PETITION - LATHLAIN PRIMARY SCHOOL, SUPPORT

DR GALLOP (Victoria Park - Deputy Leader of the Opposition) [10.03 am]: I present the following petition -

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

We, the undermentioned petitioners wish to indicate to the State Government our support for the Lathlain Primary School as it is a major community asset for the suburb of Lathlain; clearly defined by the railway line and the major roads Great Eastern Highway and Orrong Road.

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

The petition bears 16 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 166.]

PETITION - SCHOOL CROSSING, BERWICK STREET, EAST VICTORIA PARK

DR GALLOP (Victoria Park - Deputy Leader of the Opposition) [10.04 am]: I present the following petition -

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

We, the undermentioned petitioners call on the State Government to reverse its decision to withdraw the warden controlled school crossing on Berwick Street, near Balmoral Street, East Victoria Park.

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

The petition bears 18 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 167.]

PETITION - PUBLIC TRANSPORT, SECURITY MEASURES

MRS HALLAHAN (Armadale) [10.05 am]: I present the following petition -

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

We the undersigned express our grave concern at the number of physical attacks against people using Perth's public transport system. We are particularly angry that many of these attacks are directed towards young children.

We call on the Government to act immediately to protect the right of all people to use the public transport system at any time without fear of physical attack.

There should be an immediate increase in the number of security staff on trains.
and train stations at all times of the day and other security measures such as cameras should be installed. The time to act is now before we lose control of our public transport system and people no longer use it.

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

The petition bears 716 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 168.]

MINISTERIAL STATEMENT - MINISTER FOR LABOUR RELATIONS

Workers' Compensation, New System

MR KIERATH (Riverton - Minister for Labour Relations) [10.06 am]: Following the changes to this State's workers' compensation system which came into operation in March this year, the Workers' Compensation and Rehabilitation Commission has recommended a series of initiatives which I have endorsed - initiatives from which workers and industry will be the beneficiaries. They will provide improved services for injured workers and savings of $30m to industry over three years.

The new system is proving to be even more successful than first anticipated and, as a result, better management of the compensation and rehabilitation system will mean savings to industry and a boost to employment. The new strategic plan has been developed by the Workers' Compensation and Rehabilitation Commission, which comprises representatives of employers, employees, insurers, medical practitioners and the Government.

The commission, which administers WorkCover, has set a target of a 10 per cent reduction in the cost of workers' compensation premiums to industry by 1997. It also aims to enhance the social outcomes from the system for workers.

The seven priorities identified by the commission to achieve these objectives are -

to reduce by 10 per cent the frequency of long duration (60 days or more) claims;
to ensure cost-effective and prompt delivery of benefits;
to pay closer attention to administrative costs in the system;
to provide better information on and measurement of the system's performance;
to reduce the proportion of compensation claims which end in disputes;
to raise the level of education and understanding on workers' compensation matters; and

to ensure all employers are insured and make an equitable contribution to the premium pool.

The 10 per cent reduction in costs of workers' compensation premiums will mainly depend upon the success of rehabilitation to reduce the frequency of long duration claims, which account for more than 50 per cent or $150m of the costs in the system. To achieve this there will be major emphasis on rehabilitation, including a push to educate medical practitioners, employers and employees on its importance.

The other major area of attention through a "better management" approach will be quality of service delivery, administrative costs and a reduction in disputed claims. About 3200 of the 80,000 claims each year result in disputes between injured workers and insurers. This leads to anguish for the worker and unnecessary administrative costs in the system.

I would like to place on record my congratulations to the Workers' Compensation and Rehabilitation Commission for developing this strategic plan. However, to achieve these objectives, all parties - employers, employees and service providers - must play their part
in improving the State's workers' compensation system. In addition to the $30m through these latest initiatives, earlier this year savings of $50m to business and industry came with a 12.5 per cent reduction in premiums, made possible through this Government's changes to legislation. These achievements and benefits to the community show that this Government has delivered its promise to dramatically improve the workers' compensation system.

MOTION - SELECT COMMITTEE ON SCIENCE AND TECHNOLOGY

Leave Granted to Sit when House is Sitting

MR C.J. BARNETT (Cottesloe - Leader of the House) [10.10 am]: I move -

That this House grants leave for the Select Committee on Science and Technology to sit when the House is sitting from 16 to 24 November 1994.

There are six other motions of a similar nature to this on the Notice Paper and I will comment briefly. It is proposed that some committees of this House will be able to sit during these final four weeks of the session. That creates some obvious problems because, in theory, members will be required to be in two places at once, namely, in the Chamber and in the committee meeting. Members will agree that this House has precedence and the legislative program will continue. We can accommodate the desire of committees to meet if commonsense prevails. That commonsense includes a committee adjourning should there be divisions or should the bells be rung. For that reason committees would be better advised to meet in Parliament House so that they have ready access to the Chamber. I suggest that committees would be well advised not to arrange for witnesses to appear before them during this period, because that could create problems. When committee chairmen schedule a meeting, I ask them to take the trouble to speak to me, the Leader of the House for the Opposition and also the Clerk, so that we can make sure the committees do not conflict with the business of the House and that they can be staffed when they meet. The House has precedence and the legislative program as outlined to the Opposition will continue. It will not be acceptable for members not to be in the Chamber to deal with legislation because they are in committee meetings. With commonsense, many of the committees can have relatively short meetings to wind up reports currently under preparation.

MR RIPPER (Belmont) [10.13 am]: The Opposition supports this motion, but I also point out on behalf of the Opposition that the business of the House has priority. Certainly that is the message we are giving our members of committees. I hope committees will organise their business sensibly, taking into account some of the points raised by the Leader of the House, because various members of committees will be required on both sides of the House to participate in debate in this Chamber. It would be unfortunate if their input into committee processes were at all jeopardised because they had to give priority to debates in this House. I trust members on both sides will use the opportunity afforded by these motions sensibly, with an eye to ensuring that a genuine opportunity is provided for all members of committees to participate in the decision making of those committees, despite their obligations in the House.

A number of the motions seek leave for committees to sit while the House is sitting until 15 December. I ask the Leader of the House whether this foreshadows an extra week's sitting?

Mr C.J. Barnett: No, it does not.

Mr RIPPER: I hear a sigh of relief all round!

Question put and passed.

COMMITTEES FOR THE SESSION - LEAVE GRANTED TO SIT WHEN HOUSE IS SITTING

On motions by Mr C.J. Barnett (Leader of the House), resolved that the following committees be granted leave to sit when the House is sitting -
1. Select Committee on Road Safety - from 16 November to 15 December 1994
2. Select Committee on Heavy Transport - on Wednesday, 7 December 1994
3. Select Committee on Metropolitan Development and Groundwater Supplies - from 16 November to 15 December 1994
4. Public Accounts and Expenditure Review Committee - from 16 November to 15 December 1994
5. Standing Committee on Uniform Legislation and Intergovernmental Agreements - from 16 November to 15 December 1994
6. Select Committee on Intervention in Childbirth - from 16 November to 15 December 1994

SELECT COMMITTEE ON PROCEDURE

Member for Victoria Park Discharged, Member for Pilbara Appointed

On motion by Mr C.J. Barnett (Leader of the House), resolved -

That the member for Victoria Park be discharged from the Select Committee on Procedure and the member for Pilbara be appointed in his place.

SALARIES AND ALLOWANCES AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr C.J. Barnett (Leader of the House), and read a first time.

ENERGY CORPORATIONS (TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) BILL

Report

Report of Committee adopted.

Third Reading

MR C.J. BARNETT (Cottesloe - Minister for Energy) [10.17 am]: I move -

That the Bill be now read a third time.

MR THOMAS (Cockburn) [10.18 am]: I wish to make a few points, particularly regarding the issue I canvassed yesterday about the desirability of a select committee being established to investigate the financial prospects of the Electricity Corporation and the Gas Corporation. In the debate I pointed out that this is probably the largest financial transaction this Government will undertake. It is carving up $3.5b in debt and allocating it to the two corporations. It is hoped they will be able to service that debt and, in time, discharge it. However, the Opposition is concerned about the prospects of those corporations, particularly those of the Gas Corporation. The Opposition believes this Parliament should establish a select committee to examine the way in which debt will be allocated between the organisations. This Bill makes provision for the assets and liabilities of the State Energy Commission to be divided between the Gas Corporation and the Electricity Corporation, and for the Minister to divide those assets and liabilities and to cause a notice to be published in the Government Gazette to that effect. Apart from that, this Parliament has no opportunity to supervise the division of those assets and liabilities. That is a financially irresponsible way for this Parliament to behave. If the division were not carried out properly, the consequences could be serious.

Those consequences could lead to domestic gas consumers having to cross-subsidise industrial consumers and/or the public having to bail out a corporation which has become insolvent. The reason that could occur is that the Gas Corporation will be obliged to take a certain quantity of gas and to pay for that gas irrespective of whether it uses it. At the same time, the gas market will be freed up from 1 January 1995, in a two or three step...
process whereby consumers who purchase 500 terajoules of gas per year, or more, will be able to purchase that gas from whoever can supply them at the lowest price, and the Gas Corporation will be obliged to bring that product to market in a way that does not constitute a restrictive trade practice. That is a desirable situation because the consumers of Western Australia will be able to purchase gas at a lower price. However, it will place the Gas Corporation in a potentially dangerous situation because it will be obliged to take a certain quantity of gas but will have no guarantee that it will be able to sell it. Hitherto, the State Energy Commission of Western Australia has had a monopoly, but the only monopoly which the Gas Corporation will have after the phased in freeing up of the market will be in regard to the sale of gas to consumers who purchase 500 TJ of gas per year, or less, and that comprises only about 30 per cent of the market. The Minister has indicated that in time, consumers who purchase as little as 100 TJ per year will also have access to a free market.

Mr C.J. Barnett: May.

Mr THOMAS: May, at a date to be announced. The Gas Corporation will have to take and pay for a certain quantity of product, but its only guaranteed market will ultimately be the domestic consumers, who comprise by way of volume and income a relatively small proportion of its operations. We are not opposed to the creation of the Gas Corporation or the freeing up of the market, but this Parliament would be irresponsible if it passed this legislation without making some provision for oversight or supervision of the division of the assets and liabilities of SECWA. When I canvassed this issue with the Minister last night, he said it is a very large job - I am sure it is; competent and good people have been working very hard all year on this matter - I am sure they have; and we should trust those people. During the late 1980s and early 1990s, members of the then Opposition complained about the fact that the financial transactions of the Government were not subject to the scrutiny of the Parliament, and that led to the phenomenon which has become known as WA Inc. Subsequently, the royal commission reported that the Parliament had not discharged its responsibility to oversee financial transactions in the public sector.

