is proposing that arrangements be put in place for students in need to have loan arrangements from tertiary institutions for the payment of the administration charge.

SPORT AND RECREATION

Horse Training Track: Rockingham

1545. Mr TRENORDEN, to the Minister for Racing and Gaming:

- (1) Has the Government approved, or does it plan to approve in the foreseeable future, funds for a training track or any other facilities to do with horseracing in the Rockingham area?
- (2) If so, how much money is involved?
- (3) Who is in receipt of the funds?

Mrs BEGGS replied:

- (1) to (3) There is a submission by the Southern Districts Thoroughbred Association before Government for assistance of \$500 000 to develop horse-training facilities in Rockingham. No decision has yet been made.

ROADS

Fitzgerald Street-Peel Terrace Intersection, Northam: Petition

1546. Mr TRENORDEN, to the Minister for Transport:

- (1) Has he received a copy of a petition addressed to the Northam Town Council with approximately 2 500 signatures concerning the Peel Terrace and Fitzgerald Street intersection in Northam?

- (2) What are the Government's plans to improve the safety factor at this dangerous intersection?

Mr TROY replied:

- (1) No.
- (2) Fitzgerald Street motorists approaching Peel Terrace from either direction should see an advance warning sign and two stop signs at this intersection.

Nearly all reported accidents involve vehicles which have violated these stop signs. Even if they have stopped, they do not appear to have given way to vehicles in Peel Terrace, particularly from the west.

Violations of the no standing zones at the intersection have also been observed.

Stop sign control should be adequate for this location. However, a further examination of all the factors will be undertaken shortly. In the meantime, the police traffic branch will be requested to give the intersection closer attention.

REGIONAL COORDINATOR

Northam: Applications

1547. Mr TRENORDEN, to the Minister for Regional Development:

On 1 March 1986 in *The West Australian* newspaper an advertisement for Position No. 241647—Regional Co-ordinator—sought applications by Thursday, 20 March 1986. When will this position be filled?

Mr CARR replied:

Due to Budget constraints and cutbacks in the public sector, the position will not be filled.

UNEMPLOYMENT

Teenagers: Statistics

1551. Mr CASH, to the Minister for Employment and Training:

Will he provide details of the number of teenagers looking for jobs, on a monthly basis, for the period June 1985 to September 1986?

Mr PETER DOWDING replied:

15-19 year olds looking for full-time work, Western Australia

Month	First Job Seekers ('000)	Total ('000)	Unemployment Rate (%)
June 1985	5.0	11.6	20.4
July 1985	3.5	10.0	18.2
August 1985	2.6	10.6	19.6
September 1985	4.0	11.1	19.2
October 1985	3.2	10.3	19.4
November 1985	2.0	9.3	17.3
December 1985	6.0	13.4	22.2
January 1986	5.6	13.8	21.1
February 1986	5.1	12.7	19.8
March 1986	4.0	11.5	19.2
April 1986	2.4	11.8	19.2
May 1986	3.1	13.2	21.8
June 1986	2.9	11.9	20.0
July 1986	2.6	9.7	16.1
August 1986	2.2	9.5	16.5
September 1986	2.5*	11.5*	19.7*

* Preliminary

QUESTIONS WITHOUT NOTICE

STATE FINANCE

Consolidated Revenue Fund: Withdrawal

316. Mr HASSELL, to the Treasurer:

I refer to page 27 of the Auditor General's report, and to the audit comment detailing the deposit and withdrawal of \$23.6 million into and out of the Consolidated Revenue Fund within the last financial year.

- (1) Why was this amount deposited into the Consolidated Revenue Fund on 30 December 1985?
- (2) Why was this amount subsequently withdrawn from the Consolidated Revenue Fund on 30 June 1986?
- (3) Is it true that had the second transaction not been made the State would have had a surplus of approximately \$24 million for the 1985-86 financial year?
- (4) Has the Treasurer taken advice about the Auditor General's comments, given that they indicate the 30 June withdrawal was illegal?
- (5) If "yes" to (4), what was that advice and what action will the Treasurer take?
- (6) If "no" to (4), will the Treasurer take advice and report to the house in regard to the Auditor General's comments?

