

# Legislative Council

Tuesday, 3 July 1990

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

## ADDRESS-IN-REPLY

### *Presentation to Governor - Acknowledgment*

THE PRESIDENT : I desire to announce that, accompanied by several members, I waited on His Excellency the Governor and presented the Address-in-Reply to His Excellency's Speech agreed to by the House. His Excellency has been pleased to make the following reply -

Mr President and Honourable Members of the Legislative Council: I thank you for your expressions of loyalty to Her Most Gracious Majesty The Queen and for your Address-in-Reply to my Speech to Parliament on the occasion of the opening of the Second Session of the Thirty-Third Parliament.

Francis Burt

Governor

## MOTION - SELECT COMMITTEE ON LAND USE IN THE DARLING RANGE ESCARPMENT AND FOOTHILLS

### *Report Tabling - Extension of Time*

HON DERRICK TOMLINSON (East Metropolitan) [3.35 pm]: I am directed to report that the Select Committee on Land Use in the Darling Range Escarpment and Foothills requests that the date fixed for presentation of its report be extended. I move -

That the date fixed for the presentation of the committee's report be extended from 5 July 1990 to 30 October 1990, and that the report do lie upon the Table and be adopted and agreed to.

Question put and passed.

[See paper No 349.]

## MOTION - LEGISLATIVE COUNCIL

### *Deputy Premier's Funding Threat - Blackmail Rejection*

HON N.F. MOORE (Mining and Pastoral) [3.39 pm]: I move -

That this House rejects as blackmail the implied threat to the proper funding of the Legislative Council contained in comments reportedly made by the Deputy Premier, Hon Ian Taylor, in *The West Australian* of Thursday, 28 June 1990, viz -

Mr Taylor said the Conservative MLCs needed either to accept the Government Bill to remove the Legislative Council's power to veto appropriation Bills or take it upon themselves not to block or defer money Bills.

He said if they took either position, the Government would consider increasing funding for the Upper House.

This motion is self-explanatory. Members would remember the bipartisan approach taken last week towards the attitude of the Federal Minister for Transport, Mr Bob Brown, on certain funding for roads in Western Australia.

Members will recall that Mr Brown indicated to the State Government that the Federal Government would not provide certain funds unless the State Government made a number of changes to the road rules in Western Australia. We all said what dreadful blackmail it was; that this was not the way the Federal Government's money should be allocated; that the States should not be treated in this fashion and that they should be able to make decisions in areas under their own jurisdictions based upon their own considerations and not on some

external pressure applied by the Federal Government. We all agreed with one another on that. I recall the State Minister for Police, Hon Graham Edwards, referring to Mr Brown's words as blackmail. When I read *The West Australian* of Thursday, 28 June, I was therefore struck by the great irony of the words allegedly uttered by the Deputy Premier following the decision by this House to grant Supply. He was reported as having said -

The Conservative MLCs needed to either accept the Government Bill to remove the Legislative Council's power to veto appropriation Bills or take it upon themselves not to block or defer money Bills.

He is quite entitled to say that and I know his view on that. He went on to say -

If they took either position, the Government would consider increasing funding for the Upper House.

There is the sting in the tail. It is similar to the exercise being conducted by Mr Bob Brown, the Federal Minister for Land Transport. It is a clear attempt to suggest to members of this House that if they would reduce their powers he would provide funds. It is the same kind of deal the Commonwealth is putting to the State in transport matters. The Government, through its Deputy Leader, is trying to tell the Parliament - both Houses - that it will receive extra funds for its own requirements if the Legislative Council takes certain action to reduce its own powers, those powers being the power to veto appropriation Bills or to block or defer money Bills. The Deputy Premier is saying that the Parliament will receive extra money if it gives away those powers. It has a similar ring to the attitude of Mr Bob Brown to the State Government over the provision of funds for transport needs and road safety in Western Australia.

Hon P.G. Pental: They threaten and intimidate.

Hon N.F. MOORE: The implication in the Deputy Premier's comments is that if the Parliament does not take the necessary action he will suggest that it continue to get the same meagre and inadequate funding that it receives now and that there could even be a reduction in the funding it receives now. The Deputy Premier is attempting to blackmail this House into taking a specified course of action and the implied threat is that if it does not take that action it will suffer the consequences. It would be bad enough if the Parliament were to receive the same amount of money in the future that it receives now. It would be a penalty that this House should not have to bear even if the implied threat were not a reduction in funds but simply a maintenance of existing levels of funding.

The Deputy Premier's statement demonstrates his fundamental misunderstanding of the Westminster system of Parliament and Government. In the Westminster system of Government and Parliament the Parliament allocates the Government's money; the Parliament approves the Government's Budget - the Government does not allocate the money to Parliament as is being suggested by the Deputy Premier; it is the other way around. We have seen the Deputy Premier say to this Parliament that unless it does what he tells it to do he will reduce its funding. He says that we should reduce our powers or he will not increase the funding that is needed but will leave it as it is.

Hon P.G. Pental: The Deputy Premier seems to have some difficulty in recognising that there are two separate Houses of Parliament and that his statements are in contempt.

Hon N.F. MOORE: The Deputy Premier has a fundamental problem with the whole Westminster system of Government. This House, as part of this Parliament, decides how much money the Deputy Premier, the Premier, the Minister for Planning and everybody else is able to spend. It is not the other way around as the Deputy Premier would have us believe. However, he wants to come to us and say, "You will get X number of dollars if you do what I tell you to do." That is the fundamental issue at stake here; it is a fundamental problem that the Deputy Premier seems to have. I suggest also that the Premier and a number of Ministers have the same problem; they do not understand the Westminster system of Government.

Hon Fred McKenzie: This House cannot tell the Government where its priorities lie.

Hon N.F. MOORE: Of course it cannot. The Government can do what it likes with its priorities. I do not argue with the Deputy Premier's believing in the proposition that we should reduce our powers; he has a right to say that. However, he has no right to threaten this House into changing its powers or suffer the consequences financially, because if

anybody has the power to threaten others financially it is this House and it has just done it. The member can thank his lucky stars that this House did not go any further. This House has the power to make threats and it has the power to put those threats into action. I will make some suggestions as to what we should do in respect of funding in this House later on.

Regrettably, over the years an impression has developed in this State that the Parliament is here simply to rubber stamp a Government's Budget and other money Bills and that it should do this without any fuss or bother. Since about 1975 a myth has been created in Australia that not only is that what Parliaments are for but also that they have no right to threaten or to give any indication that they might not rubber stamp a Government's Budget and money Bills. That assertion is wrong because the power quite rightly exists for Parliament not to rubber stamp a Government's legislation. That is what the Westminster system is all about: To take action if necessary on Government Bills, be they money Bills or not.

The Deputy Premier, Mr Taylor, and other Government Ministers would like to change all that and reduce this House to a mere debating chamber with no power at all to make decisions on the allocation of money. That would ultimately mean that if the Council's power to make decisions on money matters were taken away the Government would be totally supreme. There would be no need for Parliament if Parliament were to lose that power. Imagine the situation if the Government decided exactly what happened in every matter including how all the dollars were spent and Parliament did not have any say in any issue at all; the Government would be in complete control. There would be no accountability and no organisation such as Parliament to ensure that that did not occur. Clearly, Mr Taylor would like that to happen. In making this threat he is saying, "I will give you more money if I can take away your powers to do anything about money Bills."

Hon Max Evans: He would want more power.

Hon N.F. MOORE: That is exactly right. As a result of Parliament's compliance, not only since the Labor Party has been the Government but also for many years before, we now have a system where the Government writes in a one-line appropriation for Parliament and that is what the Parliament gets, regardless of whether it needs more. That situation should change. We should not sit back any longer and simply accept a figure in an Appropriation Bill which says how much the Parliament is to receive whether it likes it or not. It is time we did something about that. The Legislative Council has been starved of funds ever since I have been here, about 13 years. This starvation has been getting worse over the years until we had a situation recently where the Legislative Council had virtually run out of money.

As members know, I have been a member of the Standing Committee on Government Agencies for a number of years. That committee has always been reasonably well looked after in terms of the funds allocated to it; I think it has been spending between \$40 000 and \$60 000 a year including salaries. This has enabled it to maintain a reasonable level of activity. During one of our inquiries we found that the Victorian Parliament was spending about \$250 000 a year on one similar committee. That is probably more than this Parliament spends on all its committees. By comparison with other Parliaments, we are poorly looked after.

In the past four or five months the Standing Committee on Government Agencies has not had a principal adviser or research officer. We have been told there is no money for them. Therefore, we have no staff for a Standing Committee which for the first seven or eight years of its existence had a principal adviser, the last one being a qualified lawyer at that level in the Public Service. He was replaced by a research officer, a lower level, who was not replaced when she left. That is not good enough. We should be going in the opposite direction and getting more staff, not less.

Hon Tom Stephens: Mr Pike's committee must be using all the money.

Hon N.F. MOORE: All the money - \$100 000! For the past five years Premiers have spent more than that refurbishing their offices - new Premier, new refurbishment.

Hon Kay Hallahan: That is not true.

Hon N.F. MOORE: They shift to a new building and spend hundreds of thousands of dollars on furniture.

Hon Kay Hallahan: That is not true!

Hon N.F. MOORE: It is true, although the new Premier has not done that yet; she has spent all the money on refurbishing her appearance. It was money well spent as she has been quite successful.

Hon Kay Hallahan: What have you done about your appearance, Mr Moore?

Hon N.F. MOORE: I put it to members that this House and the Parliament has been starved of money, and quite deliberately. Members opposite tell me at meetings that until such time as we "reform" the upper House and take away the powers we think it should have we will not get any money; it is as simple as that. That is the Government's position: The upper House will either change or be starved of funds. That is not good enough for existing committees, and we have other committees as well which have not commenced operation. The staff of this House, as all members know, have carried an enormous burden over the past few years. That is not acceptable when one compares their number with the number of staff employed in the Assembly. Virtually no increase in staff numbers has occurred in this House that I have noticed in the years I have been here. I do not want to draw comparisons with the other House, but any member who looks will find that it has been reasonably well looked after. I am not arguing about that; that is how it should be. If the Assembly receives more resources, in my view it should have them. However, that is no argument for our not having similar resources in this House, which deserves at least the same treatment as that applying to the Assembly.

In the immediate future we will have in operation three new Standing Committees along with the Standing Committee on Government Agencies and the Joint Standing Committee on Delegated Legislation. We will continue to have in operation a number of Select Committees in this House. With all that activity we need resources. We will require a considerable increase in the number of staff available for committees and the capacity for those committees to do things; to move from place to place, if necessary; and, more importantly, to engage expertise as Hon Bob Pike's committee has done to assist in deliberations. All of that is part of the new look Legislative Council.

Our committee system will not work unless resources are made available. I say to the Deputy Premier that he cannot threaten us with the proposition that if we want this new look Legislative Council we have to forgo our powers over money Bills; that is blackmail. I suggest in my motion that this House needs more staff. Staff members in this House are not only carrying out their normal functions as staff members but also are seconded to a whole range of Select and Standing Committees to assist the work of those committees.

The Standing Committee on Government Agencies had a person seconded to it recently but we thought that person should not be expected to work for that committee because he had other work to do. We therefore decided he would not do anything other than provide liaison between us and the Chamber, as to do otherwise would not be fair. I wonder how long it will be before we see a staff member on that committee. Three other committees are yet to be established. We have established an Estimates Committee, which I understand will commence operation on 1 July. It will have a significant role. One role I think it should take is the examination of the Budget item "Parliament" in the Appropriation Bill. Instead of our sitting down in future and accepting X number of dollars from the Government as shown in the Appropriation Bill and not arguing but regarding the funds as sufficient, we should, through the Estimates Committee, examine that item in absolute detail. We should find out from the officers of the Parliament and interested members whether the amount is sufficient. We should then take the view, if it is not enough money, that we should amend that item to increase the amount.

In my view it is time for the Legislative Council, particularly - the Assembly can do what it likes - to take an active and deliberate interest and involvement in its own item in the Budget. The Estimates Committee is the ideal vehicle to ensure in future that any member of this House can complain that the House is under-resourced, and when the committee meets it should look at that item and make a suggestion about what is a reasonable figure. If the amount allocated is not enough, we should request an amendment to have it changed. It is time members had something to say about Parliament's resources in the same way as they have a right to say how a Minister is to spend public funds entrusted to him or her by the Parliament.

I conclude that, first, the Minister is attempting to blackmail this House by stating that

additional funds will be provided only if we reduce our powers over money Bills. That is the fact in bald simplicity. That is not acceptable; it is a threat of blackmail that this House should resist totally. Secondly, the Deputy Premier has a fundamental misunderstanding of the parliamentary system that we operate under in Western Australia, Australia and the British Commonwealth; that is, that Parliament allocates the money or grants money to the Government, not the other way round. Until that fundamental principle is firmly located between the Deputy Premier's two ears - and the sooner that happens the better - he will not realise that Parliament is here for a purpose. It is not a place which simply rubber stamps the Government's Budget. Members are not here to have a bit of a debate and to all go home to look after their constituents as though they were some sort of overpaid or underpaid social workers. Members of Parliament are here to scrutinise the Government's expenditure and to decide whether that expenditure is proper. Parliament provides the ultimate means of ensuring that taxpayers' money is used properly.

I hope this House, through its Estimates and Financial Operations Committee, will play a very active part in ensuring that it has sufficient funds to carry out its functions. If this House is to have a committee system of any consequence operating properly, it needs more money. That is not to suggest that the system it is not operating properly now, but it is operating as a result of the dedication and the extremely long hours put in by the few staff we now have. It would operate a lot better and with fewer headaches and grey hairs for the staff we have if we provided the necessary funding. We must make sure that our level of funding is adequate. We should take that role upon ourselves during the estimates debate through the Estimates Committee and make sure that our level of funding is adequate. Without a properly funded and adequate Parliament, Government will run riot. In recent years in Western Australia we have seen what Governments can do if the parliamentary system is bypassed and accountability is ignored. The Deputy Premier needs to be told in no uncertain terms that this House will not be blackmailed by him, and we believe in the very valuable role of the Legislative Council.

**HON R.G. PIKE** (North Metropolitan) [4.01 pm]: I would like to develop the argument put forward by Hon Norman Moore regarding what I consider a new concept for this Parliament in Western Australia. As my colleague Hon Norman Moore has said, the tail is wagging the dog. The Deputy Premier has revealed an abysmal lack of understanding of the parliamentary process. It has been said he has a mind so narrow that one would need a bread knife to prise his ears apart.

It is an ambition of mine, and I hope it becomes an ambition of this House - I apply these comments both to previous coalition Governments and to Labor Governments - that we initiate a change to the Constitution and its procedures. I do not think a constitutional amendment is necessary. My ambition is that there shall be for each House of Parliament a one line appropriation, the spending of which and the authority over which money will reside with the President of the Legislative Council in the case of this House and the Speaker in the case of the other. Also, that no future Premier, of whatever political persuasion, will ever again be in a position where he or she, as the case may be, can determine what Parliament may or may not have or may or may not do with its resources and with its money.

The situation at present is that the Executive, as instanced by this comment of Mr Taylor's, is able to withhold and prevent the activity of a properly structured House of Review by the simple expedient of determining not to fund it. The Deputy Leader of the Labor Party in the other place has thrown down the gauntlet to this House by threatening the Parliament by the withdrawal of money. I remind him that Charles I lost his head as a result of going down a similar path. As was pointed out in this place recently, this House has very real teeth and very real powers. We should have it as a singular purpose and ambition for this House to see that when the Budget moneys come before us there shall be one line appropriations for both Houses. Authorisation for the money to be spent shall be contained within each House of Parliament, and if the Government of the day does not like it, this House will use its powers to impose its will upon that Government so that the Parliament will not only be seen to be - which at present it is not - but also will be quite independent from the superficial determinations of whoever may happen to be the Treasurer or the Premier for the time being.

It is laughable for the Parliament to be in reverse and be dependent upon the Executive. As Hon Fred McKenzie said by way of interjection a moment ago, "You are not going to interfere with how they spend their money; that is the right of the Government." By

association with the comments of Hon Norman Moore, that is right once the Government has its Budget; but it is not right that the Treasurer of the day can impose controls on the Parliament. Parliament is the master of the Executive, not the servant, in regard to spending. This debate will be retreaded again and again until the time arrives when the rules are altered so that the Parliament is given a one line appropriation and authority to spend that money as the Parliament determines and not otherwise. I support the motion.

Debate adjourned, on motion by Hon Fred McKenzie.

### MOTION - UNIFORM LEGISLATION

#### *Constitutional Affairs and Statutes Revision Committee Inquiry*

HON R.G. PIKE (North Metropolitan) [4.06 pm]: I move -

That -

- (a) The Constitutional Affairs and Statutes Revision Committee inquire into and report on in relation to the enactment of uniform laws -
  - (i) the current procedures employed in the formulation and drafting of uniform proposed laws;
  - (ii) what consultation is carried out and the methods employed between the Commonwealth and State and Territory (including external Territory) Governments;
  - (iii) whether and to what extent unofficial members of any Australian Parliament or Legislature, or any group of them, are consulted or involved in the course of formulating and drafting uniform legislation;
  - (iv) what measures might be adopted by the various Parliaments or Legislatures whereby each of them has an opportunity to consider uniform proposed laws and comment on them before any of them has enacted that proposed law.
- (b) The committee have power to meet and confer with a committee (however described) of any House or Houses of an Australian Parliament or Legislature.

The purpose of uniform legislation is to control the way in which uniform legislation is prepared, drafted and discussed throughout the Commonwealth on a Government to Government basis, to determine at what stage Parliaments of the Commonwealth or State are involved, and to decide whether, after inquiry, it is desirable to record changes in procedure with intent and before uniform legislation is enacted by Parliament it is considered in draft and agreed to with or without amendment by all.

The motion is clearly self-explanatory. It deals with a fact which is reminiscent of a problem the Premier, Dr Lawrence, has with regard to the Premiers' Conference. The Premiers go over to Canberra with their begging bowls, they are delivered an ultimatum by the Prime Minister of the day, a series of play acting takes place in regard to what the Premiers want, and in the end they do as they are told. The fact of the matter is that there has been a development in this country by the Commonwealth Government, and we saw the result of the emasculation of the Constitution the other day when conditions were imposed in regard to drivers under 21. The Federal Government is using money to control the States. The situation is no different in regard to uniform laws. This proposed investigation by the Constitutional Affairs and Statutes Revision Committee will put that matter under review and put in place a structure through which the States can take a proper path. I ask the House to support the motion.

HON P.G. PENDAL (South Metropolitan) [4.09 pm]: I add my support to the motion moved by Hon Bob Pike and have a few brief comments to make. Firstly, I support him because in the recent shadow Cabinet reshuffle I was given responsibility for Commonwealth-State relations within the Opposition line up. That was a task I accepted with some alacrity because, like Hon R.G. Pike, I have had a longstanding interest in the whole question of Commonwealth-State financial relations; in fact it was the subject of my maiden speech in this House some 10 years ago.

My second point goes to the heart of what the mover of the motion has in mind. I have a distinct dislike of the pretence that we go through in dealing with some of these matters in Federal affairs, whereby the States retain legislative power when in reality the power is not retained at all. For example, in the past I have objected to the progression we have seen in so-called uniform company law in this country, where a Ministerial Council still exists - indeed the Attorney General in this place is a member of it. However, it is a neutered power in that that progression over the last 10 or 15 years has meant that it is only the Commonwealth Parliament which has the power to amend the legislation which that Ministerial Council administers. I am not necessarily saying that Hon Bob Pike agrees with me, but I would prefer to do away with the pretence rather than have the States exercise a shell-like or Claytons-like power when the reality is that they do not have those powers at all.

I also have a dislike - and I am sure this point goes to the heart of what Hon Bob Pike is on about - of the sort of legislation that is served up in this Parliament that arises out of Ministerial Council meetings of whatever ministry is involved. That is, we have often witnessed Ministers of both Liberal and Labor Governments attend some ministerial conference, agree at that level that certain action should be taken in Commonwealth and State Parliaments, and return to introduce legislation in this place. That agreement, in effect, pre-empted Parliaments in the first place. I know that often those arrangements are made on the understanding that the respective Parliaments have to give legislative approval.

Hon J.M. Berinson: And not only an understanding, but always subject to both Government and parliamentary approval.

Hon P.G. PENDAL: Therein lies half the problem about which I complain, and about which Hon Bob Pike complains. Even a born again States' righter like the Attorney General has been heard to complain sometimes.

There has to be a limit to that environment where a group of Ministers and very powerful civil servants from Federal and State spheres can meet, agree on some new scheme - which is referred to Commonwealth, State, and Territory Parliaments - and the rest of us, perhaps 400 or 500 times the number involved in the Ministerial Council meetings, are expected to skip and jump according to the decisions made. If federation means anything and is to continue to do so, we should see less of the tendency to be drawn into these agreements. Recently we witnessed the debacle over the matter referred to by Hon Norman Moore in an earlier debate; that is, where an ill-advised Federal Minister stated that unless certain things happened, unless State Governments restricted the number of young people allowed to travel in a motor car, the Federal Government would not allocate a certain amount of money.

Hon Graham Edwards: That was an occasion when the Ministers could not agree at the Ministerial Council meeting.

Hon P.G. PENDAL: That is even better news - to hear that Ministers here or elsewhere say they will not go along with the silly scheme, and they usually are pretty silly schemes, but the silliest thing was to hear Mr Brown advocate a series of so-called road safety measures in the course of the other threat. That was, I suggest, as much a threat to the whole system across Australia as was the earlier threat referred to by Hon Norman Moore.

I came into this House 10 years ago, and in my maiden speech I spoke about Commonwealth-State relations. At that time I spoke from the vantage point of a pessimist, because being an amateur student of history I could see that things were going backwards. Oddly enough, I think a resurgence of States' rights attitudes has occurred in the last 10 years, although I am not suggesting that coincides with my arrival in this place. However, many good things have happened to the federation in the last 20 years, bearing in mind that ours has been one of the most resilient of federations anywhere in the world, as most have fallen down within 10 to 15 years of formation - and that was expected of the Australian federation, 90 years ago; the expectation was that we would fall as a federation and would, within a few short years, have a very centralised system in Australia. Of course, 90 years on, that has not occurred. Some people would claim that bit by bit the powers of the States have been eroded and taken over by the Commonwealth. That is partly true, but it is also a reality that new powers have been created. In the last 20 years we have seen matters such as consumer law and environmental law which has been pioneered by the States, and States are certainly a strong part of the legislative process in areas that were not foreseen 100 years ago by the people who met during the 1890s to create the Constitution.

I am not saying that it is all good news. To that extent, I join with Hon Bob Pike in saying we need mechanisms in place to monitor the sorts of developments he sees as being injurious to federation. I agree with Hon Bob Pike in that case. I agree also that his method of achieving that is as outlined in the motion. I support the motion.

**HON MARK NEVILL** (Mining and Pastoral) [4.19 pm]: I wish to add a few comments to debate as I am a member of the Standing Committee on Constitutional Affairs and Statutes Revision, which will address this matter. It is a useful exercise for the committee to undertake to look at these processes. As some previous speakers have stated, often we are presented with a *fait accompli* in many areas of legislation. With the present company laws, I would like to see a much tougher line taken and perhaps triple penalties being introduced as apply in the United States of America. Such provisions would discourage the abuse and excesses we have witnessed. It is difficult to change matters after they have been firmly set in place. In that sense, this inquiry could serve a useful purpose in reviewing those practises that occur at the moment.

At the same time I do not think that we should focus our attention away from uniform laws. The more uniform our laws the better; that is absolutely essential. Each State having different credit legislation is a nightmare for business and, to a lesser extent, for consumers. Australia is going through a process of award restructuring. We are trying to get rid of many regulations which are an impediment to manufacturing and business. The only way to do that is to have laws as uniform as possible. Most of us know that in Western Australia margarine is produced in square tubs whereas everywhere else in Australia it is produced in round or square tubs. Apparently that regulation protects a factory somewhere in the metropolitan area from interstate competition. As an economic rationalist, I would like to see such regulations go.

I am a strong supporter of uniform legislation, but I do not think this motion is any threat to that. It will serve a useful purpose in examining how others can have an input into ensuring that uniform legislation is what most people want.

**HON R.G. PIKE** (North Metropolitan) [4.22 pm]: The support from the Government conveyed in the speech by Hon Mark Nevill is a milestone in the Standing Committee system of this House. It is manifest evidence of the Government and the Opposition parties combining in a Standing Committee for the betterment of uniform laws throughout the Commonwealth of Australia. We all know that the media is always keen on reporting disagreement, but seldom reports on agreement. However, if the media is fair about what this Parliament is about with its new Standing Committees and its enhanced powers of review, it will recognise that this motion being carried by the whole House is a milestone.

Question put and passed.

## IRON ORE (HAMERSLEY RANGE) AGREEMENT AMENDMENT BILL

### *Second Reading*

**HON J.M. BERINSON** (North Metropolitan - Minister for Resources) [4.25 pm]: I move -  
That the Bill be now read a second time.

The purpose of this Bill is to ratify an agreement amendment dated 14 June 1990 between the State and Hamersley Iron Pty Limited. The agreement contains provisions which will -

amend the royalty provisions of the principal agreement; and

enable the addition of a new area into the principal agreement mineral lease 4SA to facilitate the development of a new iron ore project near Tom Price.

On the matter of royalty, the agreement provides a rationalisation of the number of royalty categories and an updating of the definitions and mechanisms. The specific dollar rate royalty for concentrated ore will be replaced with an *ad valorem* royalty. The concessional royalty rate for iron ore which undergoes secondary processing in Australia will also be deleted as such processing is not taking place at this time.

The present system of royalty payments for iron ore originated with the establishment of the iron ore agreement Acts in the early 1960s. The system was based on a tender accepted by

the Government for development of the Goldsworthy deposit in 1962. The successful applicant agreed to pay a 7.5 per cent royalty based on the value of all iron ore shipped on a free on board or f.o.b. basis. Poor quality iron ore which failed to meet market specifications was excluded with the Government and the companies agreeing to a payment of 1/6d per ton for this ore. This royalty, which represented around 2.5 per cent of the ultimate sale value, was provided at a concessional rate in recognition of the additional costs incurred in further processing or concentrating the material to a suitable sale standard. The specific rate royalty of 1/6d was escalated in line with changes in the price of foundry pig iron produced by BHP in Adelaide.