We here probably the largest financial transaction which this Government will undertake - the allocation of a debt of $3.5b - and we are concerned that one of the bodies which will inherit $1.5b of that debt may not be able to service that debt. We have a responsibility to the community to satisfy ourselves that this transaction is conducted properly. The Minister has said, "Trust me." One of the lessons we learnt from the late 1980s and early 1990s is that we cannot rely on a Minister who says, "This is a technically complicated matter and you would not understand it if it was explained to you anyway, so trust me that it is being done properly." Members opposite have said time and time again, in both government and opposition, that we as a Parliament cannot responsibly allow transactions of this magnitude to take place without effective supervision and scrutiny.

We are talking here about a complex question. Will the liabilities of SECWA be distributed in a way which is based upon capacity to pay? The ratios of interest payments contained in the most recent annual report of SECWA suggest that rather than allocate $1.5b to gas and $2b to electricity, it should be the other way round; and if that does represent an accurate estimate of the way in which debt has been acquired, it suggests that there is a partial subsidy by the electricity operations to gas. The Minister has said it is not being done on that basis, and to look at interest payments in that way distorts the picture because we are looking at old debt and new debt. What the Minister says may well be right, but we as a Parliament have a responsibility to satisfy ourselves that this transaction is being done properly, because if it is not done properly or on a sound basis, we may find in future years that the Gas Corporation will become insolvent and will need to be bailed out by the Electricity Corporation or the taxpayer. We do not wish to see either scenario. We would not allow the minutest fraction of the quantum about which we are talking here to be appropriated from the consolidated fund without the closest scrutiny of the Parliament, but there is no possibility of this transaction being subject to the Estimates Committee or to the normal scrutiny of the Parliament because we are
simply authorising the Minister to make that transaction and are not authorising the transaction by legislation as we do with the Budget and the consolidated fund.

There are two ways in which we can subject this transaction to the scrutiny of the Parliament, either of which would be acceptable to us. The first is to have the Public Accounts and Expenditure Review Committee inquire into this matter and report to the House. The second is to have a select committee inquire into this matter and report to the House. My preference is for a select committee because this matter is of such magnitude and uniqueness that a select committee should be set up specifically to examine the documentation and to hear evidence from the energy implementation group and other people who have a view on the way in which this transaction should be conducted. The House would be remiss in its duty if it allowed this legislation to pass, which authorises the Minister to carve up $3.5b of debt, without setting up the machinery where it could satisfy itself that this transaction was being carried out properly. In saying that, I am not suggesting it is being done improperly, but it would be grossly irresponsible of us to allow a transaction of this magnitude to be undertaken without adequate supervision.

MR C.J. BARNETT (Cottesloe - Minister for Energy) [10.29 am]: The member for Cockburn has restated, as he said, many of the points he made last night. In private discussion with him I undertook to arrange for him and any other members opposite a briefing by the energy implementation group on the criteria and methodology used in splitting both the assets and liabilities and major contracts of SECWA. He is right; it does involve a large amount of money. He made reference to the late 1980s and requirements of accountability and the like. I am not in any way hiding behind any notion of commercial confidentiality or anything else. The details of the split when published in the Government Gazette will run to approximately 20 pages. They will detail all the major assets, liabilities and contracts and their allocation. An additional schedule of documentation which will probably make up more than 200 pages will show in great detail exactly what assets, liabilities and contracts are involved. It will include the allocation of cars, the many hundreds of properties, transmission line easements and various contractual, foreign exchange arrangements and the like. The amount of information which will be available will probably be beyond the capacity of anyone in this House to comprehend.

The criteria used in the splitting have been based on two major principles: First, the overriding task of the energy implementation group in splitting SECWA into electricity and gas utilities has been to ensure that the two new utilities are commercially viable. That is why a good mix of commercial, legal and public sector expertise has been involved in that energy implementation group. The second aspect has been to ensure that the debt allocation reflects the assets allocation in a correct commercial way, so that if one utility is allocated an asset it is loaded with the debt that goes with it. That explains the different share of debt between the two utilities.

There is nothing to hide. We will no doubt debate the move to form a select committee into this. I will not support the forming of a select committee, but I will hear the argument at the time. A select committee would simply repeat the exercise already undertaken. The splitting of SECWA into two utilities is not in the nature of a new business transaction or deal of any sort. The member for Cockburn referred to $3.5b worth of government money, but it is not money that has been invested in a new venture; it is existing assets and liabilities which, in a corporate sense, is being divided. Rather than one government owned entity, two will exist. No transaction is being entered into and no entrepreneurial activity is involved; it is simply a corporate restructure formed to impeccable standards. I am immensely proud of the way the energy implementation group has undertaken that task. It will be fully open to scrutiny by all members of Parliament and the public.

It has had considerable input from within government, Treasury, SECWA, other government agencies and consultants from outside. It has been a long, drawn out procedure, very professionally handled. I think the member for Cockburn is correct in saying it is a significant task of major public importance and that the utilities need to be commercially viable. However, to establish a select committee to repeat the work that
has taken more than 12 months by the energy implementation group following the two years of work by the Carnegie board of review would be a waste of effort by this Parliament. If the member has questions about the methodology or the allocation of assets, that can be adequately answered through a briefing or correspondence. There is nothing to hide; the splitting into the two utilities has been commercially and appropriately handled. I thank members for their support of the legislation.

Question put and passed.

Bill read a third time and transmitted to the Council.

LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL

Committee

Resumed from 15 November. The Deputy Chairman of Committees (Mr Day) in the Chair; Mr Omodei (Minister for Local Government) in charge of the Bill.

Progress was reported after clause 10 had been agreed to.

Clause 11 put and passed.

Clause 12: Sections 12A and 12B inserted -

Mr OMODEI: Proposed section 12A(1) defines the first elections for the Perth City Council and the three new towns specified elsewhere in the Bill as being 6 May 1995. Proposed subsection (2) empowers the commission for the four councils to decide to use the biennial election system. Proposed subsection (3)(a) and (b) pick up the same concept as section 72A of the Local Government Act in that a council, once having changed to a biennial system, stays on that system for future elections until it changes back to the annual system. Section 72A(3) of the Local Government Act provides for a newly created council to be on the annual election system. This proposed subsection seeks to provide for section 72A(3) of the Local Government Act not to apply to the four councils. Proposed section 12A(4) repeats section 72B(1) of the Local Government Act in that a decision to change its election system must be made at least 78 days before the May election. Proposed section 12A(6) repeats the requirements of section 72B(4) of the Local Government Act in that once the PCC or three towns decide to change the biennial system, they cannot change back to the annual system earlier than four years; that is, 1999.

Proposed section 12B is to empower the four councils to have their elections conducted by universal postal vote by the State Electoral Commissioner. Proposed section 12B(2) provides that each of the four councils may decide to have their first election conducted by postal vote. Proposed section 12B(3) provides that a council may, by an absolute majority, decide that a subsequent election is to be by postal vote. Proposed section 12B(5) provides that a decision to use postal voting must be made before a council publishes notice of the candidates to contest the election. Proposed section 12B(6) provides that as a result of the election, provisions of the Local Government Act need to be modified to enable an election to be run using universal postal voting. This will allow regulations to be made which will detail the changes or modifications. I have already agreed to the forming of a working party which will make recommendations to me on that matter.

Proposed section 12B(7) allows the Minister to appoint the Electoral Commissioner or someone nominated by him to be the returning officer for the election. Proposed section 12B(8) provides for the expenses of the returning officer, who is not the town clerk, to be met by the relevant council.

Mr MARLBOROUGH: We previously raised in this Chamber a number of concerns with the way in which the Minister intends to implement the postal ballot system. The Minister has attempted to rush this part of his total local government legislative package through the Parliament. It will allow for a new method of voting in local government elections in this State.
Mr Omodei: In last night’s debate, I was accused of taking too long to introduce this legislation into the Parliament. Now you are accusing me of rushing the legislation through. Can you make up your mind?

Mr MARLBOROUGH: It should be obvious to everybody, including the Minister, that behind the definition of "postal election" in proposed section 12B will be a swath of lengthy and complex regulations, none of which we have before us. I presume it is his intention to introduce those regulations to meet the proposed deadline - I presume it is the first Saturday in May 1995 - although there are rumours about the commissioners of the City of Perth seeking an extension of their time.

Mr Omodei: I responded to that last night.

Mr MARLBOROUGH: I am not sure the Minister did.

Mr Omodei: Look at page 2 of the City of Perth Restructuring Act.

Mr MARLBOROUGH: Is the Minister telling the Chamber that there will be no extension of the Perth City Council commissioners’ time?

Mr Omodei: I think I responded to that last night by saying that the restructuring Act will have to be changed.

Mr MARLBOROUGH: That is what I thought the Minister said. With a majority of seven in the Chamber, the Government will be able to change that Act. The introduction of this Bill is an indication of what the Minister may have to do when the commissioners come to him and tell him that they do not have the resources or the buildings to bed down the new councils.

Mr Omodei: You are speculating.

Mr MARLBOROUGH: Of course I am. However, the inner sanctum of the City of Perth at a very high level is running hot with rumours that the five commissioners are unable to meet their deadline and they are about to approach the Minister, if they have not done so already, to request an extension of time. The best we can get from the Minister is that, if that occurs, we will have to change some sections of the City of Perth Restructuring Act.

Mr Omodei: You should deal with that if that occurs. I have not been approached by the commissioners. Let us talk about the legislation before the House.

Mr MARLBOROUGH: I do not need riding instructions from Ministers about how I should deal with it. We are concerned about the removal of democratically elected councillors and their replacement with five hand-picked ministerial appointees. We are concerned that the ratepayers have had no real say in the running of the city for at least 12 months and we are concerned that we now hear, from the inner sanctum of the council, that that undemocratic process is likely to be extended. Part of that undemocratic process is this Minister’s desire to rush this legislation through the Parliament.

This is a crucial change to the way people in Western Australia vote. The concern is not that we have not had a postal voting system before but that the legislation will allow five commissioners to determine a total postal voting system for the election of councillors to the City of Perth.

Mr Omodei: This Bill gives the council the option to do that.

Mr MARLBOROUGH: It does not only give them the option! The Minister’s answers to me in Hansard indicate that this is what the council will do.

Mr Omodei: The commissioners have shown a preference for the system.

Mr MARLBOROUGH: Absolutely. They have done that because they want to make sure that the vested business interests that they represent in the central business district of Perth will win control of the council. This system will allow for elections to be held with no consideration for expenditure on elections.

The Minister has referred to the proposed system operating in New Zealand and
Tasmania. Is he aware that, since that postal ballot system was introduced in New Zealand and Tasmania, regulations have been introduced which restrict the amount of spending by candidates?

Mr Omodei: No, I am not aware of that.