Mr BRIAN BURKE replied:

I am aware of a Press statement put out by the Leader of the Opposition this afternoon referring to this matter

and accusing me of almost every conceivable wrongdoing apart from very deliberate arson, and that was only because there was not enough space in the Press release.

I think it is appropriate that I draw the attention of the Parliament to the way in which the Leader of the Opposition appears to think intemperate and extreme language is the norm to be used in addressing any issue, no matter how inert and antiseptic it might be in its subject.

In answer to the Leader of the Opposition's questions, I am advised—

- (1) At the time it was estimated that the interest earnings would be required to balance the Budget. The earlier year's interest earnings were therefore transferred to the Consolidated Revenue Fund.
- (2) Improvement in the Budget in the ensuing six months meant that it was not necessary to bring interest earnings to account to balance the Budget, and the transaction was reversed. This gave effect to a long-established practice of bringing to account only sufficient of the earnings to balance the Budget.
- (3) As in past years, it might also be argued that the whole of the interest earnings of \$56.5 million could be represented as a Budget surplus if the proposition contained in this part of the question is to be agreed to. However, as the Leader of the Opposition would know, the Treasurer is not required to pay all or any of those earnings to the Consolidated Revenue Fund.
- (4) to (6) I do not believe it is necessary to obtain legal advice on the Auditor General's comments. In the past any drawings upon Treasury interest earnings to balance the Budget have been brought to account on 30 June; and I will ensure that that is the practice followed in the future.

All of the comments made by the Leader of the Opposition in his rather colourful and flamboyant Press release accuse me, for example, of being deviant and guilty of all sorts of things

connected with this matter, and mean and narrow characteristics. However, if the Leader of the Opposition had bothered to ask, I could have told him I had no knowledge of the transfer of this amount of money into or out of the Consolidated Revenue Fund. That was confirmed by the Under Treasurer today. It is very difficult to be devious about something when one does not have any knowledge that it has occurred.

Mr MacKinnon: I cannot believe it.

Mr BRIAN BURKE: The Deputy Leader of the Opposition might not be able to believe it.

Mr MacKinnon: It is like buying the Fremantle Gas and Coke Co Ltd and nobody has authorised it.

Mr BRIAN BURKE: Whether the Opposition likes it or not, or thinks it funny or incapable of belief, I am simply saying as succinctly as I can that it is hard to be devious and deceitful, as the Leader of the Opposition claims me to be about everything I do, when I have no knowledge of it. Members opposite may say that I should have had the knowledge and that I am delinquent in not having that knowledge, but they cannot say that I am somehow or other devious in doing something about which I do not have the knowledge.

MOTOR VEHICLE LICENCES

Regional Scheme

317. Mr P. J. SMITH, to the Minister for Police and Emergency Services:

With respect to the recent announcement to the effect that the Police Department will be instituting a regional system for motor vehicle registrations and motor drivers' licence renewals, would the Minister please provide details concerning—

- (1) How this scheme will be instituted?
- (2) Details of the proposed scheme.
- (3) How it will affect the Bunbury office?

Mr GORDON HILL replied:

- (1) The Government has made the resources available to the Police Department to enable the extension of the police computer system throughout the State, thus providing on-line inquiry and update facilities at strategically located centres for motor vehicle registrations and motor drivers' licences.

Regionalisation in this sense means that all vehicle and driver collection centres in country areas that do not possess on-line facilities will forward their documentation to their regional centre for updating of records. This will have the effect of a speedier retrieval of information from the regional centres to the local areas. It will also mean a speedier updating of collections, together with a reduction in the workload at head office and a better utilisation of resources.