Since the early 1960s, royalty agreements have undergone a number of changes. The general structure which prevailed during 1988 was -

- 7.5 per cent of the f.o.b. revenue for all lump iron ore exported;
- 3.75 per cent of the f.o.b. revenue for all fine iron ore exported;
- 79¢ per tonne for all ore processed in Australia;
- 79¢ per tonne for all upgraded or concentrated ore;
- 7.5 per cent of the f.o.b. revenue for all other iron ore.

The 79¢ specific rates are the result of the escalation of the original 1/6d per ton.

Two problems existed with this escalation formula. Firstly, BHP ceased to produce pig iron which means that when the stockpile of pig iron is sold the index can no longer be calculated. Secondly, the rate calculated to apply from 1 January 1989 created an anomaly in the royalty rate structure. The new rate of \$1.10 per tonne represents over five per cent of the average 1988 sales value. A penalty is thus applied for further processing, given that unprocessed fine ore attracts a rate of only 3.75 per cent. Following negotiation with Government departments, Hamersley Iron agreed to the following royalty rates -

- 7.5 per cent of the f.o.b. value for exported lump ore;
- 3.75 per cent of the f.o.b. value for all fine ore;
- 3.25 per cent of the f.o.b. value for concentrated ore;
- 7.5 per cent of the f.o.b. value for all other iron ore.

The new rate for concentrated ore will encourage the upgrading of low grade ores.

The House will recall that similar amendments to the royalty provisions contained in the Iron Ore (Mount Goldsworthy) Agreement and the Iron Ore (Goldsworthy Ninningarra) Agreement were tabled for 12 sitting days in both Houses of Parliament during the spring session of 1989. I also propose to introduce during this current session a Bill to similarly amend the Iron Ore (Mount Newman) Agreement Act 1964.

On the second matter of the addition of a new area, Hamersley Iron proposes to include under the Iron Ore (Hamersley Range) Agreement an area known as the Brockman No 2 detritals deposit currently held by the company as exploration licences under the Mining Act 1978. The area of 8.77 square miles or 22.71 square kilometres is located approximately 55 kilometres north west of Hamersley's existing Tom Price operations. I now table the plan marked "D" referred to in the agreement together with a plan marked "X" which is not part of the agreement, which will serve to show to the House the location of the Brockman No 2 detritals deposit in relation to the Tom Price townsite.

[See paper No 348.]

The Brockman No 2 detritals deposit project will involve the extraction of around three million tonnes per annum of saleable quality detrital scree and canga ore for between three and seven years to take advantage of current world demand for lump ore. The construction phase is planned to commence in mid 1990, with capital expenditure expected to be around \$50 million with a short rail spur to the existing Paraburdoo/Tom Price to Dampier railway. Employment during the operations phase is expected to be between 50 and 100 people and Hamersley Iron expects to use contractors in a similar manner to the McCamey's Monster project and Orebody 25 of Mt Newman Mining.

I turn now to the specific provisions of the agreement schedule to the Bill before the House.

Clause 4(1) of the agreement serves to redefine terms in the principal agreement relating to the assessment of royalty payable to the State for iron ore produced from the mineral lease. The proposed definition of f.o.b. value includes a provision whereby, if the Minister considers that the price payable in respect of iron ore shipped or sold by the company does not represent a fair and reasonable market value for the type of iron ore assessed at an arm's length basis, such a value will be decided by either agreement or determination. "Agreed or determined" means agreed between the company and the Minister or, failing agreement, as determined by the Minister having regard to the prices for that type of iron ore prevailing at the time. A deemed f.o.b. value provision caters for other transfer arrangements which effectively sell iron ore. The definition of iron ore concentration products is specific to the products of the Mt Tom Price concentration plant. Clause 4(3) amends clause 10(2)(j) of the principal agreement by deleting reference to specific dollar rates of royalty and the provisions for escalation of those rates based on the price of foundry pig iron produced by BHP in Adelaide.

Under the proposed new structure royalty payable on iron ore concentration products will be 3.25 per cent of the f.o.b. value. Other rates of royalty remain at -

- 7.5 per cent of the f.o.b. value for lump ore;
- 3.75 per cent of the f.o.b. value for fine ore; and
- 7.5 per cent of the f.o.b. value on all other iron ore.

The concessional rate for "locally used ore" as defined in the principal agreement has also been deleted.

Clauses 4(4) and 4(5) amend the procedures for assessment and payment of royalty which are a consequence of the foregoing revisions. The deletion of clause 10(2)(o) of the principal agreement by clause 4(6) of the agreement will enable the company to off-load iron ore within the Commonwealth without having to seek the prior consent in writing of the Minister to do so. Clause 4(7) of the agreement seeks to introduce a new clause 10I into the principal agreement which provides that the company may, on or before 1 October 1990, apply to the Minister for Mines for inclusion in its mineral lease 4SA the land coloured red on the plan marked "D" which I have tabled. Under new clause 10I(2) the company is required to submit to the Minister detailed proposals with respect to the mining of the Brockman No 2 detritals deposit and the transportation of the iron ore mined to the company's existing railway. The detailed proposals are required to include -

- housing and accommodation for the persons engaged on the project;
- an environmental management program as to measures to be taken, in respect of the company's activities at the Brockman deposit, for rehabilitation and the protection and management of the environment; and
- use of local labour, professional services, manufacturers, supply contractors and materials.

New clauses 10I(3)-10I(9) contain similar provisions as in other modern ratified agreements for the consideration and implementation of proposals and for the submission of additional proposals. New clause 10I(10) requires the company to carry out a continuous program, including monitoring, to ascertain the effectiveness of the measures it is taking for the rehabilitation and management of the environment and, where required from time to time by the Minister, to submit detailed reports thereon. Where results of monitoring or any other information become available to the company which may enable it to more effectively rehabilitate, protect or manage the environment, the company is required to notify the Minister, and following such notification to submit a detailed report thereon. The Minister may, within two months of the receipt of a detailed report, notify the company that he requires additional detailed proposals to be submitted in respect of all or any of the environmental matters the subject of the report and any other matters as he may require.

Provisions for the use of local labour, services and materials are made in new clause 10I(14), including a requirement for monthly reporting on the implementation of such provisions. New clause 10I(15) provides that the company is responsible for the provision of accommodation in Tom Price, at no cost to the State, for its employees and other persons engaged in this development. Under new clause 10I(16) the company is required to pay to

the State or the appropriate authority the capital cost of establishing and providing additional works, services and facilities in Tom Price associated with this project's activities.

Finally, the company is required to confer with the Minister and the relevant local authority with a view to assisting in the cost of providing appropriate community, recreational, civic, social and commercial activities required as a result of this development. Clause 5 of the agreement amendment serves to amend the Paraburdoo agreement to be consistent with the provisions of the principal agreement.

The agreement I have outlined provides for the early development of a new satellite iron ore project in the Pilbara to take advantage of the current world demand for high grade lump ore. The agreement serves to introduce modern proposal, environmental and local content provisions for this development. The agreement also updates and rationalises the royalty provisions of the principal Hamersley Range agreement. I commend the Bill to the House.

Debate adjourned, on motion by Hon N.F. Moore.

## STATE PLANNING COMMISSION (AMENDMENT AND VALIDATION) BILL

### *Committee*

Resumed from 28 June. The Deputy Chairman of Committees (Hon Muriel Patterson) in the Chair; Hon Kay Hallahan (Minister for Planning) in charge of the Bill.

#### Clause 4: Applications of sections 6 and 7 -

Progress was reported on the clause after an amendment -

That the amendment be amended by deleting from proposed subclause (4) all words following "shall" and substituting the following -

not assume that the absence of any proper record of the basis for forming the opinion indicates any failure to -

- (a) give proper consideration to relevant matters; or
- (b) exclude consideration of irrelevant matters,

nor shall it reach or base such a finding on the ground of the absence of a proper record.

had been moved to the following amendment -

Page 2, after line 18 - To insert the following subclause -

- (4) For the purposes of reaching a finding referred to in subsection (3) a court shall assume that the opinion was formed after proper consideration of the relevant matters and exclusion of irrelevant matters.

Hon GEORGE CASH: Members will recall that some amendments relating to Leda, Hepburn Heights and the Swan Brewery site were moved to this Bill last Thursday and we are still dealing with those amendments. The Government has acknowledged that the Opposition intends to remove those important areas from the Bill, and the people interested in preserving that land are pleased about that.

During the weekend a number of representations, not specifically related to the amendment I moved last week, have been made to many members of the Opposition. A detailed discussion will be necessary on the Government's intentions for certain lands which form part of the Jandakot water mound. At this stage I will not amplify those comments because it is proper to deal with the amendments before the Chair at the moment. However, I serve notice on the Minister that a considerable number of representations have been made on problems associated with land the subject of both the Gnangara and Jandakot water mounds. I expect that considerable discussion will take place during the Committee stage on the virtue of proceeding with those locations which are the subject of the schedule. I make that preliminary point to advise the Minister that the current debate will not be restricted to the amendments I have moved and the amendments which she intends to move during the debate. The debate will be widened to include certain other areas.

Hon D.J. WORDSWORTH: The schedule of these lands does not appear to be available to members. It is very hard to debate an issue that is not presented on paper.

Hon KAY HALLAHAN: The schedule is not appended to the Bill; it is not part of the legislation. However, some time before this discussion started, I made the schedule available to the leader of the honourable member's party in this House. He indicated that he would distribute that to members. Perhaps he distributed it to members who signified an interest in the Bill. The schedule was available to members of both parties for some time.

Hon P.G. PENDAL: I will raise a couple of matters which have occurred since Thursday. I reiterate one of the points that the Leader of the Opposition has just made; that is, at the very least, as a result of this Bill, the Liberal and National Parties will have saved three very significant pieces of metropolitan real estate for future public use. Whatever happens at the end of the day, that is the least that will come out of this debate. Those areas of land are: Leda, which is in my electorate and which arguably is one of the most important pieces of land being dealt with in this Bill; Hepburn Heights, which I am sure my friend Hon Reg Davies would argue is also the most important; and the Swan Brewery site.

A number of queries were raised with me during the weekend. In mentioning them to the Minister, my immediate belief is that the Bill should pass, with those three exclusions which are the subject of the amendments moved by Hon George Cash as well as the amendments to be moved by Hon Peter Foss. In other words I am saying tentatively that I do not intend to vote to exclude other pieces of land which are the subject of the schedule just referred to. In going down that path, I want some answers from the Government before I vote for the Bill. This issue has built up a head of steam over the weekend; just about everyone south of the river who has some interest in the matter was in touch with me about it. I do not refer to private landowners; in the main all parties have already agreed that the validation concerning them should go through. I refer to people from local government and community groups who have been in touch with me pleading for me, at least, to take a stand and to make more excisions. Tentatively, I do not intend to use my vote to achieve any more excisions. There are several reasons for that. The Liberal Party has been responsible for three of the most important excisions. That has been accepted by the Government. Secondly, in 10 years in this place I have discovered that decisions made on the run usually turn out to be bad decisions. Thirdly, requests for exclusions are occurring at such a rapid rate that I must ask where these requests end. In the final analysis, as I have said many times before, I am not here to make the Government look good by deleting the rough parts of legislation to which the Government has found a reaction in the community.

Having said that, among the issues that concern me to which I want some answers are some which touch on the land that is owned by the Western Australian Water Authority, about 64 hectares of it within the land bounded by Ranford Road, Nicholson Road and the standard gauge railway. That matter has been brought to me by Councillor Monica Holmes of the Canning City Council. She requested that I vote for its excision. I have already mentioned tentatively why I do not intend to do that. Information provided to me on that matter raises serious doubts about what we are being asked to do. For example, I will read from information Monica Holmes has provided to me -

- \* The land is environmentally sensitive in the following ways:-
  - \* It encompasses rare species of flora.
  - \* It is close to the Jandakot Airport, and therefore noise pollution is a predominant factor.

I acknowledge that almost any land anywhere in the State can be put into that category. While that is valid, in the end, I agree with the Government that areas must be made available where people can live. But Monica Holmes' note goes on with more pressing arguments -

- \* It is within the proposed study area boundary of the Jandakot Water Mound Protection Area (see attached map) and approximately 300 metres from the present protection area.

I ask the Minister to remember that apparently the land was purchased by what is now known as that dreadful acronym, WAWA, for a recharged site in 1981 and was not supposed to be decommissioned in 1990. Even I can work out that we have actually reached that year. I want to know whether that land has been released, as it were, by the Water Authority. The Liberal Government bought that land in 1981 for certain purposes and I have no objection to

the release of it, if in fact the Water Authority has said it had no further use for it because those purposes had been achieved. It has also been pointed out to me that the Metropolitan Region Town Planning Scheme Act amendment was initiated in 1987 in relation to this land when it was still being used for water recharge research. That is the purpose for which it was purchased. What is the Water Authority's view? Has it surrendered the land voluntarily? Has it said that there is no longer any need for it to be kept for those research purposes? I do not even know what water recharge research is. At this late stage of the debate I am not particularly interested in knowing what it is. However, I am interested in knowing why the Government purchased the land in 1981 and why in 1990 it wants to sell it. If WAWA said it had no further use for it, we should see a letter ceding that to the planning authorities. I understand that the land has been transferred to LandCorp, which is rezoning it, subdividing it and selling it.

LandCorp is in the business for an entirely different reason from the Water Authority. One is there for the purpose of water production, conservation and research; the other is in the business of making money. I am not sure what the status of LandCorp is, given that we have a Bill to abolish it. I am interested in the central point in WAWA's interest in the land, and why it is selling the land. I have other questions to follow up, much as Hon George Cash has indicated in his opening remarks. I am serious when I say that we want some answers.

Hon KAY HALLAHAN: I appreciate the manner in which Hon Phil Pental has put this matter forward.

Hon P.G. Pental: You have just ruined my parliamentary career by saying that.

Hon KAY HALLAHAN: The only thing he could have done better would have been to give me some notice of these concerns.

Hon P.G. Pental: I received them this morning.

Hon KAY HALLAHAN: Even an hour would have helped. All the information is ready. The points the member raised have been raised before. Detailed information could have been given. These problems had to be given very thorough consideration and arrangements made to deal with them.

The noise from the Jandakot airport has been taken into consideration. I understand noise levels around the airport have been closely monitored. I do not have the technical language to describe these measurements, but they have been closely examined and clearance has been given for the land in question.

The rare flora has also been a controversial issue. I cannot think of the name of this orchid - Several members interjected.

Hon KAY HALLAHAN: It has another name as well. The Department of Conservation and Land Management has been very closely involved in this item of flora which people saw a need to conserve. Very good management plans have been put in place. The developer in this instance has made arrangements to set some land aside where the orchid can flourish. In some areas I understand there is a move to translocate orchids, and a commitment has been made in relation to research into the orchid; a thorough investigation was done into its protection. The local community is aware of these negotiations, but for some reason people are still not satisfied. The land held by WAWA was being considered for a liquid disposal site. WAWA offered the land to LandCorp as it was deemed to be surplus to WAWA's needs.

Hon P.G. Pental: Do you give us an absolute assurance it was not a case of LandCorp or another arm of Government seeking to get hold of the land as distinct from WAWA's being prepared to cede it because it had no further use for it?

Hon KAY HALLAHAN: That is my clear understanding. Agencies do not readily deem that land is of no further use to them. Nothing has been suggested to me to indicate a problem in that regard. The notes I have been handed indicate that the land was declared surplus to WAWA's needs, and that is the reason it was included for development.

Members might be interested to know that Canning City Council has served a writ on both the State Planning Commission and myself as Minister for Planning in respect of this amendment. It concerns the technicality of who was the owner of the land and the validity of the metropolitan region scheme. The land was rezoned from rural to urban development.

Hon George Cash: We do not want any of your comments to prejudice any cases which may be coming up in court.

Hon KAY HALLAHAN: No, we do not; but I think I have already said it. That council holds a very strong position. Apparently the liquid disposal site WAWA intended to establish was not acceptable in that area, and so the land became surplus to its needs.

The land on the edge of the Jandakot mound has been thoroughly explored. The case the honourable member mentioned has had inordinate and very detailed attention. Every technical aspect has been considered because the council has been so concerned. I can assure members that nothing is being dealt with expeditiously or carelessly in this development.

Hon PETER FOSS: The reason for moving my amendment to the Minister's amendment is to change the basis upon which a court will approach the question of whether an amendment is major or minor. In view of the recent decision of Mr Justice Ipp, the absence of a record is really taken as being proof that proper consideration was not given. The amendment proposed by the Minister was to assume that proper consideration was given. My amendment on the amendment is to place it firmly in the middle and to make it quite clear that no assumption is to be made one way or the other. The question of whether it is a major or minor amendment will be the question before the court rather than the question of whether a record was made or not.

[Questions without notice taken.]

Hon D.J. WORDSWORTH: Clause 4 refers to metropolitan region scheme amendment 774/33A affecting certain land in Helena Valley. I asked the Minister by way of interjection to supply a list of amendments and I have since received a sheaf of loose pages. I have attempted to find that amendment in these 15 loose pages of amendments. On looking through them I find that some are in order and some are not. I was looking for the amendment relating to Canning Vale, which is 732/33A, and which I cannot find as they are not in order.

Hon Kay Hallahan: They are in order.

Hon D.J. WORDSWORTH: The pages are not numbered, so I do not know whether I have every page. I was also looking for 767/33A but found an unnumbered page and nothing between 765/33A and 777/33A, which is where I thought it would be. There are others floating along on other pages that fit in somewhere. This is not the way in which these amendments should come before the Committee. A Bill usually has a schedule which one can look at to find out what is covered by it. It is all very well for the Minister to refer to the *Government Gazette* of 12 May 1989 but copies of that are not available to members. All we have here is this collection of unnumbered pages, so one does not have a clue where these amendments are. This is not good enough! Legislation should not be brought before the Committee in this form. I would go so far as to say that it is probably unconstitutional to do so.

Hon KAY HALLAHAN: I am sorry the honourable member finds this a little confusing. A list was circulated in order of amendment number. Two lists exist, one of amendments finalised and another of amendments not finalised. They are in numerical or amendment order, so there is order and logic to them. I regret that the member has found them difficult to follow. In the circumstances it was deemed to be the best way of handling the situation with this amending Bill.

The one matter which I did not answer earlier in response to a question from Hon George Cash related to his reference to the Thomsons Lake development. It does not come under the validation delegation question as it was initiated by the State Planning Commission and not by the Metropolitan Planning Council. This Bill is about validating that delegation from the State Planning Commission to the Metropolitan Planning Council. I have written to a number of people from the area who have written to me and who are concerned about this matter, explaining that the Thomsons Lake development is not an MPC initiated amendment.

Hon GEORGE CASH: I commented earlier that representations to the Opposition as late as this morning and this afternoon are possibly the reason the Minister has not been given notice of the current situation. Members of the Opposition are concerned at the apparent intention of the Government to subdivide certain lands currently above the Jandakot water mound and the Gngangara water mound. For the information of members, both the Jandakot

water mound in the south and the Gnangara water mound in the north are used by the Water Authority of Western Australia to supplement drinking water supplies in the metropolitan area.

I will refer to a number of comments made in recent times relating to ground water generally and in particular in the southern metropolitan area; that is, the area of the Jandakot water mound. An article appeared in *The West Australian* under the heading, "Ground water at risk, says expert," which stated -

Perth could have big ground-water pollution problems if an effort was not made soon to examine all below-ground storage tanks in the Swan coastal plain for leaks, according to a leading water resources expert.

Ms Joyce Peters, of the California Department of Water Resources, said Perth's ground-water problems were worse than those in California because of the low level of filtration in the soil and the short distance between the land and water table.

In general terms, Ms Peters identified various areas in Perth and in particular the ground water areas potentially subject to pollution if urban development is imposed in those areas. I accept that those comments were made some time ago, which certainly does not detract from the professionalism of the researcher from the United States who is a highly qualified ground water specialist, but as a result of them my attention was drawn in particular to metropolitan region planning scheme 732/33A.

I have some comments to make in respect of that amendment for the information of the Chamber, but more than that, so that we place on record the views of many people in the Canning Vale area in respect of the Government's urbanisation of land above the Jandakot water mound, and if not directly above the Jandakot water mound, certainly land which, if developed, could cause potential pollution problems to the Jandakot water mound.

I refer to amendment MRS732/33A. It is a significant amendment to the metropolitan region scheme, and in general it relates to 200 hectares of environmentally sensitive land bounded by Nicholson Road, Ranford Road and the standard gauge railway in Canning Vale. It is outside the urban corridor in what could be described as an isolated development. Various people have canvassed support for the rezoning of that land, and people living in that area have found little or no support for it. In response to requests by various authorities, and in particular the City of Canning, I am advised that no physical model was ever provided to show what would be the impact on the Jandakot water mound. I refer to the change in the flow of water into and out of the mound which, as members are probably aware, provides about 60 per cent of the southern suburbs with their water. It could be said to save the Government millions of dollars as a result of its not having to build above ground water storage facilities.

In respect of amendment MRS732/33A, legal action has been instituted against the Minister and the State Planning Commission by the City of Canning because this land was the subject of a minor amendment rather than a major one, hence its inclusion in this validation Bill. The council moved to rezone the land on false information and without proper consultation with the residents, and without taking into account submissions by various people. It could be said that that in itself was an unlawful act. While that proposition has been advanced by some people, I do not support it, based on my understanding that the action was taken in good faith, although as a result of false information.

Aircraft volumes at Jandakot airport have now been confirmed by the Federal Airports Corporation. Members will be aware that this general area is close to Jandakot Airport. The aircraft volumes are such that the land should be considered as unsuitable for urban development. I understand that at present aircraft movements at Jandakot Airport are in excess of 400 000 per year. That appears to be an extremely high figure and I would want it checked, but that is the information which has been provided to me. Members will be aware of complaints and objections from residents in the Leeming area. Any developments of MRS732/33A will only exacerbate the situation of people objecting to aircraft movements.

The Government, as a result of its attempt to see this land developed, has decided to bypass various Acts of Parliament. I cite in particular the flora Act and the Conservation and Land Management Act, and that is something which the Minister should take on board if the Government intends to proceed with this subdivision. There is no doubt in my mind that

Canning Vale generally, as the result of its proximity to the Jandakot water mound, acts as a sponge. If the land is urbanised and developed, there will be a significant impact on the Jandakot water mound and in due course Perth's southern water supply taken from that water mound will be polluted, and could be polluted to a state where it is no longer suitable for human consumption.

I advise the Committee that I have been made aware of a letter from the Department of Conservation and Land Management addressed to the Secretary of the State Planning Commission in which various concerns of the Department of Conservation and Land Management have been raised, and those objections are so sensitive and so severe that the Government should immediately take action to make it clear that it has either received this advice and is acting contrary to it, or that the advice I am about to present to the Chamber has not been properly considered and will now be considered by the Government and the appropriate action taken. The letter reads as follows -

#### PROPOSED MRS AMENDMENTS CANNING VALE NO. 732/33A

I refer to your memo of 19 December 1988 and the correspondence from the President of the Canning Vale Progress Association.

Four species of declared rare flora occur at the site of the proposed development. The area contains a population of *Diuris purdiei* (1,000+ plants) with smaller populations of *Drakaea jeanensis* (5 plants); *Drakaea* sp. (5 plants) and *Caladenia* sp. (100 plants).

The population of *D. purdiei* at Canning Vale is especially significant as it represents the largest one known to exist. Smaller, less viable, populations occur on private land in Oakford and Canning Vale (20+ plants) while some 30 plants occur on undeveloped Crown land (golf course) under the control of the City of Armadale. Outside the Metropolitan area one population (120 plants) is known from a proposed Nature Reserve at Pinjarra and a further 15 plants are known from a reserve on Peel Inlet. All populations are potentially under threat from weed invasion and water drainage.

*D. purdiei* is a very rare species of orchid which grows in winter wet situation in sandy clay on the coastal plain south of Perth and requires a hot burn in the January to March period to induce flowering. For this reason its habitat is limited and its observed occurrence sporadic. Very little is known about the biology of the species apart from limited information collected on its pollination biology.

The MRS Amendment No.732/33A has placed the survival of this species in jeopardy and the Department is anxious to avoid its extinction in the wild.

The presence of Declared Rare Flora and the very high conservation values of the general area were previously brought, informally, to the notice of your Review Group in May 1987. The Department's earlier advice indicated that the ephemeral paperbark swamps and surrounding Banksia woodlands are of considerable conservation value because they contain:

- (i) Declared Rare Flora (e.g. *Diuris purdiei*, *D. drummondii*, *Caladenia* sp. (coastal plain), *Drakaea jeanensis*, *D. sp.* (south west)
- (ii) outlying populations of northern heathland species (e.g. *Blancoa canescens*, *Banksia incana*, *Byblis gigantea*)
- (iii) outlying populations of southern species (e.g. *Acianthus tenuissimis*, *Thelymitra cornicina*, *T. cucullata*, *Prasophyllum regium*, *Calochilus robertsonii*)
- (iv) small areas exceptionally rich in orchid species (e.g. 40+ have been recorded in a few hectares along Nicholson Road near Ranford Rd).

To date collection of biological data has been opportunistic and *ad hoc*. A systematic survey of the area needs to be undertaken over several seasons to fully document all species of flora and fauna. You may be aware of the road kill of a Numbat, a species of rare fauna, several years ago in this area. To my knowledge no detailed zoological survey has been carried out.

The Wildlife Conservation Act requires that no species of Declared Rare Flora can be taken without the written permission of the Hon Minister for Conservation and Land Management. "To take" in relation to the Wildlife Conservation Act includes to "gather, pluck, cut, pull up, destroy, dig up, remove or injure the flora or to cause or permit the same to be done by any means".

Development of the area will result in the destruction of the rare flora, hasten the demise of these species and quite probably lead to the extinction of *Diuris purdiei*. If approval is given to rezone the land then the Department could not support an application to take the rare flora.

