

SURVEY CHARTER VESSELS, LICENCES

1302. Hon BARRY HOUSE to the Minister for Local Government and Regional Development:

- (1) What licences or approvals are required by a survey charter vessel conducting tourism-related services along the Western Australian coastline whereby customers are picked up and dropped off at the shoreline from the relevant local authority?
- (2) Under what authority or statute are these licences or approvals granted?

Hon TOM STEPHENS replied:

(1)-(2) I hope the member is not speaking about the Busselton Shire Council.

Hon Barry House: No, it is just general information

Hon TOM STEPHENS: I would hate to think that the member was doing that.

Hon Bill Stretch: Your guilty conscience is showing.

The PRESIDENT: Order, members! The minister is trying to answer a question.

Hon TOM STEPHENS: Local governments are empowered by the Local Government Act 1995 to make local laws to regulate the use of land under their control, including foreshores. My approval is not required for the making of these laws. Although I am aware that a number of local governments have made laws to regulate property under their control, I do not have any record to hand of local governments that require approval for the picking up and dropping off of boat passengers at the shoreline. That is not to say that, unbeknown to me, a local council such as the Shire of Busselton may have such a local law. That will not necessarily have been drawn to my attention. I do not know whether it has such a law. I have read the media reports suggesting that there is an issue. However, in recent days, I have asked that all local councils note the view of the Joint Standing Committee on Delegated Legislation about the need to ensure that legal advice is sought before such local laws are sent for gazettal. My department is small, and it should not be relied upon by all local councils to provide legal advice on the technical strengths or deficiencies of any local laws. Against that backdrop, it would not be reasonable to expect me to know whether a council, such as the Shire of Busselton, does or does not have a local law that enables it to do that which it is reported in the local Busselton media to have done.