- (2) At the moment Albany, Northam, Narrogin, Merredin, Mandurah, and Geraldton are operating on a regional basis. Bunbury has commenced regionalisation operations on a smaller scale and will be completely operational as soon as alterations to existing equipment are completed. Boulder and Karratha will be operational in the first half of 1987.
- (3) Bunbury will service 11 areas, namely Boyup Brook, Bridgetown, Busselton, Capel, Collie, Donnybrook, Manjimup, Pemberton, Margaret River, Augusta, and Nannup. I stress that I am talking about police areas. An additional staff member has been transferred to Bunbury from Perth for this purpose. We have also improved the service delivery in the town itself with the addition of computer facilities.

BUILDING INDUSTRY CODE OF CONDUCT

Breaches

318. Mr THOMPSON, to the Minister for Industrial Relations:

- (1) Is the Minister aware of any breaches of the building industry code of conduct since its inception?

- (2) If "Yes", can the Minister give details of those breaches and of any action taken by the Government in respect of those breaches?

Mr PETER DOWDING replied:

- (1) and (2) I did not have any notice of this question so I obviously have not asked for any departmental advice on the matter. Perhaps the member, by interjection, will say which code of conduct?

Mr Thompson: Either.

Mr PETER DOWDING: In respect of the employers' code of conduct, it has been reported to me that an employer has been in breach of that code but not in a serious way. I understand that the organisation, the Master Builders Association of WA, now accepts—I understand a statement was put out today by the director of that organisation—that the Government's aim is for employers in the industry to impose much greater self-regulation. Therefore, I have not taken any specific action on that reported breach but merely said to the MBA that it needs to discipline itself within its own membership. Having regard to the meetings I have had with the director and other members of that organisation, I feel sure it will occur and that it will not be necessary for the Government to intervene at this time.

In respect of the code of conduct which is the subject of the legislation, that is a matter for the Industrial Relations Commission—

Mr Thompson: You seem to know what the employer situation is.

Mr PETER DOWDING: Let me finish—give me a go.

The legislation requires reports to go to the Industrial Relations Commission and not to me, and I understand that reports have gone to the Industrial Relations Commission. I have not yet received the first report from the chief commissioner, but would expect to do so when he regards it appropriate.

Mr Thompson: How can you claim such a raging success, then?

Mr PETER DOWDING: Belt up and give me a chance, will you?

Mr Brian Burke: If you keep at him, he will burst into a nervous giggle.

Mr PETER DOWDING: Some of them burst into tears when you attack them, and I do not want to do that.

I have been informed by a number of employers that they have made reports to the Industrial Relations Commission, and of the substance of those reports; but as it is a matter for the Chief Industrial Commissioner it would be inappropriate for me to take any action.

POPULATION

Low Birthrate

319. Mrs WATKINS, to the Minister for Women's Interests:

- (1) Is he aware of an article which appeared in yesterday's edition of *The West Australian* newspaper entitled "Warning over low birth rate"?
- (2) Would he care to comment on the accuracy of the allegation that feminism is a threat to population growth?

Mr BRIAN BURKE replied:

- (1) and (2) I must say that during the past few weeks I have expected someone either to hand me a VC for bravery in combat or to shoot me and put me out of my misery, but when I read an article like that I realise that the Opposition really does have more on its plate than it can handle.

This article demonstrates that not only is feminism anything but a threat to the birth rate, but also that those people who are prominent in respect of the Liberal Party's cause do not seem to understand much about their own community or the way in which it can be advanced. I refer members to the article, which is headed "Warning over low birth rate", in which Mr Brian Peachey is quoted. He is a spokesman for the WA branch of the Australian Family Association, and someone who has prominently supported the Opposition during the course of the Midland abattoir inquiry. In a monumental demonstration of intellectual prowess, Mr Peachey reaches the following conclusion—

People would simply recycle their old family homes and the building trade would be halved.