I repeat that last comment: If approval is given to rezone the land, then the department - and I am referring to the Department of Conservation and Land Management - could not support an application to take the rare flora. The letter continues -

The Department can however suggest a number of options for your consideration:

1. Reserve the land, under the Metropolitan Region Scheme, for the purpose of Conservation of Flora and Fauna, vested in the National Parks and Nature Conservation Authority. Given the high conservation value of the area an "A" class classification would be required to ensure its long term survival.
2. Defer the decision to rezone the area until the applicant has demonstrated that the four species of declared rare flora can be adequately protected. This would require the developer to engage the services of a contract botanist, and/or members of the WA Native Orchid Study and Conservation Group, to assess whether the plants could be successfully relocated. Such assessment would need to be carried out over a two to three year period.
3. Reserve 20 ha of land in the southern section of the development area to protect *Diuris purdiei* in the short term, 3 years, with the applicant carrying out a study as per 2. above. Applicant to be given approval to develop the other land and therefore "take" the other three species after tubers from these plants have been removed from site. Such approval would need to be given by the Hon Minister for Conservation and Land Management.

CALM's preference is for Option 1. The second option would be satisfactory to us, but funds would need to be found for the survey, and the developer could get no approval to proceed until satisfactory results were obtained (not less than 3 years). The third option is not satisfactory.

If the Minister for Conservation and Land Management refuses to grant approval to take the rare flora then the Wildlife Conservation Act provides for the payment of compensation for a period of five years. Such compensation can only be approved if it can be demonstrated that the owner will suffer loss of use or enjoyment of the land by reason of that refusal. Where compensation has been paid for a period of five years the Minister is then required to grant approval "to take" should an application be made. Alternatively the Governor may take the land at any time under and subject to the Public Works Act for any of the purposes of this Act.

The Department of Conservation and Land Management opposes the development proposals in their present form and asks that consideration be given to amend the MRS amendment to ensure the continued survival of the rare flora as per option 1 above.

The letter is signed Syd Shea, Executive Director, and is dated 23 January 1989. That concludes the reading into the record of the contents of the letter from the Department of Conservation and Land Management to the Secretary of the State Planning Commission. I think it raises some very important points which I would ask the Minister to address. Firstly, is the Minister aware of this letter? Secondly, if the Minister is aware of the letter, what action has been taken to comply with the express wishes of the Department of Conservation and Land Management? Thirdly, if the Minister and/or her department are not prepared to comply with the expressed undertakings of the Department of Conservation and Land Management as contained in this letter dated 23 January 1989, I ask for the reasons why to be clearly outlined; because it appears to me that there is a matter not only of conservation and environment that is required to be taken into account when considering this amendment

but, more than that, there is a need to consider the likely impact this development and other developments in the Canning Vale area will have on the potability of the water that is taken from the Jandakot water mound.

I invite a response from the Minister, but I also advise that I want to make other comments in due course in respect of proposed MRS amendment 767/33A which relates to land bounded by Nicholson, Ranford, Wilfred and Clifton Roads in Canning Vale. However, I would be pleased to have the Minister's response in respect of that letter.

Hon PETER FOSS: I refer the Minister to a letter dated 22 October 1985, and I will supply the letter to the Minister. It is from the Town Planning Board of Western Australia to the City of Canning and is related to town planning schemes Nos 16 and 31, amendments Nos 346 and 1. I believe it refers to the Canning Vale land, and it contains four statements; firstly, that the proposal would result in a major urban extension of the non-urban wedge; secondly, that it does not comply with the board's policy statement; thirdly, that part of the land is affected by the 25 ANEF contour for Jandakot Airport; and, fourthly, that insufficient evidence has been provided to satisfy the board that the long term effluent disposal criteria can be met. If that is the case, and if it does refer to that particular amendment, it is difficult to see how the Metropolitan Planning Commission could have come to the conclusion that this was not a major amendment. I will pass the letter to the Minister and perhaps she could respond to this one as well.

*Sitting suspended from 6.00 to 7.30 pm*

Hon J.N. CALDWELL: I have been absolutely engulfed in literature, letters and other such correspondence during the last 24 hours on this matter, which illustrates that people are very concerned about the land involved in this legislation. This relates to proposed metropolitan region scheme amendments Nos 774/33A and 732/33A, and people have been asking parliamentarians to have these amendments deleted from the Bill. This has been drawn to our attention at a fairly late stage, but I am sure these people have good intentions at heart. I travel through this area at least twice a week when coming to Parliament, and I have had the opportunity to observe some of the flora growing in the area - the kangaroo paws are magnificent when in bloom. When one reads the report from the Department of Conservation and Land Management the issue comes together. The end of the report states -

The Department of Conservation and Land Management opposes the development of proposals in their present form and asks that consideration be given to amend the MRS amendment to ensure the continued survival of the rare flora as per option 1 above.

Hon George Cash mentioned option 1, so I will not read it out again. I indicate to the Minister the concerns held by these people, and particularly the Banjup Action Group. This group has provided numerous maps and comments from local newspapers on this issue as it is extremely concerned. As I said in the second reading debate, it is up to the metropolitan members of Parliament to give a greater input to this Bill because it involves the metropolitan and outer metropolitan areas. However, because of the concerns expressed to me by these people, I am greatly concerned for them. I hope the Minister will take everything they say into consideration when deliberating on this Bill.

Hon D.J. WORDSWORTH: I must admit that I was assured by the second reading speech that these amendments were minor amendments and that there had been only a slight hiccup with a transfer of duties from the old Town Planning Board to the State Planning Commission. The delegated power to decide minor adjustments to the town planning scheme will be transferred. It did not become clear until I reread the second reading speech, which states -

... and quite logically transferred the responsibility for implementing the scheme to the MPC reserving only unto itself the power to initiate major amendments and to approve all property transactions in excess of \$250 000.

One could conclude from that, if nothing else, that the minor amendments would be less than \$250 000. That seemed fair enough until one received correspondence from various organisations indicating that the land at Canning Vale involved 224 hectares of special rural land to be rezoned for housing. One does not have to be a mathematician to work out that something is wrong; the Government is trying to suggest that this land is worth \$1 000 a hectare, which is little more than Mr Caldwell's land at Katanning.

Hon J.N. Caldwell: Not at the moment.

Hon P.G. Pental: Not the areas with gold on it.

Hon D.J. WORDSWORTH: Even during a wool crisis the land would be worth more. However, we are told that this is a minor amendment. When one looks at this a little closer, one can see that this land adjoins land which was the subject of the trouble with the Canning Town Council, which had special meetings two or three days before the State election to push through some amendments. We also had a Minister's franking machine somehow or other fall into the hands of one of his staff who franked many letters to be used in the Canning Town Council elections. It was hoped to get rid of one of the shire councillors who disagreed with this proposal.

Hon J.M. Brown: I suggest that you be very careful.

Hon D.J. WORDSWORTH: Why is that? Perhaps I should leave that subject and refer to the owner of this land, Mr John Roberts - I have heard that name somewhere before. When I walked past his construction projects I used to see a sign proclaiming "We employ only unionists".

Hon Kay Hallahan: It is not the same John Roberts.

Hon D.J. WORDSWORTH: The Minister was very quick to point that out and I am pleased she did.

Hon J.M. Brown: Was it the former Clerk?

Hon D.J. WORDSWORTH: No, he held a very senior Army rank.

To say that an amendment dealing with 700 blocks is a minor amendment is utterly ridiculous. We are being deceived when a matter like this is brought up quietly. The Opposition is not in a position to know what this is all about.

Hon Garry Kelly: You said it had been brought up quietly, but you are making a noise about it.

Hon D.J. WORDSWORTH: Yes, I am. The Minister is saying to the Opposition, "Trust me; I will look after you."

Hon Kay Hallahan: Really!

Hon P.G. Pental: Mr Kelly's constituents want to know what he will do with Leda.

Hon D.J. WORDSWORTH: The zoning of this land is being changed and members are aware of the importance of the land because of its wildflowers and other things. The land also involves the Jandakot mound, which is of importance to our water supply. Members would know that two thirds of Perth's water comes from underground. While we make great play about how full the dams are, they really play a minor part in Perth's water supply. Previously it was heresy to build on this land because it had to be preserved for our water requirements, but that decision has been reversed because the Government is running short of building blocks. As a result, the zoning of the land has been changed from rural to urban and this is raising the value of it considerably and, of course, is helping to relieve the shortage of building blocks.

One question which comes to mind is, where is the sale money going to? It is interesting that the Banjup Action Group has ascertained that the R & I Bank owns at least half the land. I do not know anything about Ardross Estates Pty Ltd and we have not been told about it, but the R & I Bank owns half the land. Perhaps the money from the land will help the constituents in Madam Chairman's (Hon Muriel Patterson) constituency, because the Albany R & I Bank is short of money.

Last week amendments were moved for three areas of land to be excluded from this legislation and I refer to the old Swan Brewery site, Hepburn Heights and Leda. As a House of Review we should look more closely at the areas we are being asked to consider. I certainly consider that the 214 hectares should be excluded until such time as the people concerned can examine it, because this land comprises areas important to our water supply - this matter was raised by the Banjup Action Group. I recommend to this Chamber that those areas which I mentioned be excluded.

Madam Chairman, I know you would not allow me to move an amendment at this stage. I

would be happy to recommit the Bill to move an amendment unless the Minister is willing to assure this Chamber that those areas to which I have referred will not be included in this legislation.

Hon DERRICK TOMLINSON: I take up the point introduced by Hon Peter Foss before the dinner suspension. Unfortunately he is elsewhere on parliamentary business and cannot continue with his remarks and, therefore, I wish to take them up on his behalf because they are central to the Bill.

Throughout the second reading debate we argued the need for consideration by and perhaps even a definition from the Department of Planning and Urban Development on substantial versus other amendments. The Minister has taken most of those comments on board. The Opposition has acknowledged the difficulty of that task because the diverse nature of the amendments and the unique quality of each amendment make it difficult to define and yet not, at the same time, restrict the amendments which are possible.

Two things have been argued: First, a series of minor amendments taken together constitute a substantial alteration to the metropolitan region scheme. Each of these by itself might constitute a minor amendment, but a series of minor amendments taken together constitute a substantial redrawing of the scheme; therefore, it is necessary to look at the consequences of the minor amendments in relation to other amendments within it. This was at the heart of the Helena Valley action, because the residents' concern was that this was the beginning of a domino effect of the urbanisation of that Forrestfield corridor. In fact, their fears are borne out in the department's planning documents, which confirm the probability of that domino in the Forrestfield corridor.

The second matter raised in the second reading debate was the consequences for deemed minor amendments to the metropolitan region scheme of other aspects of Government policy impinging on those minor amendments. Taken in that context, the minor amendments assume a different significance and become major changes to Government policy. I argued the case of the waterways reserve at Ashfield which the Minister replied was merely an extension of an already existing flood plain of a parks and recreation reserve. In fact, it is not merely a flood plain; it is an extension into a floodway and the floodway concept is a substantial change in Government policy for protection of the 25-year and 100-year flood levels.

I turn to the letter Hon Peter Foss gave to the Minister. The letter is dated 22 October 1985 and is signed by the Secretary of the Town Planning Board of Western Australia, R. Maher, and makes reference to a major residential extension into the non-urban wedge which would be contrary to the principles of the corridor plan for Perth. In 1985 the Town Planning Board of Western Australia was willing to acknowledge that this constituted a major residential extension of the non-urban wedge. Yet, here we are in 1990 considering amendments 776/33A and 732/33A as minor amendments. They are minor amendments which represent substantial change in Government policy. If that is the case, under what circumstances can we consider them to be minor?

They are not in the least minor and must be considered in the context of Government policy. I also note that part of the land in question is affected by the 25 ANEF contour, yet that 25 ANEF contour which was taken into account in the 1985 decision of the Town Planning Board in the Helena Valley case and in the environmental impact of the military land in Maida Vale, is not taken into account here. Again, there seems to be a clash between one aspect of Government policy which says there shall be no residential development within certain noise levels of airports - the 25 ANEF level taken into account in one aspect of rezoning - but which is disregarded in another rezoning application. Where is the rationale in this tension between Government policy which is taken into account in one consideration but not in another? I urge the Minister to take these recommendations about redefining - not restate them, because they have never been adequately stated - and clarify the parameters of minor versus major amendments.

Finally, the Minister's defence so far in favour of development of this area of the Jandakot mound has been that the WA Water Authority has undertaken extensive studies and has provided a defence of its position. Yet Hon George Cash read a letter which indicated that another Government department opposes the amendment on the ground that it contravenes that department's authority.

Hon Kay Hallahan: That letter was about Canning Vale.

Hon DERRICK TOMLINSON: Sorry, Canning Vale. Is the Minister totally satisfied with the WA Water Authority's defence and can she produce the evidence that these aspects of Government policy are not being contravened? Parliament should not be considering one aspect of Government policy in isolation from all other aspects of Government policy.

Hon KAY HALLAHAN: I have quite a number of issues to cover and will endeavour to do that in an orderly manner that is satisfactory to members who have raised the various issues. However, I am not beginning in any particular order and if I were to inadvertently overlook a matter which a member has raised, I would be happy to have it drawn to my attention.

I refer to the rather long letter to Hon George Cash from the Department of Conservation and Land Management. The letter is dated 23 January 1989 and is unsigned, but one presumes that it would have been signed by the executive director. The letter is a good indication to members of the vitality, if they like, of the communication between departments, the concerns within departments and the way in which concerns are brought to notice and then resolved or not resolved. The letter refers to the flora of the area, and we dealt with that earlier today in debate. As a result of CALM's concerns satisfactory arrangements were made to protect the flora. An area within the Winthrop joint venture area has been set aside where an orchid can be observed over a number of seasons. The private developers have provided funding which will assist in research to monitor the survival of the orchid in that area. Reference was made to Pinjarra, but I am told that near Mandurah an A class reserve has been established. I am not sure whether it is the same area the honourable member was referring to. It is believed that that reserve will be a satisfactory area in which to preserve the orchid because it is adjacent to a national park. I understand the conditions are suitable in that area for preserving rare species of flora and fauna.

Concern was expressed about the numbat, which we know is our State fauna emblem. The State's foremost authority on numbats was brought into this area and undertook a survey. Difficulty arose in establishing the size of a colony in the area. The comment was made at the end of the exercise that, even if colonies of numbats existed in the area, should that area not be developed, because of the adjacent development the animal was highly unlikely to survive. As members know, the Perth Zoo, in cooperation with CALM, has an amazingly successful program for breeding numbats. A very interesting diet is needed of termites and other things which are made into the right consistency; little numbats love them. I am told a breakthrough has been made in the numbat's dietary habits.

Hon D.J. Wordsworth: They are in isolation there, too.

Hon KAY HALLAHAN: Does the member want a termite diet?

Hon D.J. Wordsworth: No. You said they couldn't survive in isolation. South Perth is pretty isolated.

Hon KAY HALLAHAN: No, they are receiving lots of loving care and people have made studies of the nutrition on which they will be able to survive. I am told they do not like meat and vegetables. The action arising out of this is very heartening; it shows that a great deal of research is taking place; people are genuinely concerned. Within departments, expertise and research is taking place on these very important areas of our life; in years past they were very much neglected. Because of this raised community consciousness about the survival of particular species, maintaining the quality of our water and matters that are associated with a good quality environment, some very good work is taking place. That is fine for those of us who are in possession of that knowledge. People who are not in possession of that knowledge feel anxious.

That explains why over the last couple of days members have been inundated with information from community groups and action groups formed because of a common concern. They are bringing the issues to members' attention in the hope that the best possible outcome can be achieved. The correspondence from the groups who have written to Hon John Caldwell has also been forwarded to me; they have written to many other people also. They have been very consistent in expressing their concerns, which have not in any way been disregarded. People who have not had the opportunity to work in systems with people of expertise where a cooperative effort is made to resolve problems probably do not feel reassured. However, the most demanding and expensive reports have been made about

the Thomsons Lake area. The Government will see whether it is deemed that all the measures are safe enough to proceed with development in that area. Some new ways of dealing with the preservation of underground water will become apparent. It is becoming clearer that people who are concerned about the quality of underground water prefer to see urban development rather than rural activity taking place. Pollutants and the run-off from pollutants are more constrained in the urbanised environment.

Hon D.J. Wordsworth: All those dirty animals that you get in a rural situation!

Hon KAY HALLAHAN: It is not only animals but also pesticides, which can cause quite severe pollution. People are becoming increasingly concerned about that.

Hon Derrick Tomlinson: There is some evidence that the run-off of fertilisers from suburban gardens causes even greater pollution.

Hon KAY HALLAHAN: That may be so, and in some areas people may have to be restrained in their use of pesticides.

Hon D.J. Wordsworth: What about insecticides?

Hon KAY HALLAHAN: I accept the points raised by Hon Derrick Tomlinson and Hon David Wordsworth, but I have been told that the degree of run-off in the areas where urbanisation will be allowed will have to be established before the final go ahead is given. That has been given the most inordinate amount of attention by the Environmental Protection Authority, the Water Authority of Western Australia and the Department of Conservation and Land Management.

Hon D.J. Wordsworth: But the roads are already being constructed, so what do you mean when you say this is not the final situation?

Hon KAY HALLAHAN: The roads are not already being constructed in the areas I am talking about because the go ahead has not been given. We are talking at cross purposes. A very comprehensive drainage plan has been prepared, and the Conservation Council was very pleased with that plan and what it will mean for the proposed Beeliar national park and the preservation of water quality, bird life and other environmental aspects in those wetland areas. The Conservation Council has closely scrutinised all the activities which have been taking place, in addition to the attention which has been paid by the Government departments which I have mentioned, so a wide community of interest has been examining closely the proposals for that area.

Hon J.N. Caldwell: I doubt whether the people who have petitioned the Parliament have been assured.

Hon KAY HALLAHAN: I hope I have been able to explain to members that, when people want to preserve a certain lifestyle, sometimes they do not want any changes at all, and sometimes they are concerned about the quality of those changes. It is very difficult to provide all the assurances that people want, despite the fact that we are all trying to do wonderful and harmonious things for the environment.

I refer now to the letter which was tabled by Hon Peter Foss, which Hon Derrick Tomlinson has now taken up in his absence. That letter was written in 1985, and it says in the final paragraph that council is further advised that it is the Metropolitan Region Planning Authority's intention to examine development options for this area in more detail as part of the corridor plan review. I remind members that that review was put in place in May 1985. In December 1987 the Government released a document entitled "Planning for the Perth Metropolitan Region, First Report". So members can see that we are engaging in an ongoing dynamic process, which will not stop on 3 July 1990 but will keep on going. In five years' time we will be debating the same matters that we are now debating in respect of pushing back other boundaries and frontiers.

Hon Derrick Tomlinson: Some people define ongoing dynamic change as chaos.

Hon KAY HALLAHAN: I do not agree. I know we have heard that said previously by members opposite but that is an unfair statement. I have already made the point that we are caught up in a period of -

Hon Derrick Tomlinson: Chaos.

Hon KAY HALLAHAN: No. We are caught up in a situation which will be resolved in large measure when we make a final statement about urban expansion policy. Members have received a copy of the draft report, and a final report is yet to be completed. That will give members a greater indication about future urban development and will, hopefully, avert much of the anxiety which has been expressed by members of the public who believe they are being caught up in something that they have not been made aware of.

Hon P.G. Pental: The point that Mr Tomlinson made was that this has been the first time for many years that ordinary people have had the opportunity of discussing this nonsense about what constitutes major and minor amendments. That is where this all stems from.

Hon KAY HALLAHAN: The legislation stems from that, but it does not all stem from that. This is much bigger than that.

Hon Derrick Tomlinson: The whole of the Helena Valley case was based on the principle of minor and major amendments, and that is another "PICL" that the Government is involved in.

Hon KAY HALLAHAN: It is clear that there is a disagreement in the Chamber about what constitutes major and minor amendments. The decision in that case did not deal with major and minor amendments, but one of the judges did suggest that the State Planning Commission take into account not only the amendments before it but also other possible developments or amendments when deciding whether an amendment is major or minor. The legislation refers to the metropolitan region scheme as a whole. When something happens around us, we may think it is a major event, but that is not what the Act says. The Act says that an amendment must have a major effect on the metropolitan region scheme. I again refer members to the draft urban expansion policy because that will, in large part, resolve this situation where people want to have the definition of major and minor amendments determined in court cases, because people will have spelled out for them exactly what they can expect to happen around them.

Hon Derrick Tomlinson: That document confirms the very concern which was at the heart of the action taken by the Helena Valley action group; that is, the aggregation of minor amendments can result in a major change to the metropolitan region scheme.

Hon KAY HALLAHAN: That can be taken into account. The advice of the court was that if there is a series of amendments, the SPC ought to take that into account. That direction has already been given to the SPC. The draft urban expansion policy is now available, and the SPC will be in a position to take that into account because it will know what else is likely to occur.

Hon Derrick Tomlinson: But the changes were initiated before that document was published, and you have the very real possibility of changes preceding the draft plan, and of the plan being superseded by the changes which have been approved.

Hon KAY HALLAHAN: The member must understand that in any debate on lifestyles and the environment, at no point does the clock stop. Everything is ongoing, and what will happen tomorrow is a result of the planning processes of today.

Hon Derrick Tomlinson: Ongoing dynamic chaos.

Hon KAY HALLAHAN: It is very complex. It is not neat and tidy.

Hon David Wordsworth referred to a matter which was raised in the second reading speech. The Bill says -

In accordance with that expectation, the SPC duly exercised what it believed were its powers of delegation - section 20 of the SPC Act - and quite logically transferred the responsibility for implementing the scheme to the MPC reserving only unto itself the power to initiate major amendments and to approve all property transactions in excess of \$250 000.

When we say that, we are talking only about the land that is reserved for public purposes, not other land. Does the member see what I mean? If it had to be a purchase for, say, regional open space or a road reserve, if it was over \$500 000 it would go to the Governor for approval. That was the check in the chain of approvals. Perhaps there has been a misunderstanding about the approval of the \$250 000.

Hon D.J. Wordsworth: I think your adviser is trying to tell you otherwise.

Hon KAY HALLAHAN: I would be very surprised if he was. He would be confusing me and giving me conflicting stories if he did that.

Hon D.J. Wordsworth: It is a very unlikely story, and I would have thought some Government department would have had to find \$250 000 anyway.

Hon KAY HALLAHAN: That is right. They have a budget to do that and were delegated with that expenditure up to that point. They could do that.

Hon D.J. Wordsworth: I find it very hard to believe.

Hon KAY HALLAHAN: It was a reasonable amount. Certain areas of land would have needed that sort of expenditure. However, I make it clear that it was for public purpose activities, not for buying up land for residences, for example. I want to make that distinction.

Hon D.J. Wordsworth: This R & I land would have been worth far in excess of that.

Hon KAY HALLAHAN: But they were not buying that land. They have a power to buy land for public purposes, that is all. The R & I Bank is a separate body, the same as any other developer. It would have a capacity to do what its empowering legislation or company rules said it could.

Hon D.J. Wordsworth: But we seem to have WADCs and so on.

Hon KAY HALLAHAN: We are talking about the State Planning Commission delegating to the Metropolitan Planning Commission, that is all. If those bodies are present in a development they act under their own charter and are not limited or affected by this. This is just a delegation from the SPC to the MPC.

I have got the right terminology now - it is called the ANEF; that is, the Airport Noise Exposure Forecasts. They are assessed around airports and we are awaiting reports from around Perth Airport at present.

Hon George Cash: We used the abbreviation and you used the full wording. That is fair comment.

Hon KAY HALLAHAN: I used both.

Hon Derrick Tomlinson: You can go to the top of the class.

Hon KAY HALLAHAN: For a short time only! Let us move now from Thomsons Lake to Canning Vale. Discussions and negotiations have taken place with the Civil Aviation Authority and the Federal Airports Corporation and they have cleared that area for urban development provided that the houses that are located within the 20 ANEF zone -

Hon D.J. Wordsworth: Are more than 10 feet high.

Hon KAY HALLAHAN: No, provided they are insulated. So people who buy in that area will know, because there will be an imposition on the building plans, that insulation is needed for houses within that area. The interesting thing is that people were more worried about the noise coming from the railway line, and quite a buffer is being allowed there. There could be a problem, but apparently only a small part is within the 20 ANEF zone. The same goes for Bushmead - only a small part of that is within the zone.

Hon Derrick Tomlinson: You could have a reserve within the strategy for public open space.

Hon KAY HALLAHAN: People do try to accommodate different land uses within the constraints that are imposed. I know mistakes happen, but the more I see of this portfolio, the people involved in it and the negotiations that take place, the more I am impressed with the way in which good sense prevails, and with the cooperation that goes on to try to accommodate what is needed. In terms of proposed open space, aircraft noise may not affect how one enjoys the open space and so on, but it might affect how one sleeps at night.

As to the question about the Western Australian Water Authority and the sale of LandCorp, I am assured that WAWA apparently was very happy indeed with the financial arrangement it came to with LandCorp over that property arrangement, once it recognised that the property was surplus to its needs because it was not suitable for the intent it had had earlier for the land. I think I have covered most of the points that have been raised. If members have subsequent matters to deal with I would be happy to respond to them.

Hon GEORGE CASH: I was interested in the Minister's response to the various matters raised; however, the Minister did not address the question I posed earlier to her; that is, the danger of the proposed developments in the Canning Vale area to the Jandakot water mound. If the Chamber will bear with me, I will raise some other matters in respect of the Jandakot water mound because my primary reason for extending the debate today is to raise the question of just where we are going in respect of both the Jandakot and the Gnangara water mounds and the proposed developments that the Government has under consideration.

I refer to a question that was asked by members of the Banjup Action Group some time ago. They posed this question at a public meeting -

How aware are the people of Perth about the value of water aquifers and the major impact on water supplies and costs to them should the Jandakot or Gnangara mounds face potential pollution. Do they know what has occurred in other countries and in particular the Californian scenario. How can we increase an awareness that our concern is theirs too.

That is to say, everyone in the community should at least recognise the value of the ground water supply in the metropolitan and near metropolitan areas, and certainly everyone in the community, and the Water Authority and the Government in particular, should be taking certain actions to protect that huge community resource. In researching some of the comments by the Banjup Action Group and other interested community groups, I noticed that in the *Canning-Melville Times* on 22 May this year - which is three or four weeks ago - a number of articles were written by Wendy Evans from that community newspaper. I must compliment Wendy Evans on the work she has done in recent months in taking a very significant interest in the question of the need to protect our water resources and in particular the ground water resources. I noted the following part editorial, which said -

The Environmental Protection Authority has stated clearly that it does not want urban development over the Jandakot groundwater mound between water supply bores.