Mr MARLBOROUGH: I hope to have evidence of that before the end of the day. My inquiries indicate that New Zealand already recognises how that system can be rorted. As I said earlier, a well organised campaign by a body with a vested interest in the City of Perth, including the Chamber of Commerce and Industry of Western Australia or the Master Builders' Association - in a little country town like Denmark it could be the local greenies - could influence the election with a massive mail campaign directing and encouraging affiliates of those organisations to vote in a certain way. It will be a campaign the likes of which we have never seen before in local government elections.

Mr Omodei: Haven't you used your electorate office in the past to assist local government candidates? You have admitted it openly in Parliament. What you are saying could happen under the proposed system could happen under the current system.

Mr MARLBOROUGH: It has happened in the past, but under this proposal it will be at a level that we have never seen before in this State. As I said, New Zealand and Tasmania are already introducing regulations which will regulate the amount of money people can spend on their campaigns. Postal ballot slips will go up and down St George's Terrace to every business encouraging them to vote for Mr or Mrs X for the single ward Perth City Council. Backing that up will be a mass of paperwork from such organisations as the Chamber of Commerce and Industry, the Master Builders' Association and others that have a vested interest in seeing the city head in a certain direction requesting people to vote early, vote quick.

Mr Tubby: Yours is vote early, vote often.

Mr MARLBOROUGH: Is that not what normally happens in local government out the member's way? The member for Glendalough had to take people to court because too many dead people were voting too often. She won.

Mrs Roberts: I didn't, the police did.

Mr MARLBOROUGH: This system will not change that at all. The Minister says that technology will be brought in which will read signatures. That technology requires a massive backup of information to be built into the system. I suggest that there is no known infrastructure to back up such technology in this State. I would have to be absolutely convinced between now and next May that the Government will be able to bring in new technology. The best the Minister can say is that regulations will be brought in which will protect people from the rorting of the system and the concerns we have raised.

This part of the legislation would have been far better placed within the review process of the whole Act. The Minister is not being inundated with requests from local government. The position of the Western Australian Municipal Association on this clause is that local government requires it only if it is an option, if local government can determine whether it wants it. The Minister, working closely with five appointed commissioners of the former City of Perth, has decided how best to secure the City of Perth heading in a certain direction in the long term. To best benefit the vested interests of the business sector, this process will enable certain people to get elected. Because those interests are in charge of Vincent, Cambridge and Shepperton this method is intended to be introduced in those councils. This paragraph brings in a whole new way of voting.

The Minister offsets my concerns by saying, "Where it has been attempted in Tasmania in the past two years there has been a significant increase in voter turnout, over 50 per cent." That is true. However, in the second year there was a dramatic fall off. It has gone from 52 per cent to just over 30 per cent. We cannot say that Tasmania had a significant turnout as a result of changing to this postal voting method, without recognising that there was a total restructuring of local government in Tasmania at the same time. This postal voting system was not thrust upon existing councils alone; two or
three years ago the number of councils in Tasmania was cut dramatically and there are now 18 councils.

Mr Omodei: I think there are 19.

Mr MARLBOROUGH: The publicity surrounding local government was in place.

Mr Omodei: Postal voting has been there for a long time.

Mr MARLBOROUGH: The Minister should not try to fool me by saying that this is the same voting system that has been in place for a long time. This is replacing the ballot box system as the major method of voting. If the municipality determines to go this way and hands over control of the voting to the Electoral Commission, the traditional ballot box method of voting will be a very second-rate system and, in many instances, will not exist, especially in country areas. Why bring it in in those areas and then suffer the expense of having polling booths manned on election day? This provision should have been brought with regulations, and then brought before the Parliament. The regulations will be complex and will not be understood by the electors or many of the officers carrying out the process. We are not convinced that the technology is in place. It could take another two years to put that technology in place in this State.

Mr OMODEI: New Zealand has had postal voting since 1989 when it was made compulsory, but it was optional for the 1992 election for a three year term. Only one council chose to return to ballot box voting and it got the lowest voter turnout in 1992. Postal voting increased substantially even in regional areas which traditionally have good turnouts. New Plymouth had a turnout of 66 per cent, an increase from the usual 30 per cent. Even the turnout from the population of about 200 000 in the Christchurch City Council elections was 60 per cent. In Tasmania, on 26 March 1994 local government day, using the universal postal voting system, was declared. Eighteen councils had an increased turnout from 22 per cent to 55 per cent. Only one council in Tasmania went to the ballot box voting system. The number of voters in those postal voting elections quadrupled.

Under this legislation we are giving an option for postal voting. To date the commissioners appear to favour trying the postal voting system. I am unashamed in promoting the postal voting system in Western Australia. In my experience and from my travels to New Zealand and Tasmania, it appeared to be working very well. The member spoke of his concerns about huge campaign funds being used in other States. In Tasmania limits are placed on campaign advertising for local government elections. In the new Local Government Act we will prescribe such matters. If necessary, we will limit the amount of advertising that can take place. I do not think the member need have any concern. I know WAMA favours optional postal voting. The intention with the amendment I am about to move is to ensure that the Electoral Commissioner can be involved in the elections in the four towns. We are talking about postal voting for the City of Perth and the three new towns - Cambridge, Vincent and Victoria Park.

As I mentioned earlier in an explanation about some other clauses, a working party is looking at regulations. The working party comprises the Electoral Commissioner, Mr Les Smith; Reg Dawson; Darryl Schorer from the Department of Local Government; and Jim Kelly, the chief executive officer of the town of Victoria Park, who will be advising me on the regulations.

Mr Marlborough: Will we have any input to that process?

Mr OMODEI: Which process?

Mr Marlborough: The committee that has been set up.

Mr OMODEI: In the next couple of weeks the Electoral Commissioner from Tasmania will be in Western Australia. If the member for Peel can find time, I am more than willing to set up a full briefing or a meeting so that the member can be given advice by both electoral commissioners about how the system works in the Eastern States, and also have input from the City of Perth. Reg Dawson is a very skilled operator in local government elections. He has seen a few in his time. I am more than happy to set up that
meeting to ensure that the member's concerns about postal voting are laid to rest. It is time that we tried postal voting in Western Australia. I welcome the fact that the commissioners have taken up the cause and said that they would like to try postal voting - I might say without my prompting. It will be a good opportunity to put that system in place for the elections for the new towns. Having responded to the comments, I move -

Page 19, lines 28 and 29 - To delete the lines and substitute the following -

(a) the Electoral Commissioner is responsible for the conduct of the postal election;

(b) the person so appointed is to conduct the postal election for and under the direction of the Electoral Commissioner and may perform all the functions of the returning officer; and

Mrs ROBERTS: I am not opposed to a system of postal voting. However, I do not believe that it is appropriate with this timetable and without some indication of the regulations. My key concern is the possibility of voter fraud. The commissioners have already gone well and truly beyond their limits. Although I acknowledge that the City of Perth Restructuring Act puts them in a position where they can act as the council, their key role was to establish the little City of Perth and the three towns and to do the work associated with that. It is not right for them to make policy changes for the local governments because they make the policy changes not as elected members or as people with experience in local government, and they make the changes without consultation with ratepayers or ratepayer organisations. That is the reason I do not believe they should make a decision to move for the City of Perth and the three towns to adopt a postal voting system.

My key concern about postal voting fraud relates to the fact that the Minister said that signatures can be checked, and that is how the system will operate. In the past no technical or scientific ways existed to check signatures. The signature on the application form was matched against the signature on the outer envelope containing the ballot papers. I am advised that in all likelihood the system which will operate - although there is no guarantee of it in the Bill - will be one whereby all electors are sent ballot papers in the post without the need to make an application. No doubt they would need to be signed, and it has been suggested that through a computer check or through some new technology the signatures can be checked against the signatures retained at the local government authority. Neither the City of Perth nor the three towns will be in a position to have such a system up and running in a short time, even if the technology were available - and my doubts do not lie in that area because probably the hardware required for comparing signatures could be obtained. I do not, however, believe that we could have a proper register of valid signatures of all electors in the tiny City of Perth and the three other towns of Vincent, Shepperton and Cambridge.

One suggestion was that the signatures can be recorded in the system of signatures on the State electoral roll but, as other members have pointed out, there are other categories for local government which may or may not be operative in Tasmania or New Zealand. Property owners do not necessarily reside within a particular area but are on the roll. There are provisions for occupiers of properties to be on the local government rolls, and for the nominees of companies to be on the electoral roll. One question was, do we go back to the land title and check signatures of property owners? Many signatures may be years old; perhaps through marriage or other circumstances the signatures have changed, and that would make it difficult. Apart from that aspect, the logistics of putting the system in place within any time span shorter than a year would be impossible. To get signatures from the land titles and other systems, and to ensure that a valid register of all signatures of all electors is in place in a matter of a few months for the four local government authorities seems to be totally impossible.

I am concerned that at some stage, having set in place the system of postal voting and having agreed to go ahead with postal voting, it will be a casualty: "Sorry, we could not organise it in time; we do not have a proper register of everyone's signature." Perhaps there will be a register of state electors for an area but we will not have an accurate and
proper record of company nominees, occupiers, owners and perhaps other categories of voters on the electoral roll. My concern is that, once the ballot papers are sent out, what proper check will be made that the person who is entitled to cast a vote has actually cast the vote? Ballot papers will be sent to homes, flats, units and business premises. They may be left lying around and there may be an opportunity for fraud on a fairly large scale, with other people filling in the papers and returning them. Already with the current system for state and federal elections several members of one family can attempt to vote within the same cubicle at a polling place, and influence the vote. In a family situation where offspring over the age of 18 still live at home, one person may take it upon himself or herself to fill out all the ballot papers and may or may not collect the appropriate signatures. That is another concern. Also in the past, traditionally more often men - particularly older men - have attempted to influence their wife’s vote or to fill in the ballot paper in the polling booth. Some people may be disfranchised by people they know; and others can be disfranchised by people they do not know. I am told that a postal voting system can be organised so that not everyone in a particular street, office building or block of flats would have their papers arrive at the same time. It seems to me that the potential for papers going astray is reasonably great. It is possible that people could claim they did not receive the papers that were posted to them.

The absolute bureaucracy of putting this system in place, knowing the complexities of the City of Perth and the number of nominees and property owners who do not reside in the area but are on the electoral roll for the City of Perth, is such that we could end up with a complete fiasco and/or fraud on a grand scale. The Minister says that he is unashamed in his push for a postal voting system. Perhaps we will see a lot of benefits, including an increase in voter turnout with a postal voting system, but I do not see that it can be put in place as soon as next year for the City of Perth and the three municipalities. If the commissioners go for this postal voting system, perhaps future councils will not be able to revert to the other method. Will future councils be able to revert to a non-postal voting system?

Mr Omodei: They could make that decision every year.

Mrs ROBERTS: That is good.