"The decline in population (growth) makes it economically and commercially ludicrous for anyone to build a new brickworks in WA," said Mr Peachey.

I have not seen the Opposition rush to disown this piece of nonsense. Where does the Opposition stand? Are we all to go forth and propagate, or am I to restrain myself on the basis that if I do not, someone might set up a brickworks in opposition to Mr New? It really is something the Leader of the Opposition should stand up and disown. How can these people, so welcome to the cause of the Opposition on other occasions, be allowed to say these sorts of things?

Mr MacKinnon: It is a free country.

Mr BRIAN BURKE: I know it is a free country, and the Leader of the Opposition is free to dissociate himself from this, in the same way as it is legitimate for me to ask where the Opposition stands on the changes to TAFE, and on the GEHA housing rent increases. Where does the Opposition stand on any number of important matters concerning the community today?

Mr Watt: Just worry about those polls.

Mr Laurance: You must be desperate to come in here blackguarding prominent Catholics.

Mr BRIAN BURKE: That is a tribute to the level on which the member for Gascoyne thinks, it really is, having last Thursday once again been demonstrated to be—

Mr Lightfoot: What has it to do with the question?

Mr BRIAN BURKE: What does the member mean? It has a lot to do with the interjection, surely? Am I allowed to answer the interjections, or not? When members opposite stop interjecting, I will stop answering them.

Having demonstrated last Thursday that the member for Gascoyne is prepared to make a whole array of accusations, which within two hours are

denied by such suspicious witnesses as the Commissioner of Police—

Mr Laurance: Untruthful.

Mr BRIAN BURKE: The member for Gascoyne says the Commissioner of Police is untruthful.

Let me get back to the question, because the member for Murchison-Eyre wants the question answered.

Does the member think the decline in population makes it economically and commercially ludicrous for anybody to build a new brickworks? Does he support that nonsense? A minute ago, he was interjecting.

A Government member interjected.

Mr BRIAN BURKE: The member should not say "red herring" in front of the member for Murchison-Eyre—we know how that will send him off. The next thing is, he will be staking a mining claim in the precincts of Parliament House—he has already done Kalgoorlie.

The article in question is a load of nonsense, and every time the Opposition refuses to grasp the nettle, every time it attacks legitimate and right-thinking women in our community who want only to advance the interests of the community, and every time it fails to confront that nonsense, it takes one step further backwards, regardless of the polls.

INDUSTRIAL DISPUTES

Illegal: Government Action

320. Mr HASSELL, to the Minister for Industrial Relations:

My question relates to the Government's policies and practices, and not to someone outside the House for whom the Government is not responsible. I refer the Minister to comments attributed to Mr Alan Bond in today's edition of *The West Australian*, in which he said—

unless the Government acted on illegal union stoppages, projects such as the David Jones site would remain vacant and the second and third stages of Observation City would not go ahead.

- (1) What action has the Government taken in the past week to combat illegal union stoppages on building sites?
- (2) What action does the Government now contemplate taking to combat illegal union action on building sites?

Mr Brian Burke: More than you ever did.

Mr PETER DOWDING replied:

- (1) and (2) It is very true to say that the Government has done more than the Liberal Opposition ever did when in Government. One of the problems was that when we came into office we inherited a system under which the way the previous Government solved industrial disputes was to buy its way out of them. We have put an end to that.

The director of the Master Builders Association has acknowledged today in a public statement that the Government's actions are not only effective but are also actually beginning to bite, and employers are now prepared to stand shoulder to shoulder and not pay out unreasonable or illegal demands. That is as a result of the Government's action, not as a result of anything the Opposition has done, or said, or even suggested. It is the result of our own actions.

The second comment I would make is that neither the Opposition nor the Government runs the industrial relations of individual companies. It is the responsibility of each company to manage its industrial relations. I am quite sure that no employer runs into the Leader of the Opposition's office and expects him to go out and solve an industrial dispute. The place to do that is in an industrial commission—State or Federal—and that is where these disputes should go.