It has given reluctant agreement to develop land in South Jandakot only on conditions and only after pressure from the Government.

In 1988 D.F. Atwood and C. Barber, of the CSIRO, delivered a paper on the effects of Perth's urbanisation on groundwater quality to the Swan Coastal Plain Groundwater Management Conference.

In part, that paper stated -

"It is better to take action to prevent contamination from occurring rather than to take retrospective action to control sources or to provide treatment for groundwater or for the aquifer itself.

"The latter option is not only costly, but there is a limited likelihood of complete success."

The editorial continued -

The WA Water Authority, the guardian and provider of your water . . .

I agree, the WA Water Authority is the guardian and provider of water. That quote highlights matters I have raised tonight in respect of the need to protect ground water in the metropolitan and near metropolitan area.

I return to amendment 767/33A in the Canning Vale area in respect of land generally bound by Nicholson, Ranford, Wilfred and Clifton Roads in Canning Vale. This amendment is still being processed by the State Planning Commission even though the City of Canning has refused to amend its town planning scheme on this land. The refusal by the City of Canning was based on the environmental issues of the Jandakot water mound, and the fact that the development will be within the 20 to 25 and 25 to 30 airport noise exposure forecasts contours of the Jandakot airport which is recommended as being unsuitable for urban development. The land is outside the urban corridor and the corridor review plan has never been before Parliament. The City of Canning, I am advised, is not aware of who initiated the amendment to the metropolitan region scheme and how it came to be a 33A amendment. I am, however, advised that the City of Canning did not support that MRS amendment.

Without question the local residents in the area described earlier in Canning Vale object to

any rezoning of the land. It has been said that this amendment, in conjunction with the MRS amendment 372/33A, and the recent proposals on Thomsons Lake - which I will discuss in a moment - would totally destroy the environment and our natural water supply and would provide unsuitable urban development in close proximity to the Jandakot airport. It should also be noted that the removal of the viable rural areas within Canning Vale would mean the barrier to a Government acting against the interests of its citizens would be removed because no people would be left to object.

It is, therefore, imperative that the rural lifestyle in Canning Vale, Gosnells and Cockburn be maintained. The people in Canning Vale have resided in a rural lifestyle for a number of years without contaminating the water mound. However, 45 000 people - that is the estimated population of the proposed development that the Government has been considering - would contaminate the ground water supply. Members of the City of Canning who have approached me have urged not only me, as a member of this Chamber, but also other members of this Chamber, to recognise the importance of the ground water supply, known as the Jandakot mound; and also to recognise the concern of the citizens of Canning Vale who believe that the proposed developments - in particular by LandCorp and other Government agencies - are being initiated and pushed by the Government to generate additional funds irrespective of the damage and cost to the environment and in particular to the ground water supply.

I have talked about metropolitan region scheme amendments 767/33 and 732/33A. I want members to recognise we are talking about an area of land which will produce, if unchallenged, more than 2 000 urban dwellings with the associated pollution and destruction of the rural environment. For members who do not know the Canning Vale area well, it is one of the few places remaining close to the city where one can see banksia trees, native bush and wildlife - including natural swamps caused by the Jandakot mound. A drive on the weekends will indicate to members the existence of wildlife in the area, particularly wild fowl. The two amendments to which I have referred, and about which I have expressed grave concern, will in due course be shown to be damaging to the Jandakot mound. The Environmental Protection Authority is opposed to the urbanisation of the area. We know that the Water Authority of WA has had significant pressure placed on it by the Government in attempts to, one could say, turn its head, and not stand up and be counted in relation to the protection of the area.

The Government should take appropriate action in respect of the two amendments. Unless it does so some years into the future history will show that the decisions taken in this Chamber tonight will cause a detrimental effect on the ground water supply for the southern metropolitan area.

I turn now to another amendment known as the metropolitan region scheme amendment 741/33A, which relates to land generally owned by the R & I Bank, LandCorp, and some other land owners. Again, the Banjup Action Group, which has been active in the Thomsons Lake area, has expressed considerable concern about whether any development should take place on that land. It is interesting that some time ago one of the owners of the land in the area known as Banjup Park - about 54 hectares - was told by the City of Cockburn that the land could not be rezoned from rural to special rural because it would have a detrimental effect on the Jandakot public water supply; that is, the Jandakot mound.

The present situation is that not only is that land to form part of the area to be rezoned but also it seems that some Government departments have done a complete somersault as to the land that can now be included in urban zoning. Maybe it is worth relating some history of this land. I return to 1981 when the Water Authority submission to the south west corridor strategy was put in place; objections were made at that time to the urban zoning over the Jandakot public water supply area because of pollution and an overdraw from private wells. In 1986, in relation to Thomsons Lake and the urban structure study, the Water Authority objected to the extension of the urban area east of the freeway as it was near proposed water bores. The State Planning Commission dismissed that concern as other bore fields north of the river were in urban areas. Again, the WA Water Authority preferred the rural land to remain as rural land; that is clearly now being overruled by the Government.

In 1987, the Water Authority released the Perth urban water balance study. Again, it suggested there was a risk of hydrological changes associated with urban development and

warned against any urbanisation of the Thomsons Lake area. By 1988, the Water Resources Council recommended that there should be no urbanisation over the area of the Jandakot mound until research had demonstrated it could be done with no significant risk to wetlands or ground water.

In 1989, only last year, the Water Authority annual report stated that a major environmental study had been undertaken on the extensions to the urbanisation of the Jandakot water mound.

The Water Authority has signalled the dangers of the urbanisation of that area. It is clear to me that Government pressure is causing the changes that are now before the House. The decisions that have been taken tonight will, in the long term, be to the disadvantage of the community of metropolitan Perth. I regret that the Government does not appear to want to change the direction in which it is headed. It will be interesting in a few years time to see whether Labor members complain in this House to the then Government - I expect it to be a Liberal-National coalition Government - about the pollution that has occurred in the Jandakot and Gnanagara water mounds as a direct result of these amendments and as a direct result of this Government not wanting to act in the community's interests.

Hon KAY HALLAHAN: I do not accept that the Government desires to proceed with a development which will put very vital water resources at risk. If this proposal goes ahead, we will all become familiar with the quite extraordinary and unique drainage management plan which will have two major aspects to it. The first will be to control the seepage underground into the water tables and the second to manage the run-off into the wetlands. I understand there is a remarkable and comprehensive plan, part of which will be monitoring to prove the system works. We will not allow this situation to run riot. It will be constantly monitored. Only in that way can we prove or disprove the expertise that we have at our disposal to manage and preserve our water supplies. Of course, the Opposition is concerned about this; everybody is concerned about it, including action groups in the area. Every Western Australian has a vested interest in maintaining good clean water for our community. Certainly, the Government has put many resources into ensuring that that occurs.

I reject the assertions by Hon George Cash that the Government is selling out heritage of clean water and our general environment.

Hon George Cash: You are environmental vandals and you know it.

Hon KAY HALLAHAN: Hon George Cash is a little flippant tonight.

Hon George Cash: I am seriously considering how we can remove this from the Bill.

Hon KAY HALLAHAN: It is a very worrying matter which the member brings to our attention. However, it has had and will continue to have the most extraordinary attention.

Rezoning of the area by the Cockburn City Council to special rural would not be allowed because it would introduce septic tanks, more animals, more pesticides and more fertilisers into the area. Under this proposal, scheme sewerage will be put through. Many things will be put in place which will protect the life of the water supplies and provide proper infrastructure to allow the proposal to go ahead.

The Water Authority is under no pressure. It has been at the forefront in the development of the drainage management plan.

Hon P.G. Pental: We are not disputing that; we are talking about the pressure you people have put on it.

Hon KAY HALLAHAN: I dispute that. We all have a vested interest in looking after our water supplies. I do not buy the argument that only one section of our community has an interest, first, in our endangered environmental areas including the flora and fauna and, secondly, in our water supply. These matters have been taken into account. Many concerns have been presented by groups in the area and it is good that that awareness has been raised. I do not have the letters with me, but I agree with the value of articles put into community newspapers by Wendy Evans, some of which were accurate and some of which were not accurate. I do not have the letter I wrote back trying to correct some of the information included in Wendy's articles.

Hon George Cash: I have great admiration for Wendy Evans and the work she has done in trying to convince the community to recognise the value of the Jandakot water mound.

Hon KAY HALLAHAN: I think she has added to the debate, but that does not mean she was accurate, although some of what she wrote was. I clarified a few of the points that I thought needed to be clarified otherwise people would become unduly worried by that information which, for some people, was the only information that was available to them. Community newspapers are an extraordinarily important force in generating public debate and in raising people's levels of awareness. Those concerns have been taken on board. The Government understands that the Jandakot and Gnangara water mounds are critical to Perth and to Western Australia.

Hon J.N. CALDWELL: Has the Environmental Protection Authority been asked to supply a recommendation on the three areas of land? If so, what was its opinion?

Hon DERRICK TOMLINSON: The Minister referred to the Government having in hand a management plan for the ground water of the Jandakot water mound and indicated she was confident it would work. Furthermore, it has been said that once it is implemented the Government will monitor the plan to prove that it works. My experience of experiments is that if one wants to test a theory, one applies it, monitors it, and has an expectation that it will or will not work. One can never be confident in an experiment that something will work, and one always starts off with a null hypothesis. Even though the Government may be confident that its plan for the Jandakot water mound, and thereby the preservation of that important source of potable water for the metropolitan area, will work, what will happen if the monitoring program proves the contrary? What will happen if it proves that the plan does not work? What will happen if it proves that the plan is a failure? There will be total pollution of the Jandakot mound.

We have already witnessed the pollution of the Gnangara mound, as well as decisions made by WAWA to close down some of the wells in the Jandakot mound area because the pollution of those wells has reached the point where the water cannot be used unless it goes through a very expensive purification process. The Government has had one failure. Even though the Government is confident its plan will succeed, it could prove a dismal failure. The consequence of that dismal failure and of pollution of the Jandakot mound will be its elimination as a source of potable water for the metropolitan area or, alternatively, a very expensive purification process imposed on the cost of that water. That represents a very real threat, not just to the wellbeing of Perth but also to the future of Perth. Rather than the Government's deciding to go ahead with its plan to urbanise the land over the Jandakot mound, because it is confident that its plan will work and because it will monitor the plan to prove that it will work, I suggest that the Government prove that it works before making the irrevocable decision to urbanise. Once the houses are built and the water is polluted, there can be no recovery.

Hon KAY HALLAHAN: I take on board all the anxiety members feel and the responsibility they have to make sure their position is clearly stated on this issue. I received a letter from somebody else who reacted in the same way that Hon Derrick Tomlinson did. Once mention is made of "monitoring", people get nervous. In fact, the management arrangements which will be in place are believed to be the most comprehensive ever associated with any urban area. Monitoring is the next responsible step to take. Nobody wants mistakes to be made. If I had omitted the word "monitoring", members may not have been upset about my comments. When that word is used people immediately wonder why it is necessary to monitor the situation. Some areas have had problems because of the existing land use. The Government proposes to change that land use to a use which will not be so detrimental because deep sewerage will be installed and there will not be the same run-off. The drainage management plan will stop the incredible rush of water during the heavy winter rains, which apparently take a number of other things into wetlands and also raise the water level. The whole ecological system and the downward seepage can be managed.

Hon D.J. Wordsworth: You are almost believing your own rhetoric.

Hon KAY HALLAHAN: It is not rhetoric. It has been a most instructive time during which I have come to terms with and been satisfied about the proposals and whether the management arrangement will prove adequate.

Hon Murray Montgomery: Are you satisfied that it will work?

Hon KAY HALLAHAN: Yes.

Hon Derrick Tomlinson: What will happen if it does not work?

Hon KAY HALLAHAN: The Environmental Protection Authority has been consulted and some of the conditions imposed result from the EPA's concerns on this issue. The EPA has been fully involved and some of the conditions are the most stringent ever imposed on an urbanised area. They result from close monitoring of the proposal. The EPA is consulted on all urban developments. Even small subdivisions are referred to the EPA. Of course, a lower level of assessment may be carried out on smaller areas, but this development has had the most intensive investigation.

**Amendment on the amendment put and passed.**

**Amendment, as amended, put and passed.**

Hon KAY HALLAHAN: I move -

To add the following subclause to clause 4 -

- (5) Subsection (3) applies to a judgment or order whether it is given or made before or after the commencement of this Act.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 5 to 7 put and passed.**

**Title -**

Hon KAY HALLAHAN: I move -

That the title be amended by inserting after the words "ensure that" the words ", apart from a specified ground of challenge,".

**Amendment put and passed.**

Hon GEORGE CASH: On Thursday when the Bill was debated in Committee I made the comment that I believed there was a need to clearly distinguish between a minor and a major amendment and by way of interjection the Minister for Planning said that it would be difficult, or words to that effect.

Hon Kay Hallahan: I said that it would be very litigious.

Hon GEORGE CASH: While it is recognised in planning circles that it may be very difficult to get a definition, nevertheless the Minister should make some statement setting out the criteria for the appropriate authority to consider in planning matters. During the last few days that this has been discussed we have learnt of the significant difference between the planning procedures for minor and major amendments. As a Parliament we have recognised that the Government, for reasons of its own, has abused the system - I have put this view to the Parliament over a number of years - and that is why this Bill had to be introduced. When will the Minister give the Chamber an assurance that some sort of criteria will be laid down so that those who are required to determine planning decisions will recognise the difference between a minor and a major amendment?

It could be argued that it will be difficult to lay down criteria. As difficult as it may be, I do not want to be in the same position in 12 months' time where another validation Bill will come before this Chamber because certain procedures were not carried out. I recognise that the same sort of procedural errors cannot occur because that situation has been rectified, but specific criteria must be set down so that everyone will understand what the system is all about. For instance, I have asked the Minister to advise me - by way of parliamentary question - whether the plan recently announced by the Premier to delete the proposed Roe Highway extension into South Fremantle will be considered a minor or a major amendment under section 33A of the Metropolitan Region Town Planning Scheme Act.

Hon Garry Kelly interjected.

Hon GEORGE CASH: Hon Garry Kelly says that in political terms it is a good decision for him and his constituency. Some members may think that I am devoting too much time to establishing such criteria; however, my reason for doing that and for referring to the deletion of the Roe Highway extension is that it was a planning decision that was taken on the run for political reasons prior to a by-election. Did the Government take into consideration the

deletion of the Roe Highway extension and other major roads will mean that heavy traffic will be carried into the proposed new port area of Katherine Point? When will the Government realise that it has cut off a direct route between the existing Port of Fremantle and the Katherine Point area south of Fremantle which will cause heavy industrial traffic and domestic traffic to do a complete circuit and to go down Stock Road, through a major residential area, which will cause significant negative impact? That decision was not based on planning considerations; it suited the Government at the time because there was a by-election in that area. I invite the Minister to respond to the question of establishing suitable criteria, otherwise we will get nowhere.

Hon P.G. PENDAL: I echo the remarks of the Leader of the Opposition about finding a method of determining what is a minor amendment and what is a major amendment. I will embark on a different tack and leave the Minister with a serious suggestion about how to overcome some injustices that have crept into the system as a result of the administration of the legislation up to the point where it was able to be successfully challenged in the Supreme Court. The point which has been made for several days now, and which was made earlier tonight by Hon Derrick Tomlinson, by the Leader of the Opposition and by me in relation to the Leda land is that we have a longstanding abuse of interpretation on the part of the State Planning Commission.

Hon George Cash: It is probably under instruction from the Government - I do not say that of the commission's professional planners.

Hon P.G. PENDAL: The point made by Hon George Cash is well taken. It will be interesting to see some of the internal documentation because I imagine that the professional planning staff may well have resisted the attempts of the Government to treat as minor that which they, in their professional judgment, believe to be major amendments. The Leda matter, which I came to be involved in when it became part of my own region 15 months ago, was advertised in the *Government Gazette* as being a minor matter which therefore did not need to come to the Parliament. I made the point in the second reading debate that the people of Kwinana, by virtue of their socioeconomic grouping, were not in a position to challenge that gazettal. What did happen - thank goodness - was that a group of people in the region of Helena Valley took it upon themselves to challenge a gazettal. The Minister should take into account that it cost those residents something like \$20 000 to take the matter to litigation, and that they have a case for either the State Planning Commission or the Government to recompense them.

Hon George Cash: It should be an ex gratia payment.

Hon P.G. PENDAL: Yes, or other appropriate form of recompense. It is one thing to give society the right of appeal, it is quite another if that right of appeal is put beyond the reach of the people. It is bad enough when one gives people the right at law to take others to the courts; it might be Joe Smith suing Mary Brown and they are both in the position of being able to shop around; but we are talking about something far more serious. We had here a group of people who had to find money for an appeal and they were taking on not just any old run of the mill opponent in the court but someone with unlimited funds. In this case they took on the State Planning Commission where, in the main, money is no object. I am not reflecting on the officers, but they do not have to balance their books, they do not have to worry about whether they can pay the legal bills. They do not have to sit down and decide whether they can afford a matter to go to law according to the money they have in their litigation pool. A group of people in the Helena Valley region have changed the course of planning history in Western Australia. Not only did they have the guts to do what they did in the Supreme Court, but fortunately they were able to get together the money. These people in that relatively good middle income bracket would have found it relatively difficult to get together that \$20 000.

There is a case for the Government to look seriously at the question of an ex gratia payment, or in some other way make an appropriate gesture to those people. This is not just a question of the Helena Valley residents sorting out something for themselves; they also sorted out something for the people of Kwinana. The people of Helena Valley have been instrumental - and I hope Hon Derrick Tomlinson can take this message back to his residents - in doing something for the southern suburbs that the southern suburbs people were not able to do for themselves. I ask that the Minister therefore give me some sort of

response to that suggestion, because when someone is put to the trouble of taking a powerful Government institution to the courts in a very expensive case, the playing field is not a level one; it is a David and Goliath situation. David has won the day and Goliath has had to come back to the Parliament. That is what has left us in the situation of going through this whole validation process.

There have been some winners and some losers. The people of Helena Valley have been the winners in more ways than one because they have shown what can be done if a Government agency is taken on. The situation should not have got to that stage, and we know it should not have because no-one in his right mind would have suggested that that was a minor amendment. That is what confronted not only those people but also the Leda residents, the Parmelia people and the Kwinana people. It also affected people in the northern suburbs in and around the Hepburn Heights area. The Minister should give us some indication of whether she or the Government is prepared to look favourably at some form of recompense to those people who exposed at their own cost an error of administration which has resulted in a validation Bill being brought to the Parliament so that this will never occur again.

**Hon DERRICK TOMLINSON:** Hon Phillip Pental referred to the Helena Valley Action Group and indicated that as a result of their socioeconomic circumstances they may have found it easier to raise \$20 000 to take their case to the Supreme Court than other people in other circumstances in the metropolitan area confronted with a similar need to challenge authorities. The Helena Valley Action Group did not find the \$20 000 to mount their case with any ease at all. In fact they went through a very rigorous public fundraising campaign which included all of the aspects of fund raising with which we as parliamentarians are now familiar with in our own partisan affiliations. They had their raffles; they had their barbecues, and they charged for them and made a profit on them. They had their public subscriptions and so on. By dint of hard work they were able to raise this money, and as a result of persistence they took their case to the Supreme Court and proved, to the satisfaction of the presiding judge, that they were competent to have their case heard.

Having proved that they were competent to have their case heard, they succeeded. But unfortunately they succeeded on grounds other than those which they really wanted to test. They succeeded on the grounds of an apparent flaw in the procedure followed by the then Department of Planning and Urban Development, previously the State Planning Commission. The fundamental question on which they wanted some clarification was the differentiation between a major and a minor amendment, but that was not dealt with by the court. It was not given consideration in the judgment handed down by Mr Justice Ipp.

The net result is that they feel some considerable frustration. That frustration is compounded because, having won what Hon Phillip Pental describes correctly as a momentous decision in turning around the authority of the State Planning Commission, they are now confronted with the possibility of having to go through the whole process of raising funds and challenging the decision all over again. This comes about as a result of receiving no adequate answer to their initial question: Does that proposed amendment to the metropolitan region scheme relating to Helena Valley constitute a minor amendment? To find an answer, they have to confront the possibility of another court case. Their disappointment is further compounded by the document "Planning for the 1990s" which specifies that Helena Valley is an area of land which will provide major urban dwellings for the next five to 10 years. Having won the decision, in the next five to 10 years they will have to fight for their cause all over again.

When one considers the number of decisions that are minor amendments, handed to us in the schedule by the Minister, one realises that 47 amendments are advertised but not finalised as at 8 June. Of that number, seven amendments could in the very near future be subject to litigation. One of those seven amendments is already the subject of a court challenge. Let us suppose that represents seven times \$20 000, totalling \$140 000, and consider what it would cost the Government. Let us also consider the answer to question 246 in the Supplementary Notice Paper which states that in the 10-year period between 1980 to 1990, 389 minor amendments have been made to the metropolitan region scheme. In the same period, 15 major amendments have been made compared with 389 minor amendments.

In the six-year period from 1980 to 1985 - that is, before the amendment to section 33A of the Metropolitan Region Town Planning Scheme Act - 255 minor amendments and 13 major

amendments were made. Since the change to the Act, 134 minor amendments and two only major amendments were made. This represents not only an unfair situation but also, to use Hon Phillip Pental's term, not a level playing field. It represents an authority versus an ordinary citizen, and denial of the rights of citizens. Not only is it an unfair distribution of authority but also, as pointed out in the second reading debate, no provision is made for an adequate avenue for the redress of grievances. The only avenue open for that redress is via a Supreme Court challenge.

Hon P.G. Pental: That is big dollars.

Hon DERRICK TOMLINSON: As we often find when an ordinary citizen challenges a Government authority, if the ordinary citizen succeeds the Government takes the procedure described by J.J. Dedman in 1945. That is, if the High Court rules against Government legislation, the Government will find another way around it. That is the procedure that Governments have followed. If Governments cannot get policies implemented by legislation because the legislation is struck down as invalid, they find their way around the situation. In this case ordinary citizens, with no other avenue of redress, take a case to the Supreme Court - in the case of Helena Valley - win the case and are confronted with the Government's finding another way around the problem.

Reference has been made to abuse of the system. I am not suggesting that wilful abuse has occurred in the sense of an intention to in some way be unfair, but an abuse of power has occurred. It is an abuse of authority by denying the rights of people to have a proper and fair say in the planning process. I put to the Government sincerely that it needs to reconsider its position in relation to major and minor amendments. When the Government brings amendments to the Metropolitan Region Town Planning Scheme Act to this place it should build into the amendments a fair and reasonable avenue for the redress of grievances.

Hon KAY HALLAHAN: I wish to clarify a number of matters arising from the comments of the last two speakers. An attempt has been made to say that the Government is bludgeoning bureaucracies into taking actions which those bodies do not wish to take. That is not the case.

The State Planning Commission comprises four members, all of whom are representatives of local government. Those members do not come from the internal workings of Government. Of the 13 members on the Metropolitan Planning Council, six members represent local government. The people serving on those bodies represent the wide interests and understandings of local government and the rezoning schemes. These are the people who make determinations on whether a matter is minor or major. That is the nature of those bodies which make the determinations.

Regarding the question of criteria for determining major or minor amendments, I commend members for moving away from the concept of requesting definitions. I know we all feel comfortable with definitions which give some parameters; we understand that system because it gives clarity. I am pleased that members have taken on board the great number of problems that could result from such an approach and that members are now talking about criteria.

As has been stated, with the many and varied amendments, something could be said about one amendment which would not apply to another. We could have a case which would cause more litigation and more expense to people in the hope they could receive an outcome, rather than having clarity. We all want clarity in the planning processes; we want people to feel secure about the laws relating to planning which underpin the land they buy and their right to challenge developments that might create a change in their lifestyles.

It is true that some people do not want lifestyle changes in the areas in which they live. However, the Bill gives a sense of security to people affected by the amendments and the legal processes associated with that are in some doubt. Certainly, there are people whose whole legal tenure and investment is safeguarded by the legislation. Some people will still have a problem and when we look at this document to which I have referred time and again, they may want to challenge it in the future. However, as the years go on there will be less of that as people become more aware and more informed.

I was hoping to deal with the question of minor or major amendments when we deal with the new planning legislation later this year. However, given the concerns that have been

expressed, I will request the State Planning Commission to draft a policy statement which will set out the criteria to be applied generally to considerations of amendments determining whether they be major or minor and the procedures that should be observed when amending the metropolitan region scheme. I have been told that that could take two months because consultations will need to be carried out.

It is part of the process for everybody to have an input and to be consulted; it gives citizens, groups and councils a great opportunity to have an input. That does not mean to say that, at the end of the day, people will still not want to challenge further and go to court. I take on board what has been said about the expense of court proceedings. I am not in any position tonight to make commitments about financial outlays. Certainly, they will be fully considered along with the range of this debate which has been very important given that we are heading for a major consolidation of planning legislation in this State.

This debate has been very thorough. It has given us a taste of the concerns in the community and how critical and integral these matters are to people's lifestyles and aspirations. We will have a very demanding time when deciding on suitable planning legislation for the decades ahead. We will be faced with that next session. To some extent, this debate has prepared us for the nature of the debates that are likely to take place at that time and the very real concerns that will emanate from communities.

HON P.G. PENDAL: I thank the Minister on two counts. I understood her to have said that she is prepared to consider the question of possible recompense. I do not expect her to make a decision of that magnitude on the spot. However, I accept that she is prepared to have a look at the matter of compensating the people of the Helena Valley for all or part of that \$20 000 which they spent.

Secondly, it seems to make a lot of sense that the Minister is prepared to seek from the State Planning Commission the policy to which she refers. Maybe that is the way to go in the future. Like other members of this Chamber, I thought that it would be possible to go the other route; that is, to define what is major or minor. However, I am prepared to accept that there are difficulties with that. If nothing else, this debate has been worthwhile because the Minister will have some form of policy ready within two months or so.