Mr Omodei: That is if the new Local Government Act gives options for postal voting. The way things are going that is the path they would like to take.

Mrs ROBERTS: If the Minister is genuine - and I believe he is - in considering postal voting as a real alternative it would be a great shame if it were introduced and proved to be a fiasco because the checks and balances had not been put in place and the prerequisite checks made on signatures. There could be instances of voter fraud or of hundreds of people claiming they had not received the ballot papers, or that other people had put in their papers; and others saying they did not receive their papers but on investigation find out that their papers had already been lodged with the City of Perth or one of the towns. If that kind of fiasco occurs next year, the shame is that a blot may be put on the potential for local governments to take up this option in the future. It is probably a worthwhile system to consider. The checks and balances must be put in place ahead of time. There is no way on earth the tiny City of Perth, in particular, or the other three towns will be able to have an accurate and proper record of everybody’s signature in time for the election on 6 May next year.

Mr KOBELKE: New section 12B will allow for the establishment of regulations within the City of Perth Restructuring Act. New subsection (6) is necessary because the regulation powers contained within section 32 of the Act would not give that power. I raised that issue during the second reading debate. The Government is now extending the power to make regulations under the City of Perth Restructuring Act so the complicated regulations that would be required for postal voting can be put in place. I have considerable concerns about that process. Although the use of postal voting should be considered on its merit, it will not work unless regulations exist which enable it to operate in a way which people see to be fair and honest, and in a way which does not inhibit people’s ability to vote. One cannot underestimate the complexity of postal
voting. A number of cases have occurred where people have been convicted of offences against the postal voting laws and regulations.

Mr Omoei: I know we don't always agree, but I agree with the comments you have just made. It is a complex issue. It will be a challenge to have those regulations completed in time for their scrutiny by the Parliament.

Mr Kobelke: I thank the Minister for expressing that point of view. When one accepts the complexity of putting in place the system of postal voting, there are good reasons to be concerned about the time that is available to do that. If those regulations are not in place, or if the regulations are not workable, a range of problems will arise.

People are very much aware of the potential for fraud with postal voting. Members of Parliament have an understanding of electoral processes and look to what advantage may be found under electoral laws, particularly with state elections. We must study the rules that apply to postal voting to ensure that if assistance is offered to people, it is within the law. It would undo all one's good work to find that one became unstuck because one had broken the law. Because some of the people involved in local government do not have the necessary experience and background in electoral matters, it is much easier for them to transgress the requirements for postal voting. In some cases that may be because they set out to abuse the system. They may wish to commit a form of fraud in order to gain electoral advantage. The regulations must be in place to prevent that, and to catch those people when they try to use postal voting as a means of gaining electoral advantage in a fraudulent way.

Although we must ensure that the regulations and procedures minimise the potential for those difficulties, we must consider the other end of the spectrum of whether it will limit or reduce the ability of ordinary residents and ratepayers to exercise their democratic rights and to vote in an election. We could end up with the rules being so tight that they reduce the ability of people to vote; that people will be disfranchised by the regulations that are put in place. One example where that could occur is with elderly people who live alone and rely on friends to help them with a range of domestic chores; people who may have trouble completing the required forms for a postal vote. They may need to have someone vote for them. Under the existing laws they may have a person to fill in the ballot paper. In addition, a third person must act as an independent witness. For some elderly people that may be difficult. Although it is not the same circumstance, I know of elderly people who have sought a permanent power of attorney and have had great difficulty getting together with two people who can witness the signing of the necessary forms. Although the requirements in that circumstance are more strict, a range of similar problems exist in this area because some people will have difficulty in getting two people to assist them in completing their ballot paper and having it returned in the limited time allowed under these regulations.

Another area of difficulty exists for people who are unable to fill in their forms, perhaps through blindness or a disease which may make it difficult for them to write, such as Parkinson's disease. I am aware of many people in my electorate from non-English speaking backgrounds who would have considerable difficulty filling in the required forms to complete a postal vote. These people will need to seek assistance, otherwise the effect of these regulations will be to disfranchise them and not allow them to vote at local government elections. It is not only the fact that they may not be able to complete the vote which is of concern, but that it will inhibit their willingness to vote, because voting is not compulsory. The Government is putting another impediment in the way of ordinary citizens who should be encouraged to participate in local government elections. The Government is saying to many people that they will have to get one or two people to help them with their voting papers, and that the voting papers may be in a language which they have great difficulty understanding. Even many people whose first language is English shy away from official forms. People must be warned that if they attempt to fraudulently abuse these regulations, penalties will be imposed. That statement should be made to deter people from breaking the law.

The other side of the coin is that many ordinary citizens who have no intention of
breaking the required regulations will feel they are dealing with something that is important, but they will be frightened that they may make a mistake, and incur a penalty. That is a natural and common inclination among people who must fill in official forms. That will be a disincentive for people to vote. It will be easier to leave it on the sideboard and put it off to do another day. Suddenly they will find that the time for the return of the ballot papers has passed and they have missed their opportunity to vote in their local council elections.

This set of regulations contains a range of issues which will inhibit people from voting and will reduce the percentage of people who participate in local council elections. That should not be the way it is. I know the Minister does not intend that to occur. However, if the regulations are not well thought out and advertised, and if they are not in a language people can clearly understand, a great potential exists to inhibit people in exercising their democratic right to vote at council elections. How are we to put together these regulations? My understanding is that no draft regulations are available; is that correct?

Mr Omodei: Regulations are not drafted before the legislation is completed.

Mr KOBELKE: So no preliminary work has been done on them?

Mr Omodei: Yes, the work has been done by the working party.

Mr KOBELKE: Is there anything in a form that the Minister can share with us?

Mr Omodei: Not at this stage. The Tasmanian Electoral Commissioner will have an opportunity to brief members of the Opposition.

Mr KOBELKE: I appreciate the Minister's offer. A briefing from someone who is au fait with the system in Tasmania will be useful as to how Western Australia might do it better, but it will not overcome these basic problems. The regulations will be complex, and if they are drafted quickly the chances are there will not be sufficient time for consultation with all areas of local government and there will be problems in implementing the regulations.

Elections would normally be set for 6 May 1995. That being the case, early and absentee voting will open around 17 April. Nominations for postal votes would close on or about 23 March and applications could be lodged as early as 4 April. The first working day in Parliament next year is 28 March, so that is the earliest date these regulations will be laid on the Table for us to have the potential to disallow them. That is one week from the opening of applications for postal votes. That is not adequate time to ensure these regulations are workable. We are likely to experience the problems to which I alluded. Although the regulations may be adequate in a legal sense, there will not be sufficient time to ensure that the wording and presentation of the various forms encourages people to vote rather than discourages them, and makes clear what is acceptable practice for the completion of postal votes. The Minister understands the complexity that is involved, but he has embarked on a time frame that will not allow that job to be done properly. We should not be in a situation where regulations come before the Parliament without sufficient time for the various interest groups to look at them, provide feedback, tidy them up and have those final regulations presented on forms in plain English, so people will be encouraged to vote and not discouraged, and will be ready for the possible opening of applications for postal votes on 4 April, which is one week after regulations are tabled in this Parliament. The Minister's time frame is workable only if he is willing to put the regulations in place without taking proper account of all the difficulties that must be dealt with.

The Minister has alluded to the possibility of new systems to make postal voting across the electorate easy to apply and as foolproof as possible. One hopes we can take advantage of the technology, so those systems can be developed and put in place. Again, we are being unrealistic if we feel those systems can be put in place for a May election next year. Once these data information systems have been established, they tend to run efficiently, and the speed at which they can do a range of tasks is incredible. The development and implementation of such schemes has a fairly long lead time. We cannot
expect to buy off the shelf a computer system with the software already developed and input the information before May. Even if such a system were available, so that with minor modifications it would be workable in Western Australia, we would have a large program to capture the required data. One suggestion was that the computer would contain the signatures of all electors, so that when they signed applications for postal votes the computer could check that the signatures were accurate.

That process could not be set up in three or four months, perhaps not even six months. If it were implemented in a short period, it would be likely to come unstuck. It would be committing the State to a very large expense. The Department of Land Administration established a major computer system for capturing the land titles of the State. That was a huge commitment of finances and resources. We will not be able to feed this information successfully into machines from existing forms and capture it on a computer system in the short term. Not only will it be done at major financial and resources costs, but also it will have major flaws. The whole endeavour could be undermined by those flaws.

Mr OMODEI: The preparation of regulations will be a significant task for the departmental officers, and it is a very complex issue. It is intended that ballot papers be worded in simple English. The Electoral Commissioner of Western Australia has been involved in that process, and is keen to do that. The member for Nollamara also raised the issues of other languages and assistance for the infirm. Instructions will be provided in several languages; however there must be a limit and the member will know how bulky the envelope could become. We will learn from experience in places like Tasmania and New Zealand. The Electoral Commissioner of Tasmania has a very close association with the Western Australian Electoral Commissioner. That will be to our benefit when we discuss some of the issues that members opposite have raised. I am aware of the problems. It is certainly a challenge.

It is time that we tried postal voting in Western Australia. I remind members opposite that in some of the wards in Wanneroo the turnout of voters was 6 per cent. Other States have had turnouts as high as 66 per cent. Increasing the voter turnout in Western Australia will counter any illegal manipulations of the postal voting system. The bulk of voter turnout should more than compensate for any manipulation of that system. If somebody wants to act illegally, it will occur under any voting system.

Mr Kobelke: Is the Minister undertaking that his major priority will be to encourage people to vote rather than to prevent fraud?

Mr OMODEI: It is a question of the scope of the working party in relation to penalties. All of those things must be considered. The member for Peel mentioned that changes in the systems in other States focused attention on local government elections. There will a focus on elections for the three new towns and the City of Perth. Obviously there will be an education program to highlight that this will be the first time postal voting will be tried.

Mr Kobelke: Obviously it will be a balance of a range of issues. On one side of the spectrum it recognises this kind of fraud and therefore puts in place a set of requirements in completing forms; however, it is tighter on the other end of the spectrum by encouraging people to vote and making the forms easier to complete even at a cost of slightly more fraud.

Mr OMODEI: I accept the member for Nollamara's argument that if the regulations are too tight, people will be deterred from voting. The Government will try to get as many people as possible to vote; for it to be successful the process must be as simple as possible and the regulations must be sufficiently tight to stop any fraud.

I thank members opposite for their contribution to the debate on this amendment. Clause 12 is the most contentious clause in this Bill. It is something the Government must try and I am confident it will work.

Amendment put and a division called for.

Bells rung and the Committee divided.
Remarks during Division

Mr Omodei: I advise the member for Peel that the amendment he is opposing is to give the Electoral Commissioner responsibility for conducting postal elections.