I will say this, and I am quite happy that it be said publicly: Some employers have not been prepared to use the facilities that are provided for them in the two industrial commissions, and it will continue to be impossible to deal with industrial disruption unless people are prepared to use the Federal and State industrial commissions. I urge employers to do that, and not simply to expect that by

paying an unreasonable demand or by asking for someone to say something about it, that demand will go away. The sooner that is understood, and the sooner members opposite stop saying silly things—

Mr Court: We know your stupid schemes—they do not comply with the Industrial Relations Commission.

Mr PETER DOWDING: The patent absurdity of that is a vote of no confidence in the Master Builders Association, because we have been working side by side with them, giving them the support that they have asked us for. We have done everything they have asked us to do, and everything we have done has been done in consultation with them. Therefore anything the member for Nedlands says by way of criticism is a criticism of the people who are actually involved in the building industry.

We will go through this performance until we get some discipline in that industry—that is, discipline on all sides—and it is now beginning to bite. I am pleased to see that the Opposition is beginning to understand that rhetoric is not enough and that action must occur. That action is exactly what the Government has taken.

MEMBER FOR EAST MELVILLE

Car Tampering: Police Investigations

321. Dr WATSON, to the Minister for Police and Emergency Services:

- (1) Was the Minister present in the Chamber when the member for East Melville made his personal explanation?
- (2) If so, will he advise the House of the basis upon which he sought a report on police investigations into allegations concerning the member for East Melville's car?

Mr GORDON HILL replied:

- (1) Yes, I was present in the Chamber and heard the member's personal explanation in which, amongst other matters, he expressed the view that it was improper of police to supply me with information concerning their inquiries.

(2) The allegation of unlawful interference with the member for East Melville's car was made public as a result of the statement made in this House on Wednesday, 15 October 1986, after which the allegation was broadcast by the media, including media circulating locally in the electorate of both the member for East Melville and that of the chairman of the upper House committee, who was quick to take political advantage of the issue as outlined in the question answered in this House by the Deputy Premier on Thursday, 23 October 1986.

Mr Brian Burke: Is that the answer where the member for Gascoyne was once again proved to be a weeny bit off the mark?

Mr GORDON HILL: That was the question where the member for Gascoyne showed that he and the chairman of the upper House committee were considerably off the mark.

Several members interjected.

The SPEAKER: Order! Order! I do not think I have given any evidence of being testy today, but I am certainly getting that way with people deliberately ignoring me. I ask very nicely that for the rest of question time members listen very carefully and, when I call for order, come to order. If members do not, I will take action against them.

Mr GORDON HILL: My request for a report from the police followed immediately upon a speech by the member for Gascoyne in which he, carelessly and obviously without any proper inquiry, made a quite outlandish claim that the Government was not taking the matter seriously.

The allegation was made public in this place and responded to in this place.

It is quite unnecessary for inquiries to have been completed before a picture of substantial clarity emerges. What I reported to the Deputy Premier, and what he conveyed to this House, was that the clearly emerging picture was that there was no evidence to support the allegation of unlawful interference and, indeed, substantial evidence of mechanical failure as an explanation for the condition of the member for East Melville's vehicle.

The member for East Melville said in his explanation that the word "conclusion" mean "end of inquiry". The *Concise Oxford Dictionary* informs me that it also means "inference". The Deputy Premier advised the House of the inference known by the police from evidence known to them at the time of my inquiry of them. A balanced consideration of his answer confirms that the real thrust of my advice to the Deputy Premier was that certain members of the Opposition—and I do not include the member for East Melville—could have saved themselves embarrassment if they had kept, or been kept, up-to-date with developments before making sensational claims before a proper inquiry was at least at an advanced stage and reasonable inferences could be drawn. Those conclusions which the police informed me of were accurately conveyed to the House last Thursday by the Deputy Premier.