Title, as amended, put and passed.

Bill reported with amendments and an amendment to the title.

#### STANDING COMMITTEE ON LEGISLATION - ACTS AMENDMENT (CONTRIBUTIONS TO LEGAL AID FUNDING) BILL

##### *Report Tabling*

HON GARRY KELLY (South Metropolitan) [9.27 pm]: I present the final report of the Standing Committee on Legislation on the Acts Amendment (Contributions to Legal Aid Funding) Bill. I move -

That the report do lie upon the Table and be printed.

Question put and passed.

[See paper No 350.]

#### STANDING COMMITTEE ON LEGISLATION - CRIMINAL LAW AMENDMENT BILL

##### *Report Tabling - Extension of Time*

HON GARRY KELLY (South Metropolitan) [9.28 pm]: The Standing Committee on Legislation has considered the Criminal Law Amendment Bill but will be unable to report the Bill to the House by tomorrow's date and requests the time for the report be extended to Thursday, 5 July 1990. I move -

That the report do lie upon the Table and be adopted and agreed to.

Question put and passed.

[See paper No 351.]

**STANDING COMMITTEE ON LEGISLATION - CRIMINAL CODE  
AMENDMENT (INCITEMENT TO RACIAL HATRED) BILL**

*Report Tabling - Extension of Time*

**HON GARRY KELLY** (South Metropolitan) [9.29 pm]: The Standing Committee on Legislation is in the process of considering the Criminal Code Amendment (Incitement to racial hatred) Bill, but will not be able to report the Bill by 5 July and requests an extension of time until 22 August 1990. I move -

That the report do lie upon the Table and be adopted and agreed to.

[See paper No 352.]

**HON GEORGE CASH** (North Metropolitan - Leader of the Opposition) [9.30 pm]: I do not have any intention of interfering with the workings of the Standing Committee on Legislation. However, has the committee considered an alternative date, a week later than 5 July, as the Leader of the House has now advised that we will be sitting next week? If the chairman has considered that and finds for reasons of pressure of work that the committee cannot do that, fair enough. However, I am keen to see the Bill expedited.

**HON GARRY KELLY** (South Metropolitan) [9.31 pm]: The Legislation Committee does its work very thoroughly and it has sought submissions from the public which close on 19 July. Therefore, it would not be acceptable to report on 12 July. The Parliament will reconvene on 21 August and, all things considered, 22 August is a reasonable date.

Question put and passed.

**STANDING ORDERS COMMITTEE - PRESIDENT'S RULING**

*Parliamentary Secretaries. Legislation Responsibility - Report Tabling*

**HON J.M. BROWN** (Agricultural) [9.32 pm]: I present the report of the Standing Orders Committee relating to a ruling by the President on Parliamentary Secretaries and their responsibility for legislation in this House. I move -

That the report do lie upon the Table and be printed.

Question put and passed.

[See paper No 353.]

On motion by Hon J.M. Brown, resolved -

That consideration of the report, in a Committee of the Whole, be made an Order of the Day for the next sitting.

**STANDING COMMITTEE ON GOVERNMENT AGENCIES - TWENTY  
FOURTH REPORT**

*Standing Orders Amendment*

The Deputy Chairman of Committees (Hon D.J. Wordsworth) in the Chair.

**Hon N.F. MOORE:** The twenty fourth report of the Standing Committee on Government Agencies makes a recommendation which I will read to the Chamber with a request that it agrees to it. After much consideration the committee believed that some action should be taken on reports that it provides to this Chamber. It recommended -

That the following clause be inserted into the Standing Orders of the Legislative Council:

After tabling, the Clerk shall send to the responsible Minister, a copy of any Report recommending action by, or seeking a response from, the Government. The Leader of the Government or the responsible Minister (if a Member of the Council) shall, within 4 months, report the Government's response to the House. Where the House is adjourned at the time the response is provided, it shall be given forthwith to the Committee and reported to the House at the earliest opportunity.

It means that in the event the committee makes a report to the House which involves a Government agency and requires that some action be taken, it shall be a requirement of that

Minister to report to the House within four months or to the committee if the House is not sitting. It is a perfectly legitimate request and I ask members to agree to the committee's recommendation. I move -

That this Committee adopt the recommendation of the Standing Committee on Government Agencies.

Hon J.M. BERINSON: To overcome the impasse arising from the fact that members in this place are apparently not expected to accept anything without arguing about it, I indicate that the Government supports this motion.

Question put and passed.

### *Report*

Resolution reported and the report adopted.

## MINISTERIAL STATEMENT - SMITH, MR ROBERT

### *Perjury Charge - Select Committee of Privilege, Order Discharged*

Debate resumed from 21 June.

HON J.M. BERINSON (North Metropolitan - Leader of the House) [9.36 pm]: I move -

That Order of the Day No 20 be discharged.

I previously discussed this with the Leader of the Opposition and a member of the National Party. The position is that the person referred to in the motion which gave rise to the ministerial statement has now been charged and there is nothing further that the House could usefully do on this matter by way of discussion.

HON N.F. MOORE (Mining and Pastoral) [9.37 pm]: I indicate I am happy for that course of action to be adopted.

Question put and passed.

Order discharged.

## MINING AMENDMENT BILL

### *Second Reading*

Debate resumed from 26 June.

HON J.M. BERINSON (North Metropolitan - Leader of the House) [9.38 pm]: The major issue in this Bill is, of course, the provision relating to parliamentary approval for exploration in national parks and A class reserves. The Opposition has concentrated on that issue in its comments and listed amendments and I will do the same in response. In passing, however, the least I should do by way of a preliminary is to welcome the support for other parts of the Bill which have been generally forthcoming from the Opposition.

In relation to what I would call the major issue Hon Norman Moore pointed out firstly that the Bill does not reflect the recommendations of the Bailey report in that in respect of exploration the requirements of the Bill go further. That, of course, is quite true. However, the Government has never suggested that the legislation precisely adopts the Bailey committee's recommendations.

Hon N.F. Moore: I said you implied it.

Hon J.M. BERINSON: The Government has neither said nor implied that. It will be clear that the Government has been guided by the comments of the Bailey report in a number of respects, but certainly in respect of this Bill it has never been claimed or suggested that the legislation precisely adopts the committee's recommendations.

The second claim by the Opposition was that no demonstrated need existed for the proposed amendments to the Act. My response to that line of argument really depends on the extent to which public opinion should be reflected in legislation. The fact is that public opinion clearly supports a total prohibition on mining and on exploration in national parks and A class nature reserves. That has been shown by a number of polls and it follows that the present system under which the Minister for Mines and the Minister for the Environment can allow exploration in these areas as a matter of joint discretion only is not acceptable to a clear majority of the community.

Hon N.F. Moore: Is it not acceptable to the Government, either?

Hon J.M. BERINSON: The Government's preference is expressed clearly in the Bill.

Hon N.F. Moore: Where was the Government going wrong under the current laws?

Hon J.M. BERINSON: Hon Norman Moore might well ask why we should retain the present requirements for parliamentary approval for mining.

Hon N.F. Moore: Answer the question.

Hon J.M. BERINSON: Why should that not go back to the Minister?

Hon P.G. Pental: We were getting on well tonight before Hon Joe Berinson came into the Chamber and got angry.

Hon J.M. BERINSON: Having agreed to Hon Norman Moore's last motion, one would expect that he would be more amenable than he is at the moment.

Hon P.G. Pental: It is not him who is not amenable, it is Hon Joe Berinson.

Hon J.M. BERINSON: Not at all.

The Government believes that the public would more readily accept decisions on exploration in these areas being made by the Parliament rather than by two Ministers as under the present system. It should be said that it is rather unusual that Opposition members, given their enthusiasm in general for an enhanced review role for Parliament, should object to such a role on this important issue in particular. The Opposition has sought to justify this objection by saying that an unreasonable, additional burden would be placed on Parliament if we were to require it to consider applications to open these areas for the granting of exploration licences.

However, any potential for such a burden would be greatly reduced by mineral explorers gaining access to these areas by way of geoscientific survey permits as provided for in clause 26A of the Bill. These permits would allow non-destructive research surveys to acquire knowledge of an area's mineral prospectivity and it is expected that in many cases this would result in the withdrawal of the relevant exploration licence application. In practice, the company would apply for an exploration licence to protect its interests in the area. It would then apply to carry out non-destructive work such as geological mapping and sampling, ground geophysical surveys and geochemical surveys.

The Opposition has also claimed that the amendments will increase the costs and uncertainties of the mining industry. This would be true to some extent only and, even then, only in respect of those who wish to explore and/or mine in areas set aside as national parks or A class reserves. These areas are set aside specifically for their conservation value and it is appropriate that a thorough evaluation and consideration by Parliament of mining and exploration is undertaken in relation to these areas.

Hon N.F. Moore: Hon Joe Berinson should have read Hon Mark Nevill's speech; this is of no value whatsoever.

Hon J.M. BERINSON: It is also impossible to accept seriously the suggestion made by members opposite that the legislation is nothing more than a political stunt. The fact is that a thorough review was carried out by the Bailey committee, and the Government, after considering the committee's recommendations, issued a policy statement in February 1988 which formed the basis of these amendments. It has been a lengthy and open process.

As I have indicated previously, the Bill, apart from matters relating to the Bailey recommendations, contains some other significant amendments. I say again that I recognise and appreciate the general support from the Opposition for these changes. Nothing further need be said about them at this time and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

#### *Committee*

The Chairman of Committees (Hon J.M. Brown) in the Chair; Hon J.M. Berinson (Leader of the House) in charge of the Bill.

**Clauses 1 to 5 put and passed.**

**Clause 6: Section 24 amended -**

**Hon N.F. MOORE:** I move -

Pages 3 to 7 - To delete "(a)" from line 3 and all words after "1933" in line 6.

I wish to delete the bulk of this clause to remove the requirement in the Bill for both Houses of Parliament to approve exploration in national parks. I spent some time during the second reading debate arguing why we should take this course of action. The Minister has just endeavoured to respond to those points. I will reiterate them for the benefit of the Committee.

The current position in Western Australia is that if a mining company wishes to explore in a national park it requires the consent of both the Minister for Mines and the Minister for the Environment. They must both agree to allow the exploration to take place. If the mining company then wishes to engage in a mining venture it is necessary for both Houses of Parliament to approve that happening.

This Bill seeks to apply the conditions attached to mining to exploration. It is my strongly held view that that is not necessary. As I said during the second reading debate, no demonstrated need exists for this to happen. The only reason given by the Leader of the House and Hon Mark Nevill, who also spoke in the debate, was that public opinion was that this was what should happen. I do not believe in Government by public opinion poll. That is why I interjected on the Leader of the House asking him to indicate what was wrong with the present arrangement; what is the problem in having the Minister for Mines and the Minister for the Environment making decisions about exploration? He gave me an example of where that system is breaking down and where some decisions of the Minister for Mines and the Minister for the Environment have led to denigration - desecration, if I can put it that way - of a national park.

Does some example exist of where the public are entitled to argue that the system should be changed? I do not believe so. My point is that if such an example exists we should know about it and should know which Minister made a mistake. I argue that the current arrangement whereby the Minister for Mines represents the view of the mining industry and the Minister for the Environment argues the point for conservation - advised and assisted by the Environmental Protection Authority and his department with regard to the environmental consequences - is the correct one. In this day and age, when people are susceptible to the environmental argument, I have no doubt that if any likelihood existed that exploration would cause a problem in a national park the views of the Minister for the Environment would prevail. Can the Leader of the House give me an example of where the system does not work?

Long delays will be experienced when seeking parliamentary approval for exploration in national parks bearing in mind the number of national parks and how many there are likely to be in the future. However, I do not resile from the argument that if mining is to take place Parliament should have to agree. During my second reading speech I gave some statistics including the fact that for every 1 000 exploration activities one mine is set up. That gives members an indication of the amount of work the Parliament could be involved in when comparing exploration and mining factors. I have no problem with Parliament being involved in decision making for mining because there are few mines, but it is a burden the Parliament does not need, especially if it is dealing with exploration in national parks. The Minister made a comment about how the Opposition has been harping in recent times about parliamentary accountability and how it wants to be more directly involved in issues. I agree with that in general principle, but Governments are capable of making their own decisions. Two Ministers can make decisions on providing access to national parks; it is not all that difficult. If a problem arises the Parliament will certainly hear about it, but it is not something that Parliament ought to be involved in. The Government can make decisions in many areas and does not need to come running to Parliament to make those decisions.

**Hon Barry House:** Unless it is involved in a petrochemical project.

**Hon N.F. MOORE:** That is right.

**The CHAIRMAN:** Order! Perhaps it would be appropriate at this stage to point out to

Hon Norman Moore that there is another amendment further down on the Notice Paper which seeks to delete the clause altogether. In order to help the Committee it may be expeditious to give that some consideration before we proceed further.

Hon N.F. MOORE: I support my proposition in respect to the clause but do not support Hon John Caldwell's proposition. Seeking Parliament's approval would cause inordinate delays to exploration which is something the Opposition will not condone. I have also made the point, and the Leader of the House did not respond to the suggestion, that exploration can cause negligible damage to the environment. Hon Mark Nevill clearly made the point that exploration can be virtually invisible. He said that he could explore a national park and nobody would know that he had been there.

Hon Mark Nevill: It can be examined with great care.

Hon N.F. MOORE: I think the day has come for that to be the attitude of most mining companies.

Hon Mark Nevill: There are a lot of cowboys out there.

Hon N.F. MOORE: Yes, there are a lot of cowboys in every business and they must toe the line. Making them come to Parliament to get parliamentary approval will not change the attitude of the mining companies in the bush. They will still do the same thing if they are cowboys. Exploration does not considerably damage the environment but adds costs and uncertainty to the industry. An industry that is worth \$9 billion to this State should not have additional uncertainty attached to it; it should have less uncertainty. I argue that the Government is trying to placate the greens and people like Philip Toyne who are professional agitators. I stand by that argument. We have an obligation to the Parliament to ensure that the mining industry, which alongside agriculture is probably the most important industry in Western Australia, can flourish; we should not impede or slow it down which could result in causing mining activities not to take place.

Members should realise when discussing national parks that they do not simply include national parks in the south west in places where there are big trees, ferns and low shady glades. We are talking about huge areas of Western Australia which have no value whatsoever from a conservation point of view. Hon Mark Nevill in his speech made some reference to the Rudall River National Park which has areas outside it of greater significance than within it. When looking at the Collier Range National Park one gets the same feeling that people have drawn lines on a map to delineate a national park with very little consideration given to what it actually encloses within its boundaries and what is actually left out.

Hon Tom Stephens: The member was Parliamentary Secretary to the Cabinet when those boundaries were drawn. Who drew those lines?

The CHAIRMAN: Order! Members we are dealing with the Bill and I do not want to be sidetracked in any way. We are in Committee and I would remind the Chamber of that. I am not interested in any other matters to be canvassed. We have had the second reading speeches on this Bill and I ask the member to continue canvassing clause 6.

Hon N.F. MOORE: National parks do not necessarily contain areas that need to be conserved. I intend to move to delete most of clause 6 because the Opposition does not believe that both Houses of Parliament should have to give approval for exploration in national parks. It does not believe it is in the best interests of the mining industry. It is against the best interests of the economy of Western Australia.

Hon J.N. CALDWELL: I ask members to vote against the clause so at a later stage I can move the following to stand as new clause -

6. Section 24 of the principle Act is amended by -

- (a) after subsection (1)(c)(iii), inserting the following subparagraph -
- (iv) land reserved or constituted as a townsite under the Land Act 1933;
- (b)(i) deleting the word "first" in subsection (3)(b), and substituting the following "(i)" -
- (ii) inserting after the words "responsible Minister" the following -

- (ii) refer any proposal to open the land for mining to the Environmental Protection Authority which shall report its advice and recommendations on the proposal in accordance with the Act.

This clause deals with the way mining areas will be discussed in Parliament. It deals not only with mining areas but also with exploration areas and prospecting areas. The National Party has some conflict with this part of the Bill because it believes that exploration, prospecting and other investigation activities in mining on reserves do not need that requirement. Hon Norman Moore has already complained of the delays and costs that would be incurred from this. I would like to ask the Chairman's guidance although I have had the Clerk give me some guidance on this matter: If Hon Norman Moore's amendment to clause 6 is passed, what happens to my amendment? If Hon Norman Moore's amendment is defeated, I believe my amendment cannot be moved because clause 6 has already been removed from the Bill.

The CHAIRMAN: Hon John Caldwell's amendment is in a no-win situation. If the Committee agrees to Hon Norman Moore's amendment, that automatically precludes Hon John Caldwell from moving his amendment. Then again, if the Committee decides not to agree to Hon Norman Moore's amendment, the amendment proposed by Hon John Caldwell is in conflict. Therefore, it would be necessary in either case to have the Bill recommitted. That is the only way, unless Hon Norman Moore wishes to withdraw his amendment; but he has already explained that he wants to proceed with his amendments. Therefore, clause 6 will have to be given some consideration. If Hon John Caldwell wishes his amendment to be successful, the Bill will have to be recommitted.

Hon J.N. CALDWELL: Thank you, Mr Chairman. Is it in order for me to discuss both amendments at once? Can I put them together and discuss the merits of my amendment?

The CHAIRMAN: Yes.

Hon J.N. CALDWELL: The main reason I have proposed this amendment is that when we come into this place and try to make a decision on various pieces of land, inevitably we do not seem to have an Environmental Protection Authority document which says that the area of land the subject of debate will not be affected environmentally. A recent example of this was the land the subject of the Mineral Sands (Cooljarloo) Mining and Processing Agreement Bill. I think that Bill was passed with the EPA's approval to be given later on. That is a very unsatisfactory way of doing any business when we are already committed to passing a very important piece of legislation involving mining on reserves.

My proposed amendment means that the Minister for the Environment and the Minister for Mines will have already received a submission and can pass that on to the Parliament to enable the Government, and us, to make a judgment on a piece of land, especially a piece of land as important as an A class reserve, a conservation park, or the like. Therefore I am arguing that before any decision is made to even explore or prospect on an A class reserve it is imperative to have the EPA's report on that area of land. It will make it so much easier, and by passing my proposed amendment the Committee can make that information available to everybody concerned.

Hon Norman Moore says my amendment would slow down the process. It would not slow down the process any more than actually getting it through two Houses of Parliament. In this day and age our reserves need all the protection they can possibly get. After all, "environment" means the air, the soil, the trees and the birds, and if this amendment were passed it would give that protection. It would give both the people who are considering it and the Minister the right to consider the EPA's report, and everybody would benefit from that.

Hon Norman Moore's proposed deletion of this clause would leave it open to the decision of two Ministers only. They may consider somebody else's opinion; they may not. They may, dare I say it, be friends of a company that is applying for the opening up of land. I only hope that never happens, but it could happen. It always leaves it open to conjecture. I believe the EPA should be in there as a safeguard - as someone who looks over this type of land and knows what it is about. The Minister could approach the authority and say, "Please hurry up. We need this to go through within a certain time." I am sure the authority would consider that.

I have covered the arguments to the best of my ability and I will not support Hon Norman Moore's amendment to clause 6.

Hon N.F. MOORE: I want to clarify where we are at because there is a bit of confusion. Hon John Caldwell has just given us some information about his proposed amendment to clause 6. As I understand your ruling, Mr Chairman, if the Chamber either passes or rejects my proposed amendment, we cannot deal with Hon John Caldwell's amendment at all unless the Bill is recommitment at some future stage; and the only other way for us to deal with Hon John Caldwell's amendment is for me to withdraw mine. Is that correct?

The CHAIRMAN: Yes.

Hon N.F. MOORE: Therefore, it is necessary for me to comment upon the amendment proposed by Hon John Caldwell in an endeavour to convince him and the Chamber that we should deal with my amendment and not his, and to explain to him that I have no intention of withdrawing my amendment unless I can be convinced that I should.

Hon John Caldwell's amendment seeks to place a new requirement into the Act which has nothing at all to do with the second reading speech; in fact, it has nothing to do with the Government's intent in respect of this Bill. What it does is to require, in respect of mining in national parks - not exploration, but mining - a provision whereby the EPA must provide a report before the whole matter goes to the Ministers and then comes to the Parliament. Therefore it is a matter which is quite different from the intent of the Bill and I would suggest that is one very good reason why we should not consider it now; that is, it deals with another matter altogether.

I would also argue from a practical point of view that his amendment is not necessary anyway. Hon John Caldwell's proposed amendment says that if a mining company has explored a national park and has found an ore body and proposes to mine it, the advice and recommendations of the EPA must be sought by the responsible Minister. However, members must remember that in order to get to that stage a company requires the support of the Minister for Mines and the Minister for the Environment and would have already obtained that approval. Before that company can even explore the land, the EPA has had an input into its progress. If it wishes to mine it is again required to get the approval of both Ministers, followed by the approval of Parliament.

Hon John Caldwell is seeking to add to the process a statutory obligation for the Environmental Protection Authority to report on the mining proposition. I would argue that prior to Minister for the Environment, giving approval to mine and prior to his approval going to Parliament, he should seek the advice of the EPA and of his department, but not be obliged to receive a report. We do not need the EPA to make a report because by providing a statutory obligation it is in a position which is distinct from the Minister. The authority is not obliged to do what the Minister says, in the sense that it can take as long or as short a time as it likes to carry out an inquiry to provide a report to the Minister. This puts the decision making about whether mining can take place in the hands of the EPA and takes it away, to a certain extent, from the Minister.

Presently, if a mining company wishes to mine in a national park, and the Minister wants that to happen, a decision is made to go to Parliament and then, presumably, the mining goes ahead. The Government will be involved in the decision making process. If it sees a need for haste because of the circumstances, it is not obliged to have a comprehensive report presented by the EPA. My concern is that if the EPA has a statutory obligation, it will decide how quickly the mining takes place. If people within the EPA want to frustrate a mining venture, regardless of what the Government thinks, they will deliberately frustrate the venture.

We know that some people in the environmental movement do not wish any mining at all to take place. I draw to the attention of members the comments made the other day by Phil Jennings that he was opposed to mining at Marandoo simply because the area falls within a national park. That is an attitude which prevails. I might add that Marandoo lies in the worst part of the Hamersley Range, and in my amateur view on conservation the area has no conservation value at all. However, that is the sort of attitude people have.

I suggest that, if we agree to the National Party's proposition, the people in the EPA who are opposed to any mining at all would certainly take a long time to prepare any report required

under this amendment. We should not go down that path, for all the reasons I have stated previously. It is another delaying tactic which is unnecessary because no need has been demonstrated for it. I cannot think of any example of a mining company having mined in a national park under the current arrangements and a problem has arisen, or the EPA has expressed concern. I may be wrong, and I am sure that the Leader of the House will tell me whether that is the case.

I am in a slight dilemma because if the National Party were to vote against my proposition under clause 6, we would not be in a position to debate clause 6, in which case the whole question of exploration in national parks would remain in the Bill. In other words, we would pass the proposition put forward by the Government.

Hon J.M. Berinson: That seems reasonable.

Hon N.F. MOORE: I have spent some time arguing against that. Perhaps I should repeat my second reading comments.

Hon J.M. Berinson: There is no need.

Hon N.F. MOORE: I appreciate that people who come from the legal arena do not understand mining as much as others. I want the Minister to understand because it is an important issue. I hope the National Party will agree to my proposition that we delete all words after "1933" in line 6; that is, to take out the Government's desire to require both Houses of Parliament to give approval to exploration in national parks. That is the only way to go.

Hon J.N. CALDWELL: The only person enjoying the debate is the Leader of the House because he does not appear to be involved very much as yet; however, he will have to make a decision some time.

Hon George Cash: That is by design; he is hoping the problem will go away.

Hon J.N. CALDWELL: This is probably the most unusual debate with which I have ever been associated; that is, one could do one thing and lose, and one could do another thing and still lose. It has been explained to me that we can recommit the Bill; however, there is no guarantee I will receive support to do that.

To answer Hon Norman Moore, my amendment would refer any proposal to open land for mining to the EPA, which would report and make recommendations on that proposal in accordance with the Act. I draw attention to the word "mining". Under the Interpretation Act that word receives a fairly wide interpretation, including fossicking, prospecting; even the word "exploring" appears. Does that clear up the problem?

Hon N.F. Moore: It makes it worse.

Hon J.N. CALDWELL: It may, but I have seen people fossicking with front-end loaders and I am not sure that we, as responsible people, would like that to happen. To say that exploration and prospecting do not disturb the land very much is correct in some cases; in other cases, the damage is horrendous. Some people use monstrous front-end loaders, huge drills, and all sorts of implements. Enormous backhoes are used which can dig holes up to 20 feet deep and up to four or five feet wide. This equipment definitely causes major disturbance.

The Environmental Protection Authority has already been mentioned tonight in relation to earlier legislation dealing with land. It would have been much easier for us to come to a sensible decision about these areas if the EPA had been in favour of releasing land for housing, rural plans or whatever. The EPA is a responsible body, as far as I know, except in one instance when it made a mistake and said it would not release any more land for farming in Western Australia. Hon David Wordsworth has mentioned that many times; he has suggested that land will be released in the northern part of Western Australia.

I wish to press on with my amendment somehow because it must be better to have a report for consideration than not to have a report. The authority is the appropriate body to make such a report on mining. My amendment would improve the Bill; however, I am prepared to listen to the input of other members.

Hon N.F. MOORE: To expedite the matter, I am not unhappy for the Bill to be recommitted for a full-scale debate on Hon John Caldwell's proposition. However, I do not want that

debate to influence the Committee's debate on my amendment to clause 6. I suggest to the National Party that if it agrees to my amendment to clause 6 the Liberal Party will agree to recommitting the matter to argue Hon John Caldwell's proposition, which is a different issue from the one contained in my amendment.

Hon J.N. CALDWELL: The National Party used to deal with the Government in such matters; now it is dealing with the Liberal Party and that is a much better proposition. Mr Chairman, again I ask for your ruling.

Hon J.M. BERINSON: Mr Chairman, as your ruling has been sought again, I will raise another matter. The last thing I want to do is to intrude between Hon Norman Moore and Hon John Caldwell, especially if it might assist them to accommodate each other.