Result of Division

Division resulted as follows -

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Amendment thus passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

MR OMODEI (Warren - Minister for Local Government) [11.35 am]: I move -

That the Bill be now read a third time.

MR MARLBOROUGH (Peel) [11.36 am]: In view of the comment by the Minister for Local Government during the division on the amendment to clause 12, I will try to round off the Opposition's concerns. The Opposition is not opposed to the Electoral Commissioner being involved in postal voting at a local government level.

Mr Omodei: You voted against it.

Mr MARLBOROUGH: That is the Minister's interpretation; I will make the Opposition's position quite clear.

Mr Omodei: The record will show that you voted against the amendment to allow the Electoral Commissioner to conduct postal elections.

Mr MARLBOROUGH: The record will not show that at all.

Mr Omodei: You read Hansard tomorrow.

Mr MARLBOROUGH: I will. The record will show that members on this side of the House raised genuine concerns about rushed legislation that will fundamentally change
the method of voting in local government elections and will require a gamut of regulations which have not been drafted. The Minister has not even shown the Opposition any rough copies of those regulations.

Mr Omodei: You do not draft regulations until after the legislation is passed.

Mr MARLBOROUGH: This Minister has not been able to bring to this House a copy of the regulations, in any form, nor has he advised opposition members when they will be implemented. All the Minister offered in his reply to the second reading debate was the opportunity for opposition members to meet the Tasmanian Electoral Commissioner in a couple of weeks when he visits this State. I thank him for that.

The opposition of members on this side of the House has nothing to do with the existing provisions which govern local authorities. Local authorities already have the opportunity to call on the Electoral Commissioner in respect of the conduct of any elections they hold. The Opposition is not opposed to that because it is an existing system. The Opposition is opposed to the unnecessary haste with which this legislation has been brought before the House. It will put in place, through the actions of non-elected representatives of the City of Perth and the Towns of Cambridge, Shepperton and Vincent, a process of voting in which the community has had no input whatsoever.

At least the other 139 municipalities will have the opportunity to decide, after this Bill is enacted, whether they wish to participate in that method of voting. The Opposition had the right to call a division on the basis of making clear its objection to the clauses of the Bill which apply to the type of voting that has been put in place - a deal done between this Minister and the five non-elected appointees of the Perth City Council, without any input from the community. The Opposition is not opposed to a system of voting that will encourage more people to vote in local government elections. The Opposition's view is that it could be achieved by legislating for compulsory voting in these elections.

The way forward if we want to practice democracy in local government is to bring in compulsory voting. If it is valid to argue on the one hand that postal voting will bring in more voters to the system, equally on the other hand we must look at the opportunities that may be given to the community by having compulsory voting in local government elections. Both sides of the House want to see greater credibility and greater democracy in local government. To that end we have already indicated our support for those sections of the Bill that do that. We do not oppose the use of the Electoral Commission but the methods this Minister has used to bring in fundamental change to local government about which we have seen no regulations whatsoever. Regulations will be extremely complicated and must be viewed by this Parliament and by people who have to work with them and be guided by them for voting at the next Perth City Council election.

MR OMODEI (Warren - Minister for Local Government) [11.42 am]: The member knows full well that it is not the policy of this Government to move towards compulsory voting in local government elections. Yesterday in the debate on the Local Government Amendment (Elections) Bill members opposite stated quite categorically that they did not want to impose on local government laws it did not want. Local government does not want compulsory voting. It made it very clear in the principles and issues papers that were put together in 1991, and since then on a number of occasions.

The member for Peel can say as often as he likes that local government is in favour of the Electoral Commissioner being involved in the postal voting elections that will occur in the four new towns, but the Labor Party in the last division voted against the Electoral Commissioner being involved. The member must do a little more homework on this piece of legislation if he is to debate it effectively. I thank members for their general support, but what a shambles - voting against the Electoral Commissioner being involved in elections!

Question put and passed.

Bill read a third time and transmitted to the Council.
WESTERN AUSTRALIAN TOURISM COMMISSION AMENDMENT BILL

Second Reading

Resumed from 20 October.

MRS HALLAHAN (Armadale) [11.46 am]: The Opposition supports in principle the Bill before the House. We appreciated the briefing on the Bill of which a number of our members availed themselves, they realising and appreciating the very important nature of the tourism industry to the development of our State and to the employment and, therefore, the quality of life opportunities for Western Australians. The Opposition understands that the Bill must pass through both Houses this year, otherwise legislation will be required to extend the provisions of the present Act beyond 31 December 1994. The Government's timetable makes it quite possible for the Bill to pass in this place and then be considered in the Legislative Council. The Bill provides the legal framework for support and initiatives to the tourism industry for the next 10 years, which will take us to 31 December 2004, with a review after five years in 1999.

I will look briefly at the history of the Act. It came into being under the Labor Government in 1983. Tourism industry people have indicated to me that at the time the Bill was the forerunner for Australia. It was seen as the model legislation for tourism in this country. A report into it commissioned just before the last election very strongly emphasised community consultation. As a result of that review process, this legislation takes some of the directions that were indicated by the community right across Western Australia throughout that consultative process. The review process was set up in early 1993. I understand that the present chairman of the Tourism Commission was responsible for considering that report and its recommendations and subsequently reviewing the legislation. Therefore, it has taken some time from that report being concluded in the early part of the second half of last year to its appearing in the form we see it today in legislation.

Some aspects of the Bill have certainly responded to community and industry concerns. One particular concern to industry is the separation of the office of chairperson of the board of commissioners and the chief executive officer. I understand that amendments to the original Act resulted in those two positions being combined. That has not been seen as a very good model. It has caused some difficulty for the person occupying the role of chief executive officer in taking matters for consideration to what is now called the commission, but under this Bill will be called the board, and then chairing the meeting and putting the case for the various matters the board members must consider. The Opposition is happy to go along with the advice that in practice it has not been a good model. The positions must be separated; the chairperson must be a part time position and the chief executive officer must be a full time position. The first thing that everybody in the industry I have spoken to about this Bill has said is that they believe it is important to separate those two positions. It appears to have been a matter of preoccupation in the industry for some time. So as far as the industry is concerned it is a significant matter.

Mr C.J. Barnett: Another argument is that it is difficult for someone in the industry to be critical of the commission with the chairman as CEO, whereas an independent chairman gives the industry a more independent view into things.

Mrs HALLAHAN: The Opposition concedes that. I understand the report commissioned by the Labor Government in 1983 contained some quite critical comments on the way the commission was operating and also on some of the personnel. I am advised that for that reason it was not made public. I would find it interesting to read because it would give me a fuller understanding of the background of the Tourism Commission, but it has not been made available. That was the rationale for not making it available.

I am not critical of the personnel of the Tourism Commission. I have not had an opportunity to work with them, and I have not held the Tourism portfolio in government; however, some of the statistics and research bases must be questioned. I give one example which puts the Minister for Tourism in a very difficult position. It looks as though he either is not well informed or is misleading the public of Western Australia. In
the Western Australian tourism statistics for the period July 1991 to June 1992, it is stated that the income from tourism in Western Australia generated approximately $2.7b. However, the Minister for Tourism recently stated that tourism generates in the order of $2b in this State. Rather than his claiming an increase and a healthy vitality in our tourism industry, he is indicating a loss of earnings from tourism. The Minister for Tourism should address that matter. I understand he cannot be in the Chamber today for this debate, but it should be brought to his attention and he should respond to it. Why is there a fall away in tourism activity under his Government?

Mr Tubby: Perhaps it was overstated under your Government.

Mrs HALLAHAN: Not at all. Everyone knows that the America’s Cup had a great multiplier effect on our economy, and the investment of tourism dollars results in that multiplier effect. The Government should consider the best way to spend money through the Tourism Commission to achieve that effect. If that does not occur, the income from tourism will decrease. Under the Court Government the tourism income has fallen from $2.7b to $2b. That is recorded in the documents of the Tourism Commission and in the Minister for Tourism’s speech to this House. I refer members to his statement that tourism in Western Australia is a major growth industry employing approximately 67 000 people and generating direct expenditure of nearly $2b per annum. That compares with the figure given by the Tourism Commission for 1991-92 of $2.7b. The Minister for Tourism should research this matter and set the record straight. He should indicate whether the assertion I make today is an accurate reflection of the facts.

The Tourism Commission is not directing its attention to another area of tourism; that is, the leakage of the tourist dollar to overseas interest. It is all very well for overseas interests to establish beautiful hotels with every facility. It is an entirely different thing for dollars spent to leak overseas. In other countries importance is attached to the analysis of the tourism industry to determine the leakage from the local economy to overseas interests. That information is not provided in the documents of the Tourism Commission. Again, I suggest to the Minister that this area should be taken much more seriously than has been the case in the past, otherwise we are presented with a very superficial analysis of the benefits the community derives from the tourism industry. I want it clearly understood that the Opposition wholeheartedly supports the tourism industry. However, it wants that multiplier effect to be generated across the community and a strategy to be put in place to constrain as far as possible the leakage to overseas interests of this important income from the tourism industry.

Mr Court: I agree entirely with you, and we would love to see more investment locally. Unfortunately, belatedly people are seeing it as a good investment but they have allowed too many overseas interests to move in where we should have been. That is now starting to change, fortunately.

Mrs HALLAHAN: I accept the interjection from the Premier and Minister for Tourism, and I am pleased to hear the sentiments he is expressing. Some people involved in the industry thought that he was not giving enough attention to these aspects of the tourism industry. Without wishing to be depreciating on the second day of Emma Jo’s life, with all the nice things being said, it is a very important and vital industry, and people want the Minister to give more time to it. I know that the Minister for Tourism, as Premier, has a very demanding role, but my point is illustrated by his not having in his office any staff who can deal with tourism related matters. I rang his office to arrange a briefing on this legislation, and was told by his staff that no-one in the office could assist.

Mr Court: It is handled by the Tourism Commission.

Mrs HALLAHAN: I was advised to ring the Tourism Commission and did so. However, I indicated to the Minister some time ago that people in the industry feel they do not have adequate direct access to him, bearing in mind that none of his staff has any understanding of the tourism industry.

Mr Court: Do you think I should have a tourism office inside the Premier’s office?

Mrs HALLAHAN: The Premier should have someone on his staff whom people from
the industry can telephone, in whom they have confidence, and who can arrange
appointments with the Premier in his capacity as Minister for Tourism.

Mr Court: That is the legislation we are debating today. Instead of having the one
position of chairman and CEO, the positions will be separate. That will overcome the
problem you have just explained.

Mrs HALLAHAN: It will not overcome the problem unless this part time chairman is
located in the Premier’s office. The Minister does not understand the point I am making.
If he has close friends in the tourism industry who cannot get through to him, it is
unlikely that I can do so.