WATER RESOURCES

Agaton: Development

322. Mr SCHELL, to the Minister for Water Resources:

- (1) Has the Minister given consideration to my submission for an extended Agaton water scheme which would supplement an expanded country and goldfields water scheme to reticulate designated water-deficient areas and to meet increased goldfields demands?
- (2) If "Yes", what steps is he taking to make himself aware of the costs and benefits of the proposal?
- (3) Is he aware that the proposed alternative—the development of on-farm water supplies—to the original Agaton proposal has many deficiencies in the supply of a reliable source of clean, fresh water to farmland in the north-eastern wheatbelt, and that the costly exercise of carting water has not been reduced in this area?

Mr BRIDGE replied:

- (1) to (3) I thank the member for some notice of his question.

I am very much aware of the concern that has been expressed by the farming community of the area involved in re-

spect of the deficiencies currently being experienced with water supplies in the region. The member will recall that some little while ago we had a discussion in which he raised with me the matter of my undertaking a visit to the area to examine the problem at first hand and to discuss measures which might see some effective and further examination of this proposed scheme.

Since I became the Minister for Water Resources I have had many discussions about this matter with other interested people. For example, the Minister for Agriculture has talked with me at considerable length about reviving the Agaton scheme, if possible, in lieu of the existing on-farm method of supplying water. Hon. Jim Brown in the other House has also made constant representations to me on this matter.

I am aware of the problems involved, and because of the concerns expressed I sought to have the Water Authority provide me with an up-to-date review of the scheme, giving regard to the problems that currently are associated with it. In a nutshell it is really the cost of the scheme which must receive our consideration and with which we must come to grips if we are to do anything about the scheme.

The scheme fits the vision of people like me and, of course, the many farmers in the area, who quite clearly see it as the only effective way of providing the type of water supply they see as being essential. To that end I am very keen to visit the area as soon as possible and examine at first hand what is involved and discuss with the community there some way in which we might be able to advance this programme a stage or two down the track, notwithstanding the very great cost involved and our present inability to come up with the required funds.

I give the member my firm commitment that I will pursue the scheme as positively as I am able. I expect to visit the area in the next couple of weeks. I will inform the local members involved so that they and interested people in the area can discuss the

scheme with me in a series of meetings. After that visit we may be able to proceed further down the track. I am keen to look at the Agaton scheme in a positive way with a view to possibly reviving it at some time.

SPORT AND RECREATION: COMMUNITY CAMP

Noalimba: Closure

323. Mr D. L. SMITH, to the Minister for Sport and Recreation:

Will the Minister outline what actions are being taken to offset the proposed closure of the Noalimba hostel?

Mr WILSON replied:

I thank the member for his question because I welcome the opportunity to reassure members that every effort will be made to assist the groups affected by the closure of Noalimba to find suitable alternatives.

The decision to close the hostel follows a period of two years during which the Government has borne the cost of providing the community with a service not previously available; but, despite some success in increasing the level of usage, the experience has shown that in its current form Noalimba is no longer a viable proposition. It is therefore proposed that between now and the date of closure, a feasibility study will be undertaken which will take full account of the accommodation needs of the different user groups, including those from country regions, the Australian Institute of Sport hockey unit, and sports associations.

Preliminary discussions have been held with some of the relevant groups. The study will give consideration to all reasonable options which may include the partial redevelopment of Noalimba or the establishment of a self-sustaining accommodation unit near the WA sports centre, or in some other suitable location.

Where appropriate, increased use will also be made of other Department of Sport and Recreation facilities in the metropolitan area. The capacity to service groups through this means has

[Tuesday, 28 October 1986]

3717

been greatly enhanced by the Government's recent \$1.8 million redevelopment of the Port Walter conference centre.

Finally, I am pleased to confirm that all existing Noalimba bookings for use of the hostel before the end of April next year will be honoured.