The process we seem to be heading towards - namely, the possibility of passing Mr Moore's amendment with the deliberate intention of then having the majority of the House agree to recommit the Bill for the purposes of considering Mr Caldwell's amendment - is fairly clumsy and may not be necessary. I suggest, in terms of your previous ruling, that consideration be given to this possibility: Hon Norman Moore is moving to delete certain words from clause 6. However, he is not proposing to include other words. I understand that, if his amendment is defeated, there could well be difficulty with Mr Caldwell moving his amendment because he would then be seeking to remove the same words, plus others, that Mr Moore has sought to remove. However, I have more difficulty with the proposition that Mr Caldwell would be excluded if Mr Moore's amendment is carried. The reason for that is that it would have the result that Mr Moore's amendment would have deleted some words and Mr Caldwell would then seek to delete other words which had not been addressed at all by Mr Moore. That may require some slight amendment to Mr Caldwell's terminology so that, instead of moving to delete the clause, he moves to delete the remainder of clause 6 and do certain things. I oppose that and I also oppose Mr Moore's amendment.

Nonetheless, I would rather have the simple process of resolving what the Committee has in mind rather than a more complex one. I put that view to you together with Mr Caldwell's seeking your ruling.

The CHAIRMAN: Members should look at Standing Order No 246 which is unequivocal about what the Committee may do. There is no room for any adjustment until the Bill has been referred to the House and then the House can make a decision on the recommittal. That is definite. I have said this before and I hope members understand what I have said.

Hon J.M. BERINSON: I do not want to take this discussion too far; however, Standing Order No 246 seems directed at the situation where a clause which is substantially the same as one being moved has been negatived. I was pointing to the position where an amendment in part was identical but had been passed.

The CHAIRMAN: I know what the Leader of the House is saying. I canvassed the proposition of looking at trying to divide the matter into two sections. However, it was impossible to do that. Members should understand that we are deleting words from page 3 to page 7 of the Bill with the exception of paragraph (a), which it is proposed to amend also.

Hon J.N. CALDWELL: It appears that we are having difficulties. I am not too sure whether apologies are appropriate in this place, but I apologise for not discussing this matter with Hon Norman Moore before this. My amendment was not published until just before the dinner suspension. I made every attempt to bring it forward before then but that did not occur. After the dinner suspension, Mr Moore was not in the Chamber and when he did come in he saw my amendment. I think we can probably come to a fairly amicable conclusion if the Leader of the House reported progress.

Hon N.F. MOORE: This is a fairly simple process, unlike the process described by the Leader of the House. I believe the Committee should agree to my amendment and, when the appropriate time arises, we recommit the Bill to hear substantive argument about Mr Caldwell's amendment, with which I do not agree. It is confused with the issue of the Bill, which is exploration in national parks; his proposition refers to mining in national parks.

Hon J.M. BERINSON: I have made it clear that I do want to argue against Mr Moore's amendment if we take the procedures in isolation. One way is just as quick as the other. I would prefer to deal with the Bill as far as we can go tonight.

The CHAIRMAN: Order! Were the Committee to reject Hon Norman Moore's amendment, we would still have to proceed with the Bill. The only avenue open would be for a recommittal. I cannot entertain Hon John Caldwell's amendments. I think that is fairly clear. On the other hand, if the Committee agrees to Hon Norman Moore's amendment, the same process can occur. The Committee will have to make a decision. Unless there is further comment, I intend to put the clause.

Hon J.M. BERINSON: In spite of the time that has already been spent on this clause, I have not yet spoken to it. The least I should do is indicate the Government's attitude. I can do so quite briefly because with this clause we are faced with a clash of quite basic policy. In response to Mr Moore's comments on this amendment, in the first place it is not a question of government by public opinion poll. It is a matter of enhancing and entrenching the protection available to national parks by requiring parliamentary approval for exploration in the relevant areas in the same way that parliamentary approval for mining is required now. I do not believe that Mr Moore's comments on this amendment have added to his arguments in the second reading debate.

Hon N.F. Moore: They were the same arguments.

Hon J.M. BERINSON: I indicate that there is no disrespect to Mr Moore in what I said, by saying that I can add nothing new in my response either. Our respective positions have been put during the second reading debate. In fact, the great majority of the second reading debate was directed precisely at the point covered by this amendment, and I would not expect anything useful to be added at this stage that would change anybody's mind. Accordingly, it seems to me that the best way of proceeding is to have a prompt test of the views of the Committee. I again make it clear that in the Government's view this amendment is quite undesirable, and it is directed to striking out a major provision at which the Bill as a whole is directed.

Hon J.N. CALDWELL: National Party members will support the amendment by Hon Norman Moore because if we do not do so we shall not be able to consider the rest of the amendments tonight. In order to achieve progress on this Bill the National Party is prepared to agree to Hon Norman Moore's amendment.

Amendment put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN (Hon J.M. Brown): Before the tellers tell, I cast my vote with the Noes.

Division resulted as follows -

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Ayes (13)

Hon J.N. Caldwell	Hon N.F. Moore	Hon Derrick Tomlinson
Hon George Cash	Hon Muriel Patterson	Hon D.J. Wordsworth
Hon Barry House	Hon P.G. Pandal	Hon Margaret McAleer
Hon P.H. Lockyer	Hon R.G. Pike	<i>(Teller)</i>
Hon Murray Montgomery	Hon W.N. Stetch	

Noes (12)

Hon J.M. Berinson	Hon Kay Hallahan	Hon Tom Stephens
Hon J.M. Brown	Hon Tom Helm	Hon Fred McKenzie
Hon T.G. Butler	Hon B.L. Jones	<i>(Teller)</i>
Hon Cheryl Davenport	Hon Garry Kelly	
Hon John Halden	Hon Mark Nevill	

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Pairs

Hon Peter Foss	Hon Bob Thomas
Hon Reg Davies	Hon Doug Wenn
Hon Max Evans	Hon Sam Piantadosi
Hon E.J. Charlton	Hon Graham Edwards

Amendment thus passed.

Clause, as amended, put and passed.

Clause 7 put and passed.

Clause 8: Section 26 amended -

Hon N.F. MOORE: I wish this clause to be deleted, and will vote against it. This amendment is consequential upon the deletion in the previous clause.

Hon J.M. BERINSON: I accept that this amendment is consequential upon the decision just made.

Clause put and negatived.

Clause 9: Sections 26A and 26B inserted -

Hon N.F. MOORE: I move -

Pages 8 to 10 - To delete all words from line 5 on page 8 to line 3 on page 10, and to substitute -

**Section 26A inserted**

9. After section 26 of the principal Act the following section is inserted -

The deletion of part of this clause is consequential upon previous decisions of the Chamber.

Amendment put and passed.

The CHAIRMAN: It will be an administrative action to delete "26B" and substitute "26A" on page 10, line 5.

Hon N.F. MOORE: I move -

That the Legislative Assembly be requested to make the following amendment -

Page 11, after line 18 -To insert the following subsections -

(8) Where land the subject of a mining tenement is surrendered or deemed to have been surrendered under this section the holder of the mining tenement is entitled to claim and receive compensation under the *Public Works Act 1902* as if the land had been taken by the Crown under that Act.

(9) Section 16 of the *Public Works Act 1902* applies to a claim for compensation referred to in subsection (8) except that the compensation payable is limited to compensation for actual loss sustained through damage to buildings or other structures on the surface of the land.

This Bill creates the opportunity for a mining tenement which is in a townsite to be surrendered for public purposes. I have been told that some towns in the Murchison have mining tenements within the townsite boundaries, and it is necessary for those to be surrendered for public purposes. This amendment provides that compensation be provided under the *Public Works Act* for any loss or damage sustained to buildings or other structures, such as a poppet head, on the surface of the land. That is an eminently sensible proposition.

Hon J.M. BERINSON: It has been very difficult for our advisers to find any situation which would require the sort of additional protection provided by this amendment. Nonetheless, the Government has no argument in principle with it and will support it.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 10 to 16 put and passed.

Clause 17: Section 57 amended -

Hon N.F. MOORE: I move -

Page 17 - To delete all words from line 16 to line 18, and delete "(b)" from line 19.

The deletion of this part of the clause is consequential upon previous decisions made by the Chamber.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 18 to 41 put and passed.

Title put and passed.

Bill reported with amendments and a requested amendment.

#### ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [10.53 pm]: I move -

That the House do now adjourn.

#### *Adjournment Debate - Abortion - Decriminalisation Opposition*

HON P.G. PENDAL (South Metropolitan) [10.54 pm]: I want to present the views of 102 citizens, mainly people from the South Perth and Como areas, expressing their strong opposition to the decriminalisation of abortion, the removal of abortion from the Criminal Code and its inclusion in the Health Act, and the funding of an abortion facility by the Western Australian Government. These petitioners also express the view that it is the duty of Government to protect its citizens and that any Government which aids in the killing of its own citizens has lost sight of why Governments exist. I support these views and ask that other members consider them.

#### *Adjournment Debate - Parliament - 100 Years Anniversary*

Hon P.G. PENDAL: I have a second matter to bring briefly to the attention of the House. Members will be aware that the year 1990 represents a watershed for the Western Australian parliamentary system, it being 100 years since the two House system came into operation. Many significant dates are to be remembered this year, not the least of which is tomorrow, which marks the 100th anniversary of the passage through the House of Commons of Western Australia's Constitution Bill. That was followed by its passage through the House of Lords about a fortnight later.

Members will be aware that for eight years now there has been in existence in this Parliament a group called the Parliamentary History Advisory Committee, whose task it has been to oversee the rewriting of the 100 year history of the two House system and its impact on the people of this State. In the course of the latter part of this year a variety of important dates will mark the final stages in the completion of that two House system, leading up to a date late in December when the first meeting of the two House system of Parliament will mark its 100 years. I think it is worth taking pause for this couple of minutes tonight to bear in mind that the first of those very significant anniversaries will occur tomorrow; I repeat, it is 100 years since the Constitution Bill of Western Australia passed through the House of Commons on its way to the House of Lords and thence to Western Australia.

A great deal of activity has been going on in this Parliament in recent times to consider rewriting the State Constitution, and in fact I happen to be a member of the Joint Select Committee inquiring into that matter. Whatever that Joint Select Committee may report, or whatever findings it may present to the Houses in due course, I think people can at least make an interim observation that the Constitution which passed through the House of Commons 100 years ago tomorrow has served this State well.

Question put and passed.

*House adjourned at 10.56 pm*

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## QUESTIONS ON NOTICE

### SWAN BREWERY SITE - EXPENDITURE

209. Hon GEORGE CASH to the Minister for Planning:

What amounts of money have been expended on an annual basis for the acquisition, maintenance and redevelopment of the Swan Brewery site and buildings in Mounts Bay Road, Crawley?

Hon KAY HALLAHAN replied:

The purchase price of the site was \$5 million.

Moneys expended on an annual basis for maintenance and redevelopment are as follows -

1988-89	\$5 501 230
1989-90	\$1 707 605

### SWAN BREWERY SITE - REDEVELOPMENT

#### *Budget Funds*

210. Hon GEORGE CASH to the Minister for Planning:

- (1) What funds were set aside in either the 1988-89 or 1989-90 State Budgets for the redevelopment of the Swan Brewery site or for any other expenditure associated with the Swan Brewery site?
- (2) As the Government is not proceeding with the redevelopment of the Swan Brewery site could the Minister advise to what other purpose the funds have been allocated?
- (3) If not, why not?

Hon KAY HALLAHAN replied:

- (1) 1988-89 The appropriation for stage I of the development was \$9.5 million.  
1989-90 The appropriation for the development increased to \$11.2 million.  
The budget allocation for this year was \$5.69 million being the difference between the \$5.51 million spent and the increased allocation.
- (2) No decision has been made on the question of redevelopment pending determination of the litigation presently before the Supreme Court of Western Australia which resulted in the granting of an injunction on any work on the site which may breach section 17 of the Aboriginal Heritage Act 1972-80.
- (3) Not applicable.

### LAND ADMINISTRATION DEPARTMENT - "STREET SMART" DIRECTORY

#### *State Printing Division - Inferior Quality*

213. Hon BARRY HOUSE to the Minister for Lands:

- (1) Is the Minister aware that the Department of Land Administration street directory under its new title "Street Smart" was printed by the State Printing Division, Perth, WA?
- (2) Is the Minister also aware that the binding of this otherwise excellent publication is of inferior quality to other commercial competitors, and many of the "Street Smart" directories have literally "fallen apart"?
- (3) Does the Department of Land Administration intend to replace copies of the "Streetsmart" directories which have been purchased by the public and fallen apart soon after purchase?
- (4) Is it the Government's intention to either;
  - (a) improve the quality of binding used in future publications of "Street Smart"; or
  - (b) have the binding on this publication done by an organisation other than the State Printing Division?

Hon KAY HALLAHAN replied:

(1)-(3)

The Department of Services installed a new binding line during the printing of the "Street Smart" directory. A software problem, which was quickly corrected, was responsible for a number of the directories having faulty bindings. Of a print run of 70 000 copies less than 0.5% have been reported faulty. Replacement directories have been provided.

- (4) (a) The problem was a "one-off" situation caused by installation software "bugs" in the new binding line.
- (b) This is not economic or practical because production, printing and delivery must be coordinated within a tight schedule to meet marketing strategy deadlines.

**METROPOLITAN REGION SCHEME - AMENDMENTS**  
*Sections 33, 33A*

246. Hon PETER FOSS to the Minister for Planning:

- (1) In each of the last 10 years how many
  - (a) Section 33
  - (b) Section 33A
 amendments have there been to the Metropolitan Region Scheme?
- (2) In each of the last 10 years, how many proposed Section 33 amendments to the Metropolitan Region Scheme
  - (a) have been commenced but which await completion
  - (b) have been commenced but have been abandoned
  - (c) have been recommended within the Department but have not been commenced?
- (3) What studies have been carried out by or on behalf of your department, or the State Planning Commission or the Metropolitan Region Planning Authority in the last 10 years which could form the basis for a proposed amendment to the Metropolitan Region Planning Scheme but which have not resulted in such an amendment
  - (a) being proposed
  - (b) being made?
- (4) Is there any proposal within your department or the State Planning Commission for any Section 33 amendment to the Metropolitan Region Scheme which would affect the Darling Escarpment or foothills and which would be introduced within the next three years?

Hon KAY HALLAHAN replied:

	Section 33	Section 33A
(1) 1980	0	45
1981	4	57
1982	3	25
1983	4	47
1984	0	29
1985	2	52
Jan-June 86	0	17
1986-87	1	18
1987-88	1	33
1988-89	0	32
1989-90 (to date)	0	34
(2) (a) 2 - Perth-Bunbury (Kwinana Freeway)		
		Route commenced May 1987

- Austey Swamp - City of Rockingham commenced November 1988
- (b) 3 - South East corridor - abandoned by Metropolitan Region Planning Authority, April 1980
- Wungong Gorge and environs - disallowed by Parliament, November 1981
- Great Eastern Highway - not approved by the Governor, August 1986
- (c) Nil
- (3) The corridor plan review and roads reserves review are the two most significant regional planning studies undertaken in the metropolitan region in recent years. Implementation of these studies will require amendments to the metropolitan region scheme in due course.
- (4) Any such proposal would be made by the State Planning Commission but none has been made to date.

**VIDEOS - X RATED VIDEOS**  
*Petition Signatories*

257. Hon DERRICK TOMLINSON to the Minister for The Arts:

- (1) How many signatories have there been in total to petitions calling for a ban on X rated videos presented to the Legislative Council since May, 1989?
- (2) Has the Minister responded in any way to those petitioners or their request?
- (3) Has the Minister consulted with any group other than the Adult Video Association in relation to the legalisation of X rated films and videos and if yes, which groups have been consulted?
- (4) Will the Minister affirm that any decisions to alter the status of X rated material in WA will be only on the basis of
  - (i) the protection and social development of the young and disadvantaged; and
  - (ii) the safety of the community?

Hon KAY HALLAHAN replied:

- (1) While I am aware of the petitions I have not found it necessary to total the number of signatories.
- (2) There is no proposal to change the 1984 decision which prohibits the sale or hire of X rated video tapes in Western Australia.
- (3) There has been no consultation with any group.
- (4) See (2) above.

**AIRPORTS - KALGOORLIE AIRPORT**  
*Relocation - Vested Crown Land*

261. Hon BARRY HOUSE to the Minister for Lands:

- (1) Does the Government favour Crown land being vested in the Kalgoorlie-Boulder City Council in trust to allow for the relocation of the Kalgoorlie airport?
- (2) If so, will this land be sold, consistent with the Asset Management Task Force role of realising cash for Government assets - or vested at no charge to the Kalgoorlie-Boulder City Council?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) It is proposed that a reserve be created and vested in council.

**ROADS - FREMANTLE EASTERN BYPASS**  
*Metropolitan Region Scheme - Scrapping Effects*

281. Hon GEORGE CASH to the Minister for Planning:

What effect will the scrapping of the Eastern Bypass road in Fremantle have on regional planning in the Fremantle and surrounding areas?

Hon KAY HALLAHAN replied:

Planning for the Fremantle eastern bypass commenced in 1968 and it has been included in the metropolitan region scheme since 1977. Priority for its construction has not been given during its 22 years of existence. It was presumed that the highway would be needed because of future longer term traffic assumptions.

Following evaluation by the roads reserves review it has been acknowledged that the south west corridor has a surplus of capacity in existing and planned routes.

The removal of the bypass will have little effect on the regional road network in the future. Substantial benefits will be gained by the local community in Fremantle, which in the past has suffered substantial "blighting" in affected areas.

**PLANTS - MT LESUEUR AREA**

*Badgingarra, Alexander Morrison, Drovers Cave, Nambung, Coomallo National Parks*

328. Hon MARK NEVILL to the Minister for Planning representing the Minister for the Environment:

- (1) Would the Minister please advise which of the 821 plant species identified at the Mt Lesueur area are not known to be present in:
  - (a) Badgingarra National Park;
  - (b) Alexander Morrison National Park;
  - (c) Drovers Cave National Park;
  - (d) Nambung National Park;
  - (e) proposed Coomallo National Park?
- (2) Which of the above flora species are endemic to the area proposed to be used by the proposed coal mine and power plant as outlined in the ERMP report?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) The answer provided is based on CALM's databases. The information in the Canning resources and Hill River power development company environmental review and management program is not detailed enough to answer this question. Data is available only for the 259 plant taxa known to be endemic to the Northern Kwongan. 112 of these occur in the area at Lesueur recommended for reservation by the Environmental Protection Authority. A full list of these taxa is very long but can be provided if necessary.
  - (a) 80 of the 112 plant taxa are not known to be present in Badgingarra National Park;
  - (b) 91 of the 112 plant taxa are not known to be present in Alexander Morrison National Park;
  - (c) 109 of the 112 plant taxa are not known to be present in Drover's Cave National Park;

- (d) all of the 112 plant taxa are not known to be present in Nambung National Park;
  - (e) 63 of the 112 plant taxa are not known to be present in the proposed Coomallo National Park.
- (2) None of the 112 plant taxa are known to be totally limited to the area of vegetation that will be destroyed if the proposed coal mines and power station are approved.

**MAMMALS - MT LESUEUR AREA**

*Badgingarra, Alexander Morrison, Drovers Cave, Nambung, Coomallo National Parks*

329. Hon MARK NEVILL to the Minister for Planning representing the Minister for the Environment:

- (1) Would the Minister please advise which of the 15 mammal species identified at the Mt Lesueur area are not known to be present in the:
  - (a) Badgingarra National Park;
  - (b) Alexander Morrison National Park;
  - (c) Drovers Cave National Park;
  - (d) Nambung National Park;
  - (e) proposed Coomallo National Park?
- (2) Which of the above fauna species are endemic to the area proposed to be used by the proposed coal mine and power plant as outlined in the ERMP report?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) The answer provided is based on the data bases of the Western Australian Museum. The information in the Canning Resources and Hill River Power Development Co ERMP is not detailed enough to answer this question.
  - (a) Echidna, *Tachyglossus aculeatus*  
White-bellied dunnart, *Sminthopsis dolichura*  
Fat-tailed dunnart, *Sminthopsis crassicaudata*  
Euro, *Macropus robustus*  
Gould's wattled bat, *Chalinolobus gouldii*  
Chocolate bat, *Chalinolobus morio*  
King River eptesicus, *Eptesicus regulus*  
Lesser long-eared bat, *Nyctophilus geoffroyi*  
Southern bush rat, *Rattus fuscipes*
  - (b) Echidna, *Tachyglossus aculeatus*  
Grey-bellied dunnart, *Sminthopsis griseoventer*  
White-bellied dunnart, *Sminthopsis dolichura*  
Fat-tailed dunnart, *Sminthopsis crassicaudata*  
White-tailed dunnart, *Sminthopsis granulipes*  
Honey possum, *Tarsipes rostratus*  
Brush wallaby, *Macropus irma*  
Euro, *Macropus robustus*  
Gould's wattled bat, *Chalinolobus gouldii*  
Chocolate bat, *Chalinolobus morio*  
King River eptesicus, *Eptesicus regulus*  
Lesser long-eared bat, *Nyctophilus geoffroyi*  
Ash-grey mouse, *Pseudomys albocinereus*  
Southern bush rat, *Rattus fuscipes*
  - (c) Echidna, *Tachyglossus aculeatus*  
Grey-bellied dunnart, *Sminthopsis griseoventer*  
White-bellied dunnart, *Sminthopsis dolichura*

- Fat-tailed dunnart, *Sminthopsis crassicaudata*  
 White-tailed dunnart, *Sminthopsis granulipes*  
 Honey possum, *Tarsipes rostratus*  
 Brush wallaby, *Macropus irma*  
 Euro, *Macropus robustus*  
 King River eptesicus, *Eptesicus regulus*  
 Lesser long-eared bat, *Nyctophilus geoffroyi*
- (d) Echidna, *Tachyglossus aculeatus*  
 Grey-bellied dunnart, *Sminthopsis griseoventer*  
 White-bellied dunnart, *Sminthopsis dolichura*  
 Fat-tailed dunnart, *Sminthopsis crassicaudata*  
 White-tailed dunnart, *Sminthopsis granulipes*  
 Brush wallaby, *Macropus irma*  
 Euro, *Macropus robustus*  
 Gould's wattled bat, *Chalinolobus gouldii*  
 Chocolate bat, *Chalinolobus morio*  
 King River eptesicus, *Eptesicus regulus*  
 Lesser long-eared bat, *Nyctophilus geoffroyi*
- (e) Echidna, *Tachyglossus aculeatus*  
 Grey-bellied dunnart, *Sminthopsis griseoventer*  
 White-bellied dunnart, *Sminthopsis dolichura*  
 Fat-tailed dunnart, *Sminthopsis crassicaudata*  
 White-tailed dunnart, *Sminthopsis granulipes*  
 Honey possum, *Tarsipes rostratus*  
 Brush wallaby, *Macropus irma*  
 Euro, *Macropus robustus*  
 Gould's wattled bat, *Chalinolobus gouldii*  
 Chocolate bat, *Chalinolobus morio*  
 King River eptesicus, *Eptesicus regulus*  
 Lesser long-eared bat, *Nyctophilus geoffroyi*  
 Ash-grey mouse, *Pseudomys albocinereus*  
 Southern bush rat, *Rattus fuscipes*

- (2) None of the mammal taxa are known to be totally limited to the area of vegetation that will be destroyed if the proposed coal mines and power station are approved.

#### BIRDS - MT LESUEUR AREA

*Badgingarra, Alexander Morrison, Drovers Cave, Nambung, Coomallo National Parks*

330. Hon MARK NEVILL to the Minister for Planning representing the Minister for the Environment:
- (1) Would the Minister please advise which of the 124 bird species identified at the Mt Lesueur area are not known to be present in the:
- Badgingarra National Park;
  - Alexander Morrison National Park;
  - Drovers Cave National Park;
  - Nambung National Park;
  - proposed Coomallo National Park?
- (2) Which of the above fauna species are endemic to the area proposed to be used by the proposed coal mine and power plant as outlined in the ERMP report?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

(1)-(2)

No data bases exist that can be used to answer this question. The

information in the Canning Resources and Hill River Power Development Company environmental review and management program is not detailed enough to answer this question.

**REPTILES - MT LESUEUR AREA**

*Badgingarra, Alexander Morrison, Drovers Cave, Nambung, Coomallo National Parks*

331. Hon MARK NEVILL to the Minister for Planning representing the Minister for the Environment:

- (1) . Would the Minister please advise which of the 48 reptile species identified at the Mt Lesueur area are not known to be present in the
  - (a) Badgingarra National Park;
  - (b) Alexander Morrison National Park;
  - (c) Drovers Cave National Park;
  - (d) Nambung National Park;
  - (e) proposed Coomallo National Park?
- (2) Which of the above fauna species are endemic to the area proposed to be used by the proposed coal mine and power plant as outlined in the ERMP report?