This Bill sets out the parameters under which this important body will operate. It should
look more closely at the figures made available to ensure that they accurately reflect the
income derived from that industry and the benefits that accrue to Western Australians.
My initial estimate of the number of people employed in the industry and their income
levels - I have taken an average figure although I recognise that many people are
employed in the industry on a part time or casual basis - indicates that the Tourism
Commission does not provide a factual relationship between the industry, its expenditure
and the population on the ground. We are entering a new decade in the tourism industry
and we need much more sophisticated statistical analysis of the benefits from this
industry to know how best to encourage the industry to get maximum value from
government expenditure. On the one hand, I agree with the interjection by the Minister
earlier that it is a relatively new industry for Western Australia. We know tourism has
been very important for a long time, but only in recent times has it achieved some status
and have people recognised the benefits to be derived from investment in it.

Some people therefore want the Government to spend more money on tourism. At the
same time, I meet people who say that other governments do not spend as much money
but get better results. We should look at the way in which the Western Australian
Tourism Commission is focused, and this Bill gives us an opportunity to draw to the
attention of the community, the commission, and certainly the new board members, and
industry the fact that there must be greater scrutiny than appears to have been the case in
the past.

One of the aims of the Bill, as outlined in the Minister’s second reading speech, is to
generally update and clarify the functions and powers of the commission, particularly its
role in promoting, developing, facilitating, organising and administering activities
associated with events and conventions. That leads us to the question of a convention
centre. The Opposition agrees with the report which states that because Western
Australia does not have a large convention facility, we deprive ourselves of the tourism
opportunities from large conventions which bring with them important decision makers
and industry leaders. Many people strongly support the establishment of a convention
centre and understand fully the benefits to be derived; however, an unfortunate debate
has developed about the location of such a centre.

Mr Court: It is not unfortunate but healthy.

Mrs HALLAHAN: Any debate about what we do in the community is healthy, so long
as information is made available by the Government and the processes are fair. I will not
go into that matter in greater detail today, but there is some suggestion that is not the
case. I draw to the attention of the House a letter from Katie Clarke, the President of the
Meetings Industry Association of Australia (WA), which supports the establishment of a
convention and exhibition centre but not at the preferred location outlined in the plans for
the City of Perth. I find it extraordinary that in the development of those plans for the
future of Perth, there was not greater agreement about such a significant investment as a
convention and exhibition centre, and more will be said about that in future sitting weeks.

I pay tribute to all of the associations that are involved in tourism in Western Australia.
They attract the most positive and energetic people, which should not be surprising. It
gives one an infusion of energy to encounter such people and their vision of how to
promote this State’s extraordinarily vast tourism resources. Today, I spoke with Linda
Marquis from the Country Tourism Association, who is headquartered in Bunbury but promotes the interests of that association across the State. Her view is that we have a responsibility to protect the natural tourism resources with which Western Australia is extraordinarily well endowed. The places that come to mind immediately are Ningaloo Reef, the Pinnacles, the Bungle Bungles, Karijini national park, the forests of the south west, and Wave Rock. I guess to some extent there has not been a full appreciation of the way in which those remarkable natural phenomena can be marketed and promoted. A trip to Wave Rock is a long journey for overseas visitors who are not used to vast distances and are used to a more rapidly changing landscape than is the case on that journey. I know many people get nervous about developments around these tourism icons, but if we are to benefit from tourism so that Western Australians can have jobs and a high standard of living, we must develop facilities which are appropriate to the location, provide comfort and complement the experience of visitors to those landmarks.

The Country Tourism Association is very conscious of the opportunities provided by the fact that many international visitors regard Western Australia as the last frontier, and that can be combined with the ecotourism opportunities to provide a remarkable package that can be marketed further. The Country Tourism Association was delighted to receive grants of $150,000 from the Federal Government and $100,000 from the State Government to establish a computer based information system at major tourism centres. That will allow visitors to obtain a computer printout, which may even include maps of the areas which they want to visit, so that they can plot their holiday to the south west when in Kununurra, for example, and as they travel around Western Australia they can check and refine their itinerary according to the most up to date information possible. I commend the association for the imagination and hard work which has been necessary to develop that facility. That is a huge step forward and will take the association into the twenty-first century in a most efficient way.

Those major forward steps that are occurring in the industry, particularly in a regional sense, are very important. To some extent it is the regional areas that will attract greater numbers of visitors to Western Australia. Noel Semmens of the Australian Tourism Industry Association has a long involvement with the industry. He is committed and dedicated to its progress and wants to see greater focus and direction by government in support of the tourist industry. He appreciates the funding support that has been made available, but strongly believes that all funding support is necessary for Western Australia to compete with other States. In this competitive industry a huge commitment to investment in tourism is being made in other States to attract people and visitors from other countries. Visitor numbers to the Eastern States from some countries are much higher than they are to Western Australia. Clear direction and drive are necessary in the work that must be done for Western Australia to compete in an equitable way with other States that are perhaps better funded than has been the case in this State.

One area that must be given greater emphasis, and which could be done immediately at minimal cost, is the in-servicing of all our taxi drivers as tourism ambassadors for Western Australia. Most people who visit our State will have an encounter with a taxi driver either on arrival, if by air, or when moving around the metropolitan area and regional centres. We all know taxi drivers have an extraordinary ability to create an impression on our visitors. From what I hear, many of our taxi drivers impress our visitors very favourably, whether they are from non-English speaking backgrounds, are long time Australians, or are second or third generation Australians. Whatever the case, I have heard great commendation of the service given by many taxi drivers. We have underestimated the capacity for taxi drivers to generate a desire for a return visit by tourists to Western Australia. They should be immediately designated tourism ambassadors for Western Australia. With a little extra training and information on hospitality facilities, they will be able to fill that role as it complements very much the work they are doing now. I recommend we give greater status to our taxi drivers as part of the tourism industry and I ask that that be given very early consideration because they are very important people. They have not been adequately recognised for the important and influential role they play in the tourism industry.
The focus on tourism is also international. The Australian Tourism Commission has developed a very professional overseas marketing strategy; so much so, I am told, that it must be wary of its documents being used by competitors in other countries. The Australian Tourism Commission's good ideas are understandably being copied, leaving it fighting for market share that it helped develop. The requirements of reporting have created problems inasmuch as the detail and information about its programs, strategies and directions have given a great lead to tourism bodies in other countries. It has created a dilemma for the Australian Tourism Commission; nevertheless it is still out in front and providing direction internationally in a way that perhaps many people do not appreciate.

Tourism is also a very important industry at regional level; for example, the hub of activity in the south west immediately comes to mind. It is also true of the north west and country centres outside the metropolitan area where the emphasis on craft and local produce is now marketed as part of the visitor experience. That emphasis benefits local communities as it enriches the experience of our visitors. At regional and local level tourism now has a much greater status. At state level this Bill will refine the Tourism Act and remind us of the impetus resulting from the America's Cup challenge held in Fremantle and the multiplier effect on tourism that flowed. Nationally the Government is doing a remarkable job in the development of tourism. I hope the State Government in Western Australia will cooperate with the national directions rather than, as has increasingly become the case, not cooperate with anything initiated by the Federal Government, even though that attitude can substantially disadvantage Western Australia. I hope that attitude will not become a problem in the tourism industry.

I will deal with the provisions of the Bill in more detail during Committee. I am keen to learn how the payment of board members will be effected. The Bill will change the Act to provide that the payment to board members will not be limited. That will be different from what applies to other government boards. If it does apply to other government boards I would like to know which ones they are. The Opposition is also very keen to satisfy itself on the details and examples of the funding that will be made available and how its expenditure will be accountable to the people of Western Australia through the Parliament. I understand that the funding which may assist private enterprise initiatives will not be subject to the Freedom of Information Act. At present Perth has a shortage of five-star hotel accommodation. It will take some time to address that. Perhaps the Minister will comment on that because it is an inhibitor to the number of tourists coming to Perth. The question of direct flights from Osaka, Japan to Perth has also to be raised. There is a belief that without such direct flights, Western Australia is missing out on many visitors who would come to this State and who, in the absence of those flights and a shortage of five-star hotel accommodation, are not attracted to Perth. Those are serious problems and I want the Minister to tell me how the Government will address them.

Of concern to me also is the assistance given to people who bring groups of visitors to Western Australia. I have just written to the Minister on this matter and therefore it is something about which his staff have some notice. What assistance does the Tourism Commission give to people bringing parties of business people to this State?

Mr Osborne: Business people?

Mrs HALLAHAN: For example, I know of a businessman who has very significant investments in Western Australia and who intends bringing two parties of his colleagues to Western Australia early next year, I think in about January or February and later in April. He says that a lot is to be gained from bringing those people here to spend their money. I did not ask him where they will spend it. However, I assume they will be golfing or gambling. The coordination of those parties is a time consuming exercise. What is the Government's response to that? Does it believe that because those business people come from other countries, a cost component should be added to their tour costs for them to do their own organising or does the Tourism Commission have some capacity to assist in the organising of such tours because those visitors are investing such significant amounts in Western Australia? I would be interested to receive a response to that issue.
In conclusion, I refer again to the leakage overseas of the tourism dollar. The Minister interjected that local people have been slow to invest in tourism infrastructure but that he believed that was changing. There is, however, a lack of information from the Tourism Commission about the basis on which the Premier made that comment. Is it a matter that concerns the Minister? What estimate does he place on the extent of the leakage of tourism dollars? If that information is available, I would like to have access to it. If it is not available, what will the Tourism Commission do about it? It is a very important issue because anything related to tourism should benefit the community.

My colleagues support the Bill. The Opposition believes that tourism is one of the very important service industries of the present and of the future and that, increasingly, many more Western Australians will be associated with this industry in some way. However, they will need ongoing training. While I am aware, from my association with the Education and training portfolios, that we are advanced in many areas, particularly in the hospitality area, that is not so with all other industry sectors that interface with the tourist visitor. That will have to improve so that we have that wonderful spirit that I thought encapsulated the era of the America's Cup, that "G'day from WA" welcome. There was a warmth and spontaneity about that welcome. We need to be aware of the skills and attitudes required to convey such a warm welcome to visitors today. Not only will that help us to have a more pleasant day ourselves, but it will also provide a very pleasant experience for our visitors. Many remark already on our friendliness, and that attitude could mean increasing numbers of visitors wanting to visit us and increasing numbers wanting to revisit us. If that happens, it will mean more very important tourist dollars being invested, provided that the leakage factor is dealt with.

MS WARNOCK (Perth) [12.26 pm]: Like my colleague, the member for Armadale, I support the Bill. A very important area of tourism, an area that needs vigorous encouragement in Western Australia, is cultural tourism. It is a highfalutin name but it refers to something that has a down to earth importance. Around the world it is a very important phenomenon in tourism packages and billions of dollars are expended on cultural tourism every year by many people, including Australians. Like me, many people have travelled overseas at one time or another to see such events as the Edinburgh Festival, the Cannes Film Festival, the Venice Film Festival and so on. However, this State and this country have not concentrated on cultural tourism to any great extent.

It is true that visitors from within Australia and from overseas are coming to Western Australia in greater numbers. Short term international numbers are up by 50 per cent for the first half of this year. That is more than double the national increase. Interstate visitor numbers by air are up by 26 per cent and by road - travelling via Kununurra around the top of Australia rather than via the Eyre Highway - are up by 19.3 per cent. Visitors in greater numbers from our near neighbours - Indonesia, Thailand, Singapore and Malaysia - are also coming to Western Australia. Hotel occupancy rates, something that applies to those visitors, are up by 13.5 per cent for five-star hotels and 9.7 per cent for four-star hotels. This is a popular destination for tourists, which is good news for all of us. Members on both sides of the House will support anything that boosts the local economy.

According to figures given to me by the Western Australian Tourism Commission, tourism is a $2b industry and it employs approximately 67,000 people. It is a growing industry and has been for some years. It now rivals some of the older industries in Western Australia in providing new jobs. However, a section of the industry that I believe still has to reach its full potential, and which should be much more vigorously pursued by the Tourism Commission and by anybody who operates a tourist business, is the cultural tourist.

I refer to those who visit the Edinburgh Festival, the Cannes Film Festival, the Adelaide writers' festival - I wonder how South Australia would survive without that boost every couple of years - or the Sydney summer festival. There is a market for cultural tourism. The annual summer Festival of Perth which is due to be launched this week, with its attendant Northbridge Festival and the Chinese New Year Festival, is worth marketing enthusiastically. People who are lucky enough to have been in Venice in the first
weekend of September have the opportunity to see the biennale art exhibition, an equally famous film festival, the Goldoni theatre festival, an ancient music festival, some important arts shows all over town and the famous historic regatta on the Grand Canal. Those who find these cultural events too demanding can sit in a cafe and watch the world go by or go and see the sights. I mention this to demonstrate that cultural tourism can be very big business - and it is for many cities around the world, especially in Europe. It can be a big crowd puller. If it is combined with a beautiful setting and a very pleasant summer lifestyle, it has tremendous potential for tourism and the tourist dollar. For several years I have believed Perth has on offer the best arts festival in the country, and I have no reason to doubt it now. The Festival of Perth has been running for 40 years, and is still going very strong. It features big international attractions as well as the very best of local shows. It features some world and Australian premiers and high quality art performances, not only by local artists but also by those from the Eastern States.

An indigenous art component should be added to this festival because overseas visitors are likely to show a great deal of interest in it. In Western Australia we have far more reason to do this than any of our fellows in the rest of Australia. We have the first Aboriginal publishing company, Magabala Books in Broome; an Aboriginal theatre training company run by Michael Leslie; the Black Swan Theatre Company, which makes a practice of employing Aboriginal actors; Aboriginal artists up and down the State; and Aboriginal actors and writers. We should make something very special from all of those. This would be a very important, if separate, component of the festival season every summer.

A few years ago I had something to do with an Indian Ocean arts festival run by the late Derek Holroyde and other people. This festival, although difficult to organise for various logistical reasons, would be an important component. It is not something that the Eastern States should organise; we are the obvious people to organise the Indian Ocean arts festival. The two of these festivals that I attended here before they ceased were enormously successful in bringing together a range of cultures from around the rim of the Indian Ocean. If we added these to the summer Festival of Perth, it would prove to be an enormous attraction for those who can afford to travel. More and more people who can afford to travel around the world visit Australia. Those who were born here forget that it is very exotic to people from Germany and other parts of Europe. People are looking for exotic destinations and do not mind travelling long distances when they are genuinely interested in the arts. Having pursued those sorts of tourism interests for several years, I realise that I am not the only one who does that. Many thousands, and even millions, of people also travel to various art festivals. There is a very strong attraction in cultural events and we should ensure that they are marketed to people from around the world.

In summer Perth is an absolutely delightful place. For those who are not just looking for a beach holiday, there should be other attractions - and there are. Carefully marketed to draw overseas and interstate audiences, the Perth summer festival shows wonderful promise. People will travel a long way to follow the opera. They will go to a ballet festival in places like Avignon in France or to a well-known arts or fringe arts festival like the one in Edinburgh. We should set about building an overseas audience to join the already very large audience for the Festival of Perth.

The Australian tourism industry has declared 1995 "a year of art and culture". Nineteen ninety-six will be the "year of Festivals of Oz". Cultural tourism is an idea whose time has come. Very wisely the people who run tourism in this country have decided to get on the bandwagon. This push will expand the tourism market here to catch a number of people who otherwise would take their business elsewhere. These people travel regularly, have been to many places in the world already and are constantly looking for new attractions. If they knew of a regular festival that was special and offered attractions that were not available anywhere else, they would certainly be prepared to come to Western Australia.

Western Australia has a remarkably vigorous, active and well established arts industry. Partly because of our isolation, by some paradox, we have had to arrange our own events for many years. There was a long period when we were off the travelling circuit for big
pop music shows. It is not so much the case now; but when it was, we had the opportunity to build our own attractions, and we did. We have an extraordinarily vigorous arts sector. It can only get better provided it is supported by government and the private sector, and properly marketed.

Let us look closely at the Festival of Perth which, as I said, is 40 years old. It started as a festival for a few who attended the summer school at the university. It expanded remarkably under the direction of David Blenkinsop and has become an extraordinary success. This year 610,000 people were recorded as attending festival events. The Perth festival was the only one to end up in the black. This is not the only means of measuring its success. Opera and ballet are extraordinarily expensive to put on. They will not always finish in the black, and they will always need support. For mixed festivals, like the Festival of Perth which offers the big, expensive international event and also the free events and those at modest cost, it is something of an achievement to finish in the black. It is not the only criterion by which to measure its success, but it shows that the festival organisers have chosen the program very wisely. It is not an elitist festival, but has wide acceptance within our community. I was involved in the festival programming organisation for some years.

Cultural tourism is a worldwide industry worth hundreds of millions of dollars. People may visit a country for the scenery but a country's culture is the main reason that people stay on and spend their dollars. They might want to go to Phantom of the Opera, or to see an opera at La Scala, or famous ballets or theatre companies. They might want to see one of the many famous museums around the world such as the Louvre. That is why people stay on and decide to spend their money when they travel.

I have referred to the Edinburgh Festival. One can see the sights of Edinburgh fairly quickly because it is still a small town despite its age. One can look at its attractions over a couple of days. However, people stay much longer than that, and they travel from Australia to Edinburgh because of the Edinburgh Festival. One of the highlights of the Edinburgh Festival this year was an Australian production which was voted the most popular event of the festival. That was the Australian Opera's production of A Midsummer Night's Dream. It was an extraordinary success for an Australian company, and of course for the thousands of people who have seen the event it was a great marketing occasion for Australian culture. This is the reason people go to Edinburgh and stay on and spend their money at hotels and restaurants and on other pursuits. It is the arts and culture of Edinburgh that attracts them to the area.

Wherever one goes around the world, the tourist dollar is being spent in this way more than ever before. In some parts of the world there are many more affluent people than there were many years ago. Sadly, in some other parts of the world there are many more poor people. Growing numbers of affluent people from Japan, for example, travel around Europe. As the world becomes richer, the money spent on cultural tourism continues to surge upwards. For that reason I discuss this topic today, and I urge the Government to become involved in promoting cultural tourism and seeing it as a new way of encouraging people to come to Western Australia. Some people need no encouragement to come here, particularly in the summer for the surfing, the sights and sounds of the place and the easy lifestyle. For many reasons people choose to come to Western Australia.

Another whole public exists for Western Australia to whom we have not heretofore directed attention. It would be a pity to miss the opportunity in this area. I certainly think we should take advantage of the two years coming up - 1995 and 1996. In 1995 a special feature of the country will be the arts and culture which the tourism industry will be asked to concentrate on. In the following year it will be the many festivals in Australia which people will be asked to concentrate on in order to promote themselves to the tourist public. It seems that every cultural reason we can give for people to visit this State will be a gain for the economy. Every extra day we can lure someone to stay on to see one more event, to visit another gallery, or to spend some time at the Fremantle Festival will result in money in the bank for the State. That is an extraordinarily important aspect. We have many advantages as it is. We have one of the most beautiful,
natural city settings in the world, but much more can be done. I am glad that the Government shares this view and is planning to spend money on improving the assets of the city of Perth so that it will become not only a more pleasant place in which to live and work but also more of an attraction for visitors from overseas and interstate.

It is obvious that the Sydney Opera House is an extraordinary attraction in that city. Even Parliament House in Canberra - about which many people were critical when large amounts of money were spent during the bicentennial year - has been an enormous tourist asset for that city. In Western Australia we should take advantage of both the built heritage of a city and the events which come to it, and make it a feature of this State.

When my colleague, the member for Fremantle, is present - although I should be more careful now that he is the Leader of the Opposition - I often say that the cappuccino in Northbridge is much to be valued over that in South Terrace. However, as his representative recently in assisting him with the shadow portfolio of the arts, I had occasion to visit Fremantle more frequently, and I must reluctantly admit that its attractions are considerable! It has enormous appeal for tourists. Last weekend with the opening of the Fremantle Festival it was a most delightful place for people to visit. We saw young and old, people from all backgrounds, enjoying themselves enormously. They went there not only for the street parade and the singing and dancing but also for the exhibitions and the art and cultural attractions being offered by the City of Fremantle. Perhaps jokingly I have referred to Fremantle in a way that might suggest that people should go to Northbridge - and I wish to encourage as many people as possible to go to the Northbridge Festival this summer - but I admit with great respect that Fremantle has a large number of attractions, and that should be marketed strongly to any potential cultural tourists to our State.

Mr Tubby: You are right, but we must develop more hotels. Many of our hotels are booked out all year round.

Ms WARNOCK: The member is right. I do not know whether he reads the real estate columns but lately several of the buildings in Perth have been in trouble because of the boom and bust of the 1980s, and some of the office buildings are being considered as possible hotels. Certainly in Northbridge and in the city, a number of hotels will be going up in the near future. I agree that we need more accommodation. There was a time when any new hotel caused the people running hotels in Perth to be very nervous. However, last week I spoke to the gentleman who runs the Sheraton. He said the hotel was enjoying a great boom at the moment, and that they were obviously very happy with the way things were going in the hotel industry. Someone suggested that we need not only more modest hotels but also a very exclusive hotel or two because some people have plenty of money to spend and we should encourage them to come to Perth.

I mentioned that we have a number of attractions in Western Australia. I have already mentioned the Festival of Perth and others such as the Northbridge Festival, the Chinese New Year and the Fremantle Festival. We also have an extraordinarily good state orchestra. The West Australian Symphony Orchestra was amalgamated with the Arts Orchestra some years ago, and now works equally for the opera and the ballet. The orchestra is extremely successful. It rates as the third symphony orchestra in the country after the Sydney and Melbourne orchestras. It receives a great deal of respect from all of the conductors who come to work with it, and from anyone who hears it perform.

We also have an opera company and several ballet companies, which need more support. A number of ballet companies are very successful in their artistic endeavours. We have a magnificent opera company which deserves all the support that the State and private enterprise can give it. I believe in state and private enterprise support for important companies such as our opera company. We should be seeking to promote these organisations as widely as possible. There is an avenue to promote them overseas when they travel. I mentioned earlier the Australian Opera going to the Edinburgh Festival and receiving rave reviews. The same has been the case for the Australian Ballet. I am sorry that the Australian Ballet and the Australian Opera do not come here more often. I hope that we can encourage them in future to realise their national responsibilities and to visit
Western Australia more. We can send our companies overseas as ambassadors and we should provide the funds so that they are able to do that, to spread the word about the culture of Western Australia to our near neighbours, such as the Asian countries. I hope that will eventually lead to people coming to Western Australia to spend their tourist dollars.

There is a market of English speaking people in Asia, for example, who want to come to Western Australia to see good examples of western culture. This State is on the western edge of Australia and, therefore, is the obvious market for English speaking countries such as India, Malaysia and Hong Kong. As a visitor to the City Challenge Conference in 1992 said, those people may seek out the best of western culture here, right on their doorstep, just a few hours' flying time away, and stay on to enjoy the wines, the food, and the very pleasant lifestyle. There is no reason to doubt that Western Australia can become a major cultural tourism destination, provided we build on the assets we already have. I urge the Government to do this. I will give any support I can if the Government pursues the route of cultural tourism. I firmly believe tourism is one of this State's most important industries, and will continue to be so in the future. I support the Bill.

MR D.L. SMITH (Mitchell) [12.50 pm]: I congratulate the member for Perth on her speech. I do not think any member in this place contributes as much as she does in relatively short speeches, in both factual and informative information and her visionary view of what we could be if only we were willing to undertake some of the challenges that confront us. The only complaint I have about her speech is that it was largely about Perth and its environs, as one would expect from the member for Perth. I always fear that will result in the continuing imbalance of expenditure of state government revenue and tourism support which is focused on Perth, not enough of which goes to country areas.

I will devote myself to the issue of tourism in the country areas of this State, and in the south west in particular. I am pleased with the growth in tourism figures that has occurred over the past year or two. However, I do not want to concede that that is the result of the performance of the present Government. It reflects some of the changes that have occurred in the Western Australian Tourism Commission and its activities, and in the opportunities which became available in the last two years of the Labor Government to attract tourists. I say that as a person who has formerly been critical of the Tourism Commission. For many years under the Labor Government, and before, the Tourism Commission in this State lost its way. It failed to understand what it needed to do to attract its share of the interstate and international markets, and to get people out of Perth into the country areas as intrastate tourists. Anyone who goes through the figures for the early and mid-1980s and compares the growth in visitors to Australia with the growth in WA and sees how far we fell behind in getting our fair share of that growth must acknowledge that we missed the boat in Western Australia for a substantial part of that period.

The question I pose is the extent to which this Bill will encourage the growth of tourism in country areas. I can see nothing in this Bill which will support or encourage additional tourists in the country areas. I raise the issue of the commissioners who are to be appointed, on whom broad powers will be conferred under this Bill. No requirement exists for the country tourism industry to be represented on that new commission or board. I would like the legislation to ensure that at least one or two of the new commissioners are from country areas. To the extent that that is not reflected in the legislation, I urge the Minister to ensure it is addressed.

Another aspect I address is that the Bill provides no direct guidance to the commission on its country tourism direction. In the 1980s the commission to some extent decentralised its offices around country Western Australia. Towards the end of the last Labor Government some of those offices were withdrawn on the basis that decentralisation had not produced the expected benefits for country tourism. I agree that that was the case. However, the reason the decentralisation of the commission offices did not succeed was not the fault of the officers doing the work, but the fact that there was no decentralisation of the budget. That is, people were put into country areas, isolated from head office, and
given responsibilities, but were given no power under the budget to follow up on the initiatives they could have undertaken.

I would like this Bill to contain some indication that the commission will recognise there is a need to decentralise some of the budget; that it should not be a budget focused solely overseas or primarily focused on promoting Perth. The Bill should address how to maximise the number of tourists coming to Western Australia and moving within Western Australia, and how to ensure country areas get more than their fair share of future tourism growth. To quote from the second reading speech, the reverse seems to be the case. The Bill seeks to double the number of interstate and international tourists in Western Australia. I have no problem with that. However, over the same five year period as interstate and international tourists are expected to double, the second reading speech calls for only a 25 per cent increase in intrastate trips; that is, the Government is looking for only a quarter of the growth in country tourism, compared with interstate and international visitors. The truth of the matter is that no matter how hard we try, the bulk of the country tourism industry is based on intrastate tourism. We must focus a fair amount of the effort of the tourism industry on ensuring that people in Perth, in particular, take the opportunity to see what a great State Western Australia is, and how much it has to offer. The figures indicate that they are substantially the people who go into the country areas of Western Australia. I worry when I see that all the Government predicts for intrastate growth is no more than 5 per cent a year for each of the next five years. If that is the case, the people in country areas will not have the kind of explosive growth they need in the tourism industry.

The second reading speech also contains nothing about twice the number of interstate and international tourists who are expected to come to Perth getting out into country Western Australia. That has been one of the major problems in the past. We are doing an excellent job of attracting people to Perth, but seem unable to get those people to spend one week out of a three week stay, or two days out of a seven day stay, for example, in the country areas. The second reading speech and the Tourism Commission should be focused to ensure that a proportion of those interstate and international tourists find their way into country Western Australia.

There are three elements about which we must be certain if we are to attract those tourists into country areas. First, we must protect and enhance the resources we have in country areas which attract tourists. For example, many of the areas in the south west which are still in a pristine condition and attract tourists are still in private hands. This State needs to spend an enormously larger amount of money working on the acquisition of those areas, and making those areas part of the National Estate. It is okay for the Minister for Tourism to talk about spending $50m or $100m on enhancing Perth. I have no argument with that; I fully support him in what he is doing. I only wish he would go further and remove the Law Chambers and the Public Trust building and the other building that fronts on to Cathedral Square.

Sitting suspended from 1.00 to 2.00 pm

[Questions without notice taken.]

Mr D.L. SMITH: A very large part of the cape area and the forest region, which needs long term protection, is still either in private ownership or is in state forests and is unprotected. We need to negotiate the acquisition of much of the private area, spending similar amounts of money to that which the Government proposes to spend on the heritage area in central Perth. In relation to the forest areas, the time has come for the Government to play a much greater role to try to resolve the differences between the environmental movement, the tourism communities and the foresters, particularly in the karri areas. We have reached the stage in the lower south west where areas of old growth karri are being protected in inadequate number. Any tourism operator in the Pemberton area in particular will tell us that the long term future of the tourist industry is being jeopardised by the forest industry. I have been a long term defender of the forest industry; it has a permanent place in the future of the south west. However, these days, karri is used largely for chips and to a lesser extent for timber. The stage has been
reached when the Government must take a much more proactive role in defending the remaining karri trees. I know that will be unpopular with some people in the forest industry. However, with the growth of plantation forests, we can now start to identify those areas of karri forest that need protection to ensure that they remain in perpetuity and that tourists can see them in perpetuity. It is not so true of the hardwood areas. It comes back to the question of protection of the species and the natural environment in a general sense, rather than from a tourist viewpoint.

It is not enough just to reserve or acquire these areas. Having acquired them there should be a limited amount of development of the areas to facilitate access to important tourist attractions, or to provide the sort of environmental or natural experience that some of the ecotourists are looking for. They want two things. They want access to pristine areas and they want guides who can explain to them in detail the experience they should be having in those areas. We need many more people like the late Tom Britton who can take people into the forest areas and explain to them from their local knowledge and the history of the region, and their love for the forests, how marvellous are the things they are seeing. Some people drive past a karri tree and do not realise how long it takes to grow as tall as it does, where it ranks among the world’s highest trees, how many are left and where are the best places to go to see them. These guides could also explain the history and the folk culture of the people involved in the forest industry or in the soldier settlement areas who cleared the land in some cases, and explain generally the experience for people who go into those areas.

I do not suggest for a moment that the Tourism Commission should be responsible for the acquisition and preservation of the areas. That is primarily a responsibility of the State through the Department of Conservation and Land Management’s budget and through the Minister for Tourism’s access to the consolidated fund.

Mr Blaikie: That is an argument I find pretty attractive. It was put forward for a number of years by a number of people who are now in opposition and who were then in government.

Mr D.L. SMITH: No doubt that will be discussed further in debate on the reserves Bill.

Mr Blaikie: I am pleased to see you have had a change in direction.

Mr D.L. SMITH: It is not a change in direction on my part. I have been entirely consistent. When I was in government I was proud of the forest and coastal areas that we were able to protect and own. It is an ongoing process and we must continue with it. The reserves Bill will continue part of that process.

Mr Blaikie: That is with no thanks to you.

Mr D.L. SMITH: I was the Minister who agreed to it.

Mr Blaikie: You were the Minister who was going to flog it off for nothing. Be honest!

Mr D.L. SMITH: I was not. We will discuss it in debate on the reserves Bill. Whatever I was arguing for earlier, I was converted by the wishes of the community.

Mr Blaikie: And a 92 per cent poll to help you make up your mind.

Mr D.L. SMITH: It certainly did. What is more, I am more than prepared to admit that, in retrospect, I was wrong and the decision that has been made is right. I now want to ensure that the right decision is honoured by acquiring not only that area but also the remainder that should be acquired. We have spent no money on acquiring that area; we are only changing the nature of the reserve to guarantee its protection. We should spend money to acquire areas in that region and we should talk to some of the larger private landowners about some limited rezonings and limited developments in exchange for the surrender of the remainder of their land. The member for Vasse and other members opposite say that that is a type of blackmail where land is extorted from the landowners. That is not my view. The Government and the community are under no obligation to change the current rezoning. If we can enhance the value of a small part by rezoning on the condition that the rest of it goes to into government ownership free of cost, we should head in that direction in many of the areas between the two capes.
Mr Blaikie interjected.

Mr D.L. SMITH: I would be more than happy to have the arguments with them and with the community in general.

Mr Blaikie: I would be delighted to go to the community as well.

Mr D.L. SMITH: When we were in Government half of the large landowners in the electorate of the member for Vasse