Hon KAY HALLAHAN replied:

- (1) The answer provided is based on the data bases of the Western Australian Museum. The information in the Canning Resources and Hill River Power Development Co ERMP is not detailed enough to answer this question.
  - (a) *Ctenophorus maculatus maculatus*  
*Crenadactylus ocellatus ocellatus*  
*Diplodactylus alboguttatus*  
*Diplodactylus granariensis granariensis*  
*Diplodactylus polyopthalmus*  
*Gehyra variegata*  
*Phyllodactylus marmoratus polyopthalmus*  
*Gehyra variegata*  
*Phyllodactylus marmoratus marmoratus*  
*Underwoodisaurus millii*  
*Delma fraseri*  
*Delma grayii*  
*Pletholax gracilis*  
*Cryptoblepharus plagiocephalus*  
*Egernia kingii*  
*Egernia multiscutata bos*  
*Lerista distinguenda*  
*Lerista elegans*  
*Lerista planiventralis decora*  
*Lerista praepedita*  
*Omolepida branchialis*  
*Varanus gouldii*  
*Varanus tristis tristis*  
*Morelia stimsoni stimsoni*  
*Demansia psammophis reticulata*  
*Notechis curtus*  
*Pseudonaja nuchalis*  
*Pseudechis australis*
  - (b) *Ctenophorus maculatus maculatus*  
*Pogona minor minor*  
*Tympanocryptis adelaidensis adelaidensis*  
*Crenadactylus ocellatus ocellatus*  
*Diplodactylus alboguttatus*

*Diplodactylus granariensis granariensis*  
*Diplodactylus ornatus*  
*Diplodactylus polyopthalmus*  
*Diplodactylus spinigerus spinigerus*  
*Gehyra variegata*  
*Phyllodactylus marmoratus marmoratus*  
*Underwoodisaurus millii*  
*Aclys concinna concinna*  
*Delma fraseri*  
*Delma grayii*  
*Lialis burtonis*  
*Pletholax gracilis*  
*Pygopus lepidopodus lepidopodus*  
*Cryptoblepharus plagiocephalus*  
*Ctenotus fallens*  
*Ctenotus impar*  
*Ctenotus lesueurii*  
*Ctenotus pantherinus pantherinus*  
*Egernia kingii*  
*Egernia multiscutata bos*  
*Egernia napoleonis*  
*Lerista christinae*  
*Lerista distinguenda*  
*Lerista elegans*  
*Lerista planiventralis decora*  
*Lerista praepedita*  
*Menetia greyii*  
*Morethia lineocellata*  
*Morethia obscura*  
*Omolepida branchialis*  
*Tiliqua occipitalis*  
*Tiliqua rugosa rugosa*  
*Varanus gouldii*  
*Varanus tristis tristis*  
*Morelia stimsoni stimsoni*  
*Demansia psammophis reticulata*  
*Notechis curtus*  
*Pseudonaja nuchalis*  
*Pseudechis australis*  
*Rhinoplocephalus gouldii*  
*Vermicella littoralis*  
*Vermicella bimaculatus*

(c)

*Ctenophorus maculatus maculatus*  
*Crenadactylus ocellatus ocellatus*  
*Diplodactylus granariensis granariensis*  
*Diplodactylus polyopthalmus*  
*Gehyra variegata*  
*Phyllodactylus marmoratus marmoratus*  
*Aclys concinna concinna*  
*Delma fraseri*  
*Delma grayii*  
*Lialis burtonis*  
*Pletholax gracilis*  
*Cryptoblepharus plagiocephalus*  
*Ctenotus fallens*  
*Ctenotus impar*  
*Ctenotus pantherinus pantherinus*  
*Egernia kingii*  
*Egernia multiscutata bos*

- Lerista christinae*  
*Lerista distinguenda*  
*Lerista elegans*  
*Lerista planiventralis decora*  
*Menetia greyii*  
*Morethia lineoocellata*  
*Tiliqua rugosa rugosa*  
*Varanus gouldii*  
*Varanus tristis tristis*  
*Morelia stimsoni stimsoni*  
*Demansia psammophis reticulata*  
*Notechis curtus*  
*Pseudonaja nuchalis*  
*Pseudechis australis*  
*Rhinoplocephalus gouldii*  
*Vermicella littoralis*  
*Vermicella bimaculatus*  
*Ramphotyphlops australis*
- (d) *Ctenophorus maculatas maculatas*  
*Pogona minor minor*  
*Tympanocryptis adelaidensis adelaidensis*  
*Crenadactylus ocellatus ocellatus*  
*Diplodactylus alboguttatus*  
*Diplodactylus granariensis granariensis*  
*Diplodactylus ornatus*  
*Diplodactylus polyopthalmus*  
*Diplodactylus spinigerus spinigerus*  
*Gehyra variegata*  
*Underwoodisaurus millii*  
*Aclys concinna concinna*  
*Delma fraseri*  
*Delma grayii*  
*Lialis burtonis*  
*Pletholax gracilis*  
*Ctenotus impar*  
*Ctenotus lesueurii*  
*Ctenotus pantherinus pantherinus*  
*Egernia kingii*  
*Egernia multiscutata bos*  
*Egernia napoleonis*  
*Lerista christinae*  
*Lerista distinguenda*  
*Lerista elegans*  
*Lerista planiventralis decora*  
*Lerista praepedita*  
*Menetia greyii*  
*Morethia lineoocellata*  
*Morethia obscura*  
*Omolepida branchialis*  
*Tiliqua occipitalis*  
*Tiliqua rugosa rugosa*  
*Varanus gouldii*  
*Varanus tristis tristis*  
*Morelia stimsoni stimsoni*  
*Notechis curtus*  
*Pseudonaja nuchalis*  
*Pseudechis australis*  
*Rhinoplocephalus gouldii*  
*Vermicella littoralis*

- Vermicella bimaculatus*  
*Ramphotyphlops australis*  
 (e) *Ctenophorus maculatas maculatas*  
*Pogona minor minor*  
*Tympanocryptis adelaidensis adelaidensis*  
*Crenadactylus ocellatus ocellatus*  
*Diplodactylus alboguttatus*  
*Diplodactylus granariensis granariensis*  
*Diplodactylus ornatus*  
*Diplodactylus polyopthalmus*  
*Diplodactylus spinigerus spinigerus*  
*Gehyra variegata*  
*Phyllodactylus marmoratus marmoratus*  
*Underwoodisaurus millii*  
*Aclys concinna concinna*  
*Delma fraseri*  
*Delma grayii*  
*Lialis burtonis*  
*Pletholax gracilis*  
*Pygopus lepidopodus lepidopodus*  
*Cryptoblepharus plagiocephalus*  
*Ctenotus fallens*  
*Ctenotus impar*  
*Ctenotus lesueurii*  
*Egernia kingii*  
*Egernia multiscutata bos*  
*Egernia napoleonis*  
*Lerista christinae*  
*Lerista distinguenda*  
*Lerista elegans*  
*Lerista planiventralis decora*  
*Lerista praepedita*  
*Menetia greyii*  
*Morethia lineoocellata*  
*Morethia obscura*  
*Omolepida branchialis*  
*Tiliqua occipitalis*  
*Tiliqua rugosa rugosa*  
*Varanus gouldii*  
*Varanus tristis tristis*  
*Morelia stimsoni stimsoni*  
*Demansia psammophis reticulata*  
*Notechis curtus*  
*Pseudonaja nuchalis*  
*Pseudechis australis*  
*Rhinoplocephalus gouldii*  
*Vermicella littoralis*  
*Vermicella bimaculatus*  
*Ramphotyphlops australis*

- (2) None of the reptile taxa are known to be totally limited to the area of vegetation that will be destroyed if the proposed coal mines and power station are approved.

#### FROGS - MT LESUEUR AREA

*Badgingarra, Alexander Morrison, Drovers Cave, Nambung, Coomallo*  
*National Parks*

332. Hon MARK NEVILL to the Minister representing the Minister for the Environment:
- (1) Would the Minister please advise which of the nine frog species identified at the Mt Lesueur area are not known to be present in the -

- (a) Badgingarra National Park;
  - (b) Alexander Morrison National Park;
  - (c) Drovers Cave National Park;
  - (d) Nambung National Park;
  - (e) proposed Coomallo National Park?
- (2) Which of the above fauna species are endemic to the area proposed to be used by the proposed coal mine and power plant as outlined in the ERMP report?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) The answer provided is based on the databases of the Western Australian Museum. The information in the Canning Resources and Hill River Power Development Co ERMP is not detailed enough to answer this question.
- (a) *Litoria moorei*  
*Ranidella pseudinsignifera*  
*Heleioporus psammophilus*  
*Neobatrachus pelobatooides*
  - (b) *Litoria moorei*  
*Myobatrachus gouldii*  
*Ranidella pseudinsignifera*  
*Heleioporus albopunctatus*  
*Heleioporus eyrei*  
*Heleioporus psammophilus*  
*Limnodynastes dorsalis*  
*Neobatrachus pelobatooides*  
*Pseudophryne guentheri*
  - (c) *Litoria moorei*  
*Myobatrachus gouldii*  
*Ranidella pseudinsignifera*  
*Heleioporus albopunctatus*  
*Heleioporus psammophilus*  
*Limnodynastes dorsalis*  
*Neobatrachus pelobatooides*
  - (d) *Litoria moorei*  
*Myobatrachus gouldii*  
*Ranidella pseudinsignifera*  
*Heleioporus albopunctatus*  
*Heleioporus eyrei*  
*Heleioporus psammophilus*  
*Limnodynastes dorsalis*  
*Neobatrachus pelobatooides*  
*Pseudophryne guentheri*
  - (e) *Litoria moorei*  
*Myobatrachus gouldii*  
*Ranidella pseudinsignifera*  
*Heleioporus albopunctatus*  
*Heleioporus eyrei*  
*Heleioporus psammophilus*  
*Limnodynastes dorsalis*  
*Neobatrachus pelobatooides*  
*Pseudophryne guentheri*
- (2) None of the reptile taxa are known to be totally limited to the area of vegetation that will be destroyed if the proposed coalmines and power station are approved.

**GPO BUILDING, FORREST PLACE - REDEVELOPMENT**

348. Hon P.G. PENDAL to the Minister for Planning:

I refer to the announced redevelopment proposals for the GPO Building in Forrest Place and ask -

- (1) Has a final decision been made that the building will be subject to redevelopment?
- (2) If so, is there any way that such a decision can be reversed?
- (3) What precisely is proposed for the building's redevelopment?
- (4) How will the Perth City Council administer the redevelopment?
- (5) What controls will be placed, and by whom, on the City Council for its administration of the development?
- (6) Are there any plans to redevelop the Old Commonwealth Bank or any other building/s in Forrest Place and adjacent streets?
- (7) What controls are placed on the sale of public assets and facilities of private developers, by Commonwealth, State or Local Government bodies?
- (8) Do the Commonwealth, State or Local Governments take any responsibility for the end use of public assets sold?
- (9) Does the Commonwealth Government consult with State and Local Government authorities before actions such as this sale are put into practice?

Hon KAY HALLAHAN replied:

This question is the same as question 122.

**HERITAGE TRAILS - LURUJARRI HERITAGE TRAIL, BROOME-DERBY**  
*Establishment Proposals*

349. Hon P.G. PENDAL to the Minister for Heritage:

- (1) Were proposals forwarded, in the past, for the establishment of the Lurujarri Heritage Trail between Broome and Derby?
- (2) If so, has this trail been established and opened?
- (3) If not, when will it be opened?
- (4) If plans for the trail have been abandoned or shelved, what are the reasons for its abandonment or delay?

Hon KAY HALLAHAN replied:

This question is the same as previous question 125.

**STATE PLANNING COMMISSION (AMENDMENT AND VALIDATION) BILL -**  
**SECTION 33A AMENDMENTS**

352. Hon PETER FOSS to the Minister for Planning:

- (1) Does the schedule of section 33A amendments which the Minister has provided represent all amendments pursuant to that section since its inception or only those for which there has been a delegation to the Metropolitan Planning Council?
- (2) In view of the fact that clause 6(2)(a) of the State Planning Commission (Amendment and Validation) Bill extends to validate matters other than such delegation, will the Minister provide a list of all amendments since inception?
- (3) Will the Minister ensure that any such list under the heading "description" include a notation to indicate the nature of the change being made?

Hon KAY HALLAHAN replied:

- (1) The schedule represents all section 33A amendments initiated by both the

State Planning Commission and the Metropolitan Planning Council, since the proclamation of the State Planning Commission Act (1985) which created the commission and the council.

- (2) As stated in clause 6(1) of the State Planning Commission (Amendment and Validation) Bill, the Bill addresses section 33A amendments initiated since the commencement of the State Planning Commission Act (1985). Since its inception in 1963 the metropolitan region scheme has been subject to over 750 amendments undertaken in accordance with the various legislative provisions which applied at the time.

Providing details of amendments dealt with under the changing provisions of the Metropolitan Region Town Planning Scheme Act is a complex and time consuming task. If the honourable member would be more explicit as to his concern I would be happy to provide further information.

- (3) Refer to answer for question (2).

#### LAND BOARD - CHAIRMANSHIP VACANCY

362. Hon BARRY HOUSE to the Minister for Lands:

I refer to the answer given to question on notice No 111 which sought information on the functions, current membership and remuneration of members of a number of Government Agencies and which indicates that the Chairmanship of the Land Board is vacant. Would the Minister indicate -

- (1) why it is vacant;
- (2) how long the position has been vacant; and
- (3) when the Minister intends to make an appointment to this position?

Hon KAY HALLAHAN replied:

(1)-(3)

I am currently considering nominations for appointment to the position of Chairman of the Land Board. In the past this position has been held by two part-time chairmen whose terms expired on 30 May 1990. However, I have received a number of concerns, particularly from people in the Pilbara and Kimberley, that Land Board representation does not adequately reflect the special nature or lifestyle aspirations of communities living in remote areas. Accordingly I am currently examining the possibility of expanding to three the number of part-time chairpersons that can be called upon to represent various areas of the State when Land Boards are required.

#### CONSERVATION AND LAND MANAGEMENT DEPARTMENT - TENDERING PROCEDURES INQUIRY

365. Hon BARRY HOUSE to the Leader of the House representing the Premier:

With reference to the newspaper article in the *Bunbury Mail* on 26 May 1990, titled "MLC asks 'Who else knew'"; would the Premier confirm -

- (a) that the Department of Conservation and Land Administration tendering process was fully investigated following parliamentary questions in April 1989;
- (b) that she is satisfied as to the involvement of the former Deputy Premier, Mr Parker; and
- (c) that she is satisfied that there was no professional negligence among CALM executives?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

- (a) I am advised that CALM's tendering procedures were reviewed in April 1989.

(b)-(c)

Yes.

EDUCATION MINISTRY - AUDITOR GENERAL'S REPORT  
*"Control of Public Property - Central Administration Building"*

371. Hon MAX EVANS to the Minister for Planning representing the Minister for Education:

The Report of the Auditor General 1990 (page 63) refers to "Control of Public Property - Central Administration Building. Controls over the recording and custody of property, plant and equipment were inadequate in that property registers had not been adequately maintained. Further, an annual physical inventory had not been carried out as required under Treasurer's Instructions. The Ministry cannot be satisfied that its assets have been accounted for without such controls."

- (1) What controls have been introduced to comply with the contents of the Report of the Auditor General 1990?
- (2) If none, why not?
- (3) Has a physical inventory now been carried out?
- (4) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

(1)-(4)

A physical inventory has been carried out, and will now be conducted annually, in accordance with the Auditor General's report. This inventory agglomerates information previously held at branch and district office level.

SCHOOLS - JOHN CURTIN HIGH SCHOOL  
*Asbestos Dust*

407. Hon P.G. PENDAL to the Minister for Planning representing the Minister for Education:

- (1) When was the Ministry of Education first alerted to the asbestos dust problem at John Curtin High School?
- (2) What action was taken to contain the dust?
- (3) When was the action implemented?
- (4) If a time delay occurred between notification and action, why was this so?
- (5) Is it planned that the school's asbestos roofing will be replaced?
- (6) If so, will this be done in the immediate future?
- (7) If not, will the Minister undertake to have the re-roofing work marked with the highest priority, given the current health concerns of school staff members and parents?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

- (1) John Curtin Senior High School was one of 13 selected schools surveyed in November 1989. Wherever it was feasible each occurrence of asbestos was inspected visually and samples collected for laboratory analysis. Where there was an asbestos roof, the contents of the gutters were sampled and, where appropriate, the soil at the foot of downpipes was also sampled. A program of measurement of the concentration of asbestos fibres in the air at the schools was also instituted.

(2)-(3)

Certain downpipes were upgraded in December 1989 to ensure that rainwater was directed into the underground drainage system. More recently the ceiling vents in certain classrooms have been sealed.

- (4) The work associated with the ceiling vents in (2) and (3) above was scheduled to be undertaken with some other minor works at the school. Unfortunately, the inclusion of this item in the actual program of work was overlooked and some delay was experienced.

(5)-(7)

All the evidence, and all the testing which has been done, indicate that the respirable fibre count in all the schools which have been tested, is substantially below any standards which have been established on a world wide basis for exposure to asbestos. The level of risk is generally considered to be negligible.

Following recent discussions between the Ministry of Education, John Curtin Senior High School's health and safety committee, the State School Teachers' Union and the Civil Service Association, it is now agreed that the planned Statewide survey of asbestos cement roofs which was to have been undertaken in the next six months, will be revised so that those schools of the highest priority are assessed within the next four weeks. Based on the established priority list, commencement dates for roof replacement will be assigned to the highest priority schools and announced by 1 August 1990.

The roof replacement program will commence in January 1991. It is agreed that John Curtin Senior High School offers an excellent opportunity for the Ministry of Education to develop and implement an operational model for the management of schools with asbestos cement roofs which have reached the end of their effective lives.

In addressing the concerns of the school staff members and parents, the following immediate action will be taken at John Curtin Senior High School -

completion of any outstanding work on gutters, downpipes, soakwells, ceiling vents and related issues;

vacuuming the gutters to remove debris.

#### LAND - WESTERN AUSTRALIAN LAND INFORMATION SYSTEM

##### *Interdepartmental Committee Review*

427. Hon DERRICK TOMLINSON to the Minister for Lands:

- (1) Has the Western Australian land information system recently been reviewed by an interdepartmental committee?
- (2) If yes, has a final report of that review been received by Government?
- (3) What action has been taken on that report?

Hon KAY HALLAHAN replied:

(1) Yes.

(2)-(3)

The report has been submitted to Cabinet.

#### CATTLE - KILLINGS

##### *DPI Charges*

430. Hon D.J. WORDSWORTH to the Minister for Police representing the Minister for Agriculture:

- (1) What DPI charges are levied on -
  - (a) cattle killed by the WA Meat Commission at Robb Jetty; and
  - (b) cattle killed at non-Government works?
- (2) What other levies are currently charged on cattle killed in Western Australia?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following reply -

(1) (a)-(b)

The Australian Quarantine and Inspection Service (AQIS) charges export abattoirs for meat inspection on a fee-for-service basis according to the number of veterinarians and inspectors engaged at a particular abattoir. Thus amounts paid by abattoirs differ, depending on the numbers of inspection staff. Payments by abattoirs to AQIS will be reflected in the amounts that abattoirs charge their clients.

The WA Meat Commission charges its clients \$6.92 per head. The charges at private export abattoirs are a matter between the abattoir and its clients.

(2) Livestock slaughter levy - \$12.8796 per head  
National residue survey - \$ 0.19 per head.

**ABATTOIRS - ROBB JETTY**  
*Cattle Carcase Description Failing*

431. Hon D.J. WORDSWORTH to the Minister for Police representing the Minister for Agriculture:

- (1) Why are "fat colour" and "muscle shape" not detailed with cattle killed at Robb Jetty under the National Feedback Sheet introduced by Aus-Meat to enable better description of carcase quality?
- (2) When can this failing be corrected?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following reply -

- (1) Mandatory provisions of the Aus-Meat operations manual do not include the requirement to include fat colour and muscle shape in producers' feedback sheets. However, I am advised that Robb Jetty provides information on muscle shape for over-the-hooks and CALM "C and C" sales.
- (2) Not applicable.

**WASTEWATER TREATMENT PLANTS - CHEMICALS AND PESTICIDES**  
*Analyses*

434. Hon GEORGE CASH to the Minister for Police representing the Minister for Water Resources:

- (1) Is any analysis done of wastewater at any of Perth's wastewater treatment plants for residual chemicals and pesticides?
- (2) If so, at which sites?
- (3) If not, why not?
- (4) What has been the result of such testing, given the possible harmful effects that the discharge into the sea of chemicals and pesticides may have on the marine environment?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following reply -

- (1) Yes.
- (2) Analyses have been carried out on treated effluent from Beenyup, Subiaco, Woodman Point and Canning Vale wastewater treatment plants.
- (3) Not applicable.
- (4) All results show that levels of organochlorines, pesticides and PCBs in the wastewater effluent are not a cause for concern. They are better than the levels acceptable to the National Health and Medical Research Council for such chemicals in drinking water. In addition,

after dilution in sea water the effluent meets the EPA guidelines for beneficial use of marine and estuarine waters which are equivalent to the most stringent regulations anywhere in the world.

**COCKBURN SOUND - SUCCESS AND PARMELIA BANKS**

*Erosion Effects - Nitrogenous Material Discharge Levels*

442. Hon GEORGE CASH to the Minister for Lands representing the Minister for the Environment:

In view of the potential and serious long term effects that erosion of the Parmelia and Success Banks may have on commerce and trade through the port of Kwinana and of the serious threat to residential and commercial property in Rockingham, what steps will the Government take to ensure that -

- (a) levels of nitrogenous materials discharged into the sound are reduced;
- (b) companies offending against these levels are restrained;
- (c) activities which may reduce the stability of the banks are curtailed; and
- (d) stabilisation of these banks is treated as a matter of extreme urgency?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (a) Under provisions of the Environmental Protection Act, the Government obtains and reviews data on industrial nitrogen discharges to the sound. The EPA also has an ongoing program of water quality management in Cockburn Sound and surrounding waters environmental management strategy. One of the prime goals of the strategy is to reassess total acceptable nitrogen loads to the sound.
- (b) The Environmental Protection Act provides for the prosecution of offending companies. The EPA is presently initiating legal action in respect of a company discharging nitrogenous materials to the sound.
- (c) The Government has taken steps to eliminate or reduce sources of nitrogenous discharge to Cockburn Sound and Owen Anchorage. It has also required companies to undertake environmental impact and management studies in these areas.
- (d) The EPA is currently reviewing all major activities which would be relevant to this consideration.

**COCKBURN SOUND - SUCCESS AND PARMELIA BANKS**

*Erosion Effects - Chittleborough, Dr*

444. Hon GEORGE CASH to the Minister for Lands representing the Minister for the Environment:

- (1) Is the Minister aware of serious suggestions made by Dr Chittleborough and others at a recent environmental seminar in the Kwinana region that degradation of sea grass meadows on Success and Parmelia Banks in Cockburn Sound could lead to the erosion of these banks?
- (2) Is the Minister also aware of the fears expressed by Dr Chittleborough that such erosion could lead to significant increases in wave energy reaching the previously protected beaches and shipping facilities in Cockburn Sound?
- (3) Is the Minister aware that such increases in wave energy could well lead to serious long term erosion of the shores of Cockburn Sound, possible flooding of low-lying areas of Rockingham during storm surges and a serious damage to shipping facilities in the sound, and if so, what action is proposed to alleviate this problem?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

(1)-(2)

Yes. I am aware of Dr Chittleborough's views.

(3) The issue relates to two strategies toward protecting the sound's sea grass banks and thus reduce erosion potential. Firstly, the Government's water quality improvement strategy of domestic wastewater away from the sound.

Secondly, through a dredging management program developed by Cockburn Cement Ltd in consultation with the Department of Resources Development. I do not know if this is a public document.

#### SHEEP - FOOTROT

446. Hon M.S. MONTGOMERY to the Minister for Police representing the Minister for Agriculture:

- (1) Is the Minister aware that some farmers are experiencing difficulties and delays in getting footrot-affected sheep to abattoirs?
- (2) Is the Minister aware that these delays are exacerbating the effect of footrot on the sheep and also the risk of the spread of footrot?
- (3) Can the Minister give an assurance that Robb Jetty will give immediate access to footrot-affected sheep when requested to do so by farmers?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following reply -

- (1) No. There have been no complaints or concerns expressed by farmers affected by the footrot problem.
- (2) While any delays in dealing with footrot-affected sheep should be avoided, the risk of disease spread is minimal, because properties are automatically placed under quarantine.
- (3) At present, the Robb Jetty abattoir is able to handle all sheep submitted for slaughter by the operators. The major operators at Robb Jetty can have requirements for different, specific types of sheep, and there could be situations where a line of footrot-affected sheep does not meet those specifications.

With the imminent onset of the peak seasonal lamb kill, the WA Meat Commission could not guarantee that there will not be some delays in future weeks. However, it is expected that this situation will ease, as other export abattoirs reopen.

#### WATER RESOURCES - CARNARVON GROWERS

##### *Irrigation Charges*

447. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Water Resources:

- (1) What are the present fixed charges to growers in the Carnarvon irrigation area?
- (2) What are the proposed increases?
- (3) Will charges to Carnarvon growers be the same percentage as those applied to domestic users?
- (4) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following reply -

- (1)

Annual charge (\$/ha)	132
Maximum charge (\$)	792
- (2) The proposed increase for 1990-91 are as follows -

Annual charge	9.8%
Maximum charge	10.0%

- (3) No.
- (4) Irrigation charges seek to recover over time the costs associated with each particular irrigation district, and hence depend on the costs and revenue performance of the district. (The present charges for Camarvon recover approximately 70 per cent of operating costs.)

**ABORIGINES - KALGOORLIE-BOULDER FRINGE DWELLERS**

*Mining Camp Transportable Buildings - Government Purchase*

448. Hon P.H. LOCKYER to the Minister for Planning representing the Minister for Aboriginal Affairs:

- (1) Has the Government examined the proposal to purchase mining camp transportable buildings as an alternative to be used by fringe dwellers near the town of Kalgoorlie/Boulder?
- (2) What is the outcome of this examination and is it possible for this accommodation to be used in preference to tents?
- (3) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

- (1) The Aboriginal Affairs Planning Authority is investigating the purchase of a mining camp with transportable buildings as accommodation for fringe dwellers in the Kalgoorlie/Boulder area. This will involve consultation with the people directly affected.
- (2) As the investigation is continuing, no decision has been made by the Government. I am able to advise the honourable member that subsequent to my advice in question 357 the shire has approved, subject to certain conditions, the provision of tents as an interim measure while a more permanent solution is being considered.
- (3) Not applicable.

**PLANNING - "KIMBERLEY REGIONAL PLAN"**

*Implementation*

450. Hon P.H. LOCKYER to the Minister for Planning:

- (1) Has the unedited version of the "Kimberley Regional Plan" been discussed with full councils of all shires in the Kimberley region?
- (2) Is the document available to all members of the public?
- (3) If not, why not?
- (4) Is it the Government's intention to implement the plan?
- (5) If so, when will the plan be implemented?

Hon KAY HALLAHAN replied:

- (1) The full Kimberley region planning study report and a summary thereof have been discussed at a specially convened meeting of each council.
- (2) No.
- (3) The Department of Planning and Urban Development is waiting for official advice from each council before releasing the study reports for public comment.
- (4) Before implementation can occur it will be necessary for local councils to consider public comment, and to agree to a final plan for the region. When adopted by Government that plan will become policy for the region's development. Implementation will occur on the advice of the Kimberley region planning committee and the Department of Regional Development and the North West.
- (5) See (4).

**WATER RESOURCES - CARNARVON GROWERS***Kununurra Growers - Irrigation Charges*

452. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Water Resources:

- (1) What are the present water charges for irrigation for growers at -
  - (a) Kununurra; and
  - (b) Carnarvon?
- (2) If there is a difference between either fixed charges or cost per kilolitre, what is the reason for the difference?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following reply -

- (1)
 

(a) Packsaddle Horticultural Farms	
Rates (\$/ha)	\$16.50
Minimum charge (\$)	129.00
Consumption (\$/yr per ha irrigated)	418.00
Other Ord Irrigation District	
Rates (\$/ha)	28.00
(b) Annual charge (\$/ha)	132
Maximum charge (\$)	792
Volume charge (\$/1 000kl)	103
Consumption beyond allowance (\$/1 000kl)	2 023

- (2) The difference in the tariff structures arises because of the differences in the costs of each scheme, the water resources available, and the preferences of the local irrigators. The tariff structure in Carnarvon is aimed at making the most efficient use of a scarce resource (and ultimately at discouraging consumption beyond quota) whereas the Ord tariff is aimed at encouraging development of the area through minimising the variable cost of water from this ample source.

**HOMESWEST - DERBY***Housing Vacancies*

453. Hon N.F. MOORE to the Leader of the House representing the Minister for Housing:

- (1) How many Homeswest houses/units are vacant in Derby?
- (2) Are any of these houses/units earmarked for Aboriginal occupants and if so, how many?

Hon J.M. BERINSON replied:

The Minister for Housing has provided the following reply -

- (1) Eleven.
- (2) Eight.

**WASTEWATER DISPOSAL - BEACHES, METROPOLITAN AREA** *Capacity**Studies*

465. Hon GEORGE CASH to the Minister for Police representing the Minister for Water Resources:

- (1) Will the Minister advise whether any further studies or surveys to determine the capacity, in respect of wastewater discharge of Perth's metropolitan ocean beaches have been commissioned since January 1990?
- (2) If the answer is yes, would the Minister provide details?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following reply -

- (1) No, but the EPA has requested that the Water Authority of Western Australia undertake extensive studies into this subject over the next four years.
- (2) See answer to (1).

**WASTEWATER DISPOSAL - BEENYUP PIPELINE, WHITFORD**  
*Sea Water Circulation Studies*

466. Hon GEORGE CASH to the Minister for Police representing the Minister for Water Resources:

Will the Minister give details of any studies of sea water circulation carried out in the vicinity of the proposed Beenyup wastewater pipeline at Whitford, and the periods during which these studies were carried out?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following reply -

Detailed studies were carried out in the early 1970s for the initial stage of the Beenyup ocean outlet and further studies will be required for the proposed second stage outlet. These studies will be commencing in the 1990-91 financial year.

**WASTEWATER DISPOSAL - BEENYUP PIPELINE, WHITFORD**  
*Alternative Methods Research*

467. Hon GEORGE CASH to the Minister for Police representing the Minister for Water Resources:

Will the Minister advise what further research into alternative methods of wastewater disposal has taken place since the release of the EPA's 1990 environmental report into the proposed Beenyup wastewater pipeline?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following reply -

In addition to earlier work carried out by the Water Authority on alternative methods of treated wastewater disposal, the EPA has required the Water Authority to report again on this matter by December 1994. Various research projects into land disposal are currently being negotiated.

**WASTEWATER DISPOSAL - BEENYUP PIPELINE, WHITFORD**  
*Harvestable Fish Heavy Metals Surveys*

468. Hon GEORGE CASH to the Minister for Police representing the Minister for Water Resources:

- (1) Have any surveys into heavy metals and/or pesticide contamination levels in harvestable fish in the area of the proposed Beenyup wastewater pipeline been commissioned?
- (2) If the answer is yes, please give details of such surveys and please indicate the dates of these surveys?
- (3) Have any findings been released to the public?
- (4) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following reply -

- (1) No.
- (2)-(4) Not applicable.

WASTEWATER DISPOSAL - BEENYUP PIPELINE, WHITFORD  
*Sea Water-Quality Monitoring Program*

469. Hon GEORGE CASH to the Minister for Police representing the Minister for Water Resources:

- (1) Will the Minister advise whether a program monitoring the quality of sea water in the vicinity of the Beenyup wastewater pipeline is currently under way?
- (2) If so, will the Minister indicate whether any suggestions of unacceptable levels of bacteria have been found in that area?
- (3) If a monitoring program is not currently in place, will the Minister indicate -
  - (a) when the program ceased; and
  - (b) why the program was curtailed?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following reply -

- (1) Yes.
- (2) There are no suggestions of unacceptable levels of bacteria in the area.
- (3) Not applicable.

MOTOR VEHICLES - PLASTIC NUMBER PLATE COVERS  
*Act Contravention - Charges and Convictions*

472. Hon GEORGE CASH to the Minister for Police :

- (1) Is it contrary to any Act or regulation to install a clear plastic number plate cover to a vehicle irrespective of whether or not the clear plastic does not obscure the particulars on the number plate?
- (2) If so, will the Minister advise of the relevant Act or regulation?
- (3) How many motorists have been charged and convicted of an offence involving the use of plastic number plate covers in each of the last three years?

Hon GRAHAM EDWARDS replied:

- (1) Yes.
- (2) Regulation 25(1)(d) of the Road Traffic (Licensing) Regulations 1975.
- (3) Statistics in relation to this particular offence are not available.

FISHING - COMMERCIAL FISHERMEN  
*Nornalup Inlet - Pallinup River*

474. Hon GEORGE CASH to the Minister for Police representing the Minister for Fisheries:

- (1) Are commercial fishermen able to gain access to fish in the Nornalup Inlet area?
- (2) If not, why not?
- (3) What is the current Government policy in respect of commercial fishermen fishing in the Pallinup River?
- (4) What is the Department of Fisheries policy in respect of the period of time it takes possession of a seized net?

Hon GRAHAM EDWARDS replied:

The Minister for Fisheries has provided the following reply -

- (1) Fishermen licensed for the south coast estuarine fishery may fish in the Nornalup Inlet but they may not fish with nets.
- (2) Not applicable.

- (3) Three fishermen licensed for the south coast estuarine fishery may net fish in the Beaufort Inlet each year. These fishermen are chosen by ballot. No net fishing by commercial fishermen is permitted in the Pallinup River.
- (4) The seizure of a net is advertised by notice on the notice board of the district fisheries office for 14 days. If not claimed, the net is taken before a Justice of the Peace for confiscation.

**POLICE - HELICOPTER**  
*Pilot Services Contract*

475. Hon GEORGE CASH to the Minister for Police:

- (1) Which company or organisation is currently contracted to provide helicopter pilot services to the recently acquired police helicopter?
- (2) What is the period of the contract?
- (3) Is it intended to train police officers as helicopter pilots to enable qualified police officers to fly the helicopter?
- (4) If so, what training program is intended or in place?
- (5) Has there been a need to effect special insurance to cover civilian helicopter pilots who may be injured during the carrying out of police operations?
- (6) If so, will the Minister provide details?

Hon GRAHAM EDWARDS replied:

- (1) West Coast Helicopters Pty Ltd.
- (2) Three years.
- (3) Yes.
- (4) A training program is currently being developed.
- (5) No.
- (6) Not applicable.

**NATIONAL PARKS - APPROXIMATE AREAS**

481. Hon MARK NEVILL to the Minister for Planning representing the Minister for the Environment:

Would the Minister advise the approximate area in hectares of -

- (a) the proposed Mt Lesueur National Park;
- (b) the proposed Coonallo National Park;
- (c) Nambung National Park;
- (d) Alexander Morrison National Park;
- (e) Drovers Cave National Park;
- (f) Badgingarra National Park; and
- (g) Kings Park?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (a) About 27 000.
- (b) About 10 000.
- (c) 17 491.
- (d) 8 501.
- (e) 2 681.
- (f) 13 121.
- (g) 400.

SUPREME COURT - ITEMS OF EVIDENCE

*Retention Period*

484. Hon P.G. PENDAL to the Attorney General:

- (1) Do items of evidence used in cases heard in the Supreme Court have to be retained for a certain period of time after the completion of a trial?
- (2) If so, for what period of time are such items retained?
- (3) If the answer to (1) is yes, which authority/Act requires the retention of items of court evidence?

Hon J.M. BERINSON replied:

- (1) Yes.
- (2) In the case of criminal trials exhibits must be retained for 21 days after the trial has been concluded. Where an appeal or an application for leave to appeal has been lodged, exhibits must be retained until the application for leave to appeal or any appeal following leave being granted has been disposed of.

In the case of civil trials exhibits must be retained for 21 days from the day on which judgment is given. This rule is subject to any order of the court. If within the 21 day period an appeal to the Full Court is instituted, the exhibits are held until the appeal has been disposed of.

- (3) Order 14 Rule 3(1)(b) and (c) of the Criminal Practice Rules and Order 34 Rule 14 of the Rules of the Supreme Court 1971.

QUESTIONS WITHOUT NOTICE

SEXUAL OFFENCE - MINISTERIAL EMPLOYEE

*Written Complaint*

349. Hon GEORGE CASH to the Minister for Planning representing the Minister for Women's Interests:

I gave some notice of this question last Thursday.

- (1) Has any Minister received a written complaint by a woman regarding offences of a sexual nature alleged to have occurred during the course of employment in the Minister's office in which the alleged offender is employed by another Minister?
- (2) Did the Minister destroy the written complaint?
- (3) How did the Minister destroy it?
- (4) Why did the Minister destroy it?
- (5) At the time that the Minister destroyed it, was that Minister aware that the document could have constituted evidence of a fresh complaint for the purpose of criminal proceedings?

Hon KAY HALLAHAN replied:

(1)-(5)

Last week I answered the question on behalf of the Minister for Women's Interests who, as we know, is the Premier and who was then away.

The situation raised by the honourable member arose with my electorate secretary in my electorate office. I certainly did not receive a complaint, as such; I received a personal letter of explanation from my electorate secretary by way of an explanation of her having resigned from the position - and within that letter were allegations. The allegations were strenuously denied by the person about whom they were made. That letter was subsequently followed by another letter that indicated that my former secretary was following up the matter in a way that was satisfactory to her. In that case, I

did not see the need to retain the first letter which, as I have said, was an explanation rather than a complaint - although it did set out some circumstances which had been of great concern to her. I understand that the matter was the subject of a police investigation some three and a half months ago, and to my knowledge no charges have been preferred.

**SEXUAL OFFENCE - MINISTERIAL EMPLOYEE**

*Inquiry Prevention*

350. Hon GEORGE CASH to the Minister for Planning representing the Minister for Women's Interests:

Is the Minister aware of any action taken by any person in an attempt to prevent a proper investigation of the alleged offence?

Hon KAY HALLAHAN replied:

Certainly not.

**McCUSKER, MR MALCOLM - MICKELBERG, MR RAY**

*Sentencing Letter*

351. Hon PETER FOSS to the Attorney General:

This question is raised with the knowledge and consent of all persons I am about to mention.

- (1) Has the Attorney General received a letter dated 10 January 1990 from Malcolm McCusker, QC, relating to the sentencing and remission of sentence of Ray Mickelberg?
- (2) Did that letter query whether the sentencing as now applied to Mr Mickelberg was in line with current principles of sentencing?
- (3) Did it query whether it was in line with the current policy of the Offenders Probation and Parole Amendment Act?
- (4) Did it query whether it was appropriate in view of the fact that the majority of the gold had been returned?
- (5) Did it query the appropriateness of the sentence in view of the fact there were certain extenuating circumstances relating to Ray Mickelberg?
- (6) Could the Attorney indicate his attitude to the matters which have been submitted to him by Mr McCusker?

Hon J.M. BERINSON replied:

(1)-(6)

I recall receiving a letter from Mr McCusker; whether it was dated 10 January 1990 or some other date, I would have no chance of recalling. Similarly, because six months have passed since that date, I am not in a position to confirm in detail the nature of the inquiries then made nor of my response. I can say that Mr McCusker's letter was the subject of close examination and detailed advice to me. I believe that I would have replied comprehensively to the various matters he raised. I have taken all submissions in the Mickelberg case seriously, and they have been the subject of what can fairly be described as an extraordinary amount of detailed attention and of careful and full professional opinion. I am satisfied that the position in relation to that sentence is appropriate, as I was satisfied that I was acting properly in proposing and obtaining the consent of the Governor to a remission of part of Mr Mickelberg's term.

**MICKELBERG, MR RAY - SENTENCE RECONSIDERATION**

352. Hon PETER FOSS to the Attorney General:

Is the Attorney General aware that in the High Court appeal by Mr Ray Mickelberg, two of the justices - with whom others agreed - indicated that it was possibly improper for the Mickelbergs to have been convicted both of

conspiracy to defraud and of stealing, but as the matter was not before them it could not be decided? In view of this matter, would the Attorney General be prepared to reconsider the matter once more?

Hon J.M. BERINSON replied:

No.

#### HERITAGE OF WESTERN AUSTRALIA BILL - LIBERAL PARTY ATTITUDE

353. Hon P.G. PENDAL to the Minister for Heritage:

Would the Minister condone any untruths or misinformation being circulated by the Government over the Liberal Party's attitude to the Government's heritage Bill?

Hon KAY HALLAHAN replied:

Would the honourable member like to ask a serious question?

Hon P.G. Pendal: I am serious.

Hon KAY HALLAHAN: *If the honourable member has some specific complaint, or some other matter he wants to be considered, he should proceed to do that.*

#### HERITAGE OF WESTERN AUSTRALIA BILL - PROGRESS

354. Hon P.G. PENDAL to the Minister for Heritage:

So the Minister does condone it.

(1) Did the Minister say on the Kevin Hume show last Friday evening that the progress of the Government's heritage Bill was being impeded by certain people?

(2) If so, will she tell us who are those people?

Hon KAY HALLAHAN replied:

(1)-(2)

I am still holding negotiations with people who want to see amendments made to the heritage legislation. I am not prepared to name those people in this place. I am still hoping for a happy outcome of those negotiations.

#### HERITAGE OF WESTERN AUSTRALIA BILL - PROGRESS

355. Hon P.G. PENDAL to the Minister for Heritage:

Can I take it from that answer that the Minister is not stating publicly or privately that the Opposition is impeding the passage of the Government's heritage legislation through this Parliament?

Hon KAY HALLAHAN replied:

Obviously, Hon Phillip Pendal is a bit sensitive about an interview I did on Kevin Hume's show last Thursday or Friday evening. Apparently he came out like a roaring bull the following day.

Hon P.G. Pendal: Monday, actually.

Hon KAY HALLAHAN: I implied that the Government was not happy - and it is not happy - about amendments the member purportedly wants to make to the legislation.

Hon P.G. Pendal: You don't know what they are.

Hon KAY HALLAHAN: A number of people tell me what those amendments are. Hon Phillip Pendal is running around the place saying that he has no fundamental opposition to the Government's legislation but that he will move a few amendments. That is a lovely political platform for him to have - to support legislation but say also that he wants to make a few fundamental changes. That is not satisfactory.

## HERITAGE OF WESTERN AUSTRALIA BILL - PROGRESS

356. Hon P.G. PENDAL to the Minister for Heritage:

I thank the Minister for the information given so far. I preface my question by saying that the Opposition is keen to see debate proceed in this Parliament: Will the Minister accept the Opposition's challenge to bring the heritage Bill on for debate, notwithstanding that all of her informal advice from the Government about the contents of the Bill is not unanimous?

Hon KAY HALLAHAN replied:

Again I make the point that the heritage legislation is very important legislation. It is new and many people have concerns about the way it will operate. It operates very well in other States and there is no doubt, as with other new legislation, that we will overcome the difficulties that people see in that operation. At the moment, we are going through a period when people are expressing concerns. In the face of that, I have not pressed for it to be dealt with in the Legislative Assembly.

Hon P.G. Pendal: Thank you. That is not what you told the Kevin Hume show.

Hon KAY HALLAHAN: Hang on a tick! I have not said anything that conflicts with what I said on the Kevin Hume show.

Hon W.N. Stretch: You are delaying it.

Hon KAY HALLAHAN: Community groups are expressing concern. Some of those groups naturally have philosophical links with the Opposition and have told me that if they do not get what they want they will go to the Opposition.

Hon Derrick Tomlinson: That is a silly argument.

Hon KAY HALLAHAN: It is a problem that we have with numbers. These are the realities that we always face in Government when we are trying to introduce legislation that is new and very important, but about which people feel passionate. It is important that we get it right. I do not want amendments that will make it less workable than legislation which this State deserves.

## SITTINGS OF THE HOUSE

357. Hon DOUG WENN to the Leader of the House:

(1) Will he give an indication whether the House is likely to sit beyond this week?

(2) If so, will he provide details of the proposed sitting days?

Hon J.M. BERINSON replied:

(1)-(2)

It will be necessary for the House to sit next week. That is on the assumption that the Legislative Assembly will finish its work at the end of this week. To sit for one week thereafter would be in keeping with what has become a fairly regular practice in recent years. I am afraid that I can suggest only one week for now, because it is still possible that the Assembly will sit for longer than this week. There is also the possibility that our consideration of matters coming to us will not have got far enough by the end of next week, so I can indicate only that we will certainly sit next week and I will advise the House as soon as possible if any extension of that period is necessary. I will also be speaking to the Leader of the Opposition and the Leader of the National Party later this week to see whether it is possible for their members to agree to a sitting next Friday. If that is possible it could overcome the need for a sitting in the week thereafter.

## MARINA - CURTIS BAY, DUNSBOROUGH

358. Hon BARRY HOUSE to the Minister for Planning:

Will the Minister explain her position on the proposed marina at Curtis Bay in Dunsborough and the use of adjacent Crown land for development?

Hon KAY HALLAHAN replied:

I have no position on this matter. It is a contentious matter within the proposed Dunsborough structure plan and it has come in for a fair amount of community debate. I have made the point very clear, as I made it clear to representatives of the Busselton Shire Council, that I did not have a position on the issue. I was reported at a council meeting by one of its consultants as having a position. Having someone representing my position in that way is unsatisfactory and I have made that clear to the council. I have issued a Press statement making it clear to the community at Busselton, Dunsborough and surrounding areas that I was misrepresented on that occasion.

**SWAN BREWERY SITE - GOVERNMENT INTENTIONS**

359. Hon E.J. CHARLTON to the Leader of the House:

Will he inform members of the Government's current intentions for the old Swan Brewery?

Hon J.M. BERINSON replied:

This matter does not come within the area of any of my portfolios. I ask the member to put the question on notice if he wishes to take it further.

**SWAN BREWERY SITE - GOVERNMENT INTENTIONS**

360. Hon E.J. CHARLTON to the Leader of the House:

In view of the circumstances that surround that proposed development, will he inform members whether that development will proceed and the current costs associated with it?

Hon J.M. BERINSON replied:

The member's approach is very novel, but it does not change either the Standing Orders or the practice of this House. In questions without notice, it is only reasonable to restrict questions to the areas of a Minister's authority. I have indicated already that the brewery question does not come within those limits.

The PRESIDENT: Order! The member will have both questions placed on notice if that is what he wants.

**SWAN BREWERY SITE - GOVERNMENT INTENTIONS**

361. Hon E.J. CHARLTON to the Minister for Planning:

I have been told that I will obtain an answer to my question by directing my question to the Leader of the House's right and asking: Will the Minister advise of the Government's position on the development of the old Swan Brewery site and the costs being incurred because no decision as to its development have been made?

Hon KAY HALLAHAN replied:

Matters concerning the brewery are with the Aboriginal cultural materials committee and a consultation process is proceeding with that committee. When the outcome of the committee's deliberations are known this Government will be in a position to consider that determination. At present it is awaiting that advice. Also, an injunction on the site prevents any work on it. That is the current state of play.

Questions concerning the costs have already been asked and I refer members to my reply to question 209, which is on the Notice Paper. I thought another member had actually asked about the cost of maintaining the building and that question has certainly been responded to. If I can find the number of that question, which may have been asked in another place, I will advise the member of the answer to it.

## HERITAGE OF WESTERN AUSTRALIA BILL - PROGRESS

362. Hon P.G. PENDAL to the Minister for Heritage:

- (1) Given that the heritage Bill has been in the other place for seven months without any progress, will the Minister agree to expedite debate in the current session of Parliament?
- (2) If not, why is she stonewalling her own Bill?

Hon KAY HALLAHAN replied:

(1)-(2)

Hon Phillip Pendal appears to be either unwilling to listen or incapable of listening to the answers I have given him.

Hon W.N. Stretch: Give a straight answer.

Hon KAY HALLAHAN: I have given a straight answer and if Hon Bill Stretch cannot recognise it then it says more about him than anyone else.

Members opposite do not know what it is like to manage legislation through this House. They have never been in the position of having a minority of members in this place at any time in this State's history.

Several members interjected.

The PRESIDENT: Order!

Hon P.G. Pendal: That is stupid.

Hon KAY HALLAHAN: It is not stupid.

Several members interjected.

The PRESIDENT: Order! For goodness sake - the Minister knows that she does not have to answer the question at all if she does not want to, but having determined to answer it she has to answer it and be brief.

Hon KAY HALLAHAN: Thank you, Mr President. I will quickly inform members opposite - and they do not seem to see the connection - that if the Government does not have the numbers in this place it has to have incredible regard for what the Opposition says, and that means Ministers have to be very careful about each piece of legislation that is debated in this place. Ministers are often told that amendments will be made to legislation which they consider will render it less effective and may even distort the whole operation of the legislation. Members opposite do not know what it is like to be the minority party in this place, but we would like them to know what it is like in the future. They do not know what it is like to lose a division by one vote, which is the reason Ministers consult very thoroughly on each piece of legislation brought into this House. As members know, I try to handle all legislation in a consensus manner and agree to and accommodate amendments as far as is possible. I am still in the process of getting a very good heritage Bill.

I do not want to reflect badly on Hon Phillip Pendal, but if he thinks his Bill will be of benefit to the heritage value of buildings and sites in Western Australia it is no wonder he cannot understand the value of this very comprehensive and fine piece of legislation. It is now in the Legislative Assembly and will proceed through that place and then it will come to this House; by that time I hope we will all understand the concept of heritage legislation and will not have serious amendments to it. That is my plan.

## HERITAGE OF WESTERN AUSTRALIA BILL - ADVICE TBLING

363. Hon P.G. PENDAL to the Minister for Heritage:

Given that the House can so order, will she table all advice she has received to date on the contents of the Government's heritage Bill?

Hon KAY HALLAHAN replied:

I think that is a very poor precedent to set and I would be very reluctant to do that.

#### LEGISLATIVE ASSEMBLY - 100 YEARS ANNIVERSARY

364. Hon MAX EVANS to the Leader of the House:

What plans, if any, have been made by the Government for celebrating 100 years of the Legislative Assembly?

Hon J.M. BERINSON replied:

I was under the impression that a parliamentary committee - given that the President is nodding his head, I am increasingly under the impression - is looking at various aspects of this question and is either making its own arrangements or making recommendations to Government. I have not been part of that process, but if Hon Max Evans would like details on any particular matter I would be happy to pursue it if he places a question on the Notice Paper.

#### PARLIAMENT - PROROGATION

365. Hon PETER FOSS to the to the Leader of the House:

(1) Is it intended to prorogue Parliament prior to the spring session?

(2) If so, how soon before the spring session?

Hon J.M. BERINSON replied:

(1)-(2)

There is no such intention that I am aware of and no Government discussion of it. By coincidence, however, just before this House met today my attention was drawn to some earlier discussions about the possibility of a prorogation for the purpose of having a special opening on the 100th anniversary date - and the President is nodding his head again, so it must be right. I can only say it must be a proposal. To my knowledge it has not been placed before the Government as a whole. I, for one, would be reluctant to go down that path given the time that has already been spent this year on a formal opening and the Address-in-Reply debate and the need to concentrate on legislation.

Several members interjected.

Hon J.M. BERINSON: I am admitting my ignorance and I would always be guided by better advice. I would have thought that I hardly need to remind members that the Address-in-Reply debate took five weeks of this session and we have precious little time for what is, after all, one of the important functions of this Parliament; that is, to actually pass legislation.

#### MOTOR VEHICLES - DRIVERS' LICENCES *Suspension and Cancellation - Unexpired Fee Refund*

366. Hon FRED McKENZIE to the Minister for Police:

If a person has his driving licence suspended for a period and it is subsequently cancelled by the Traffic Board when it is within the first year of a five-year period, is he entitled to a refund of fee on a pro rata basis for the remainder of the period for which the licence has to run? This is an original question and not a Dorothy Dix question.

Hon GRAHAM EDWARDS replied:

I thank the member for some notice of the question. Yes, on application a refund of the appropriate fee, proportional to the unexpired full years, is payable, less a \$1 cancellation fee as provided in subsection 52(6) of the Road Traffic Act. I note the very keen way in which the honourable member has pursued this matter with me today and I can only hope it is on behalf of a constituent and not on his behalf.

## LEGISLATIVE ASSEMBLY - 100 YEARS ANNIVERSARY

*Date*

367. Hon MAX EVANS to the Leader of the House:

What is the actual anniversary date of the 100 years of the Legislative Assembly?

Hon J.M. BERINSON replied:

I am sure there is a date, but I do not know it.

The PRESIDENT: If the honourable member writes to the President he will give him the answer.

## POLICE - FLEXIBLE WORKING HOURS

*Second Stage Structural Efficiency Package - Industrial Relations Commission Ratification*

368. Hon GEORGE CASH to the Minister for Police:

I refer to the Minister's Press release of 8 May regarding agreements between the Commissioner of Police and the Police Union which were intended to permit more flexible hours of attendance for police officers.

- (1) Has the second stage structural efficiency package been ratified yet by the Industrial Relations Commission?
- (2) If not, has this caused any problems with the implementation of the plan which was intended, as I understand it, to boost numbers on duty at specific times?

Hon GRAHAM EDWARDS replied:

(1)-(2)

My understanding is that it was to come into effect from 1 July, the start of the new financial year. I understood that the matter had been ratified, but if the member puts his question on notice I will have that checked.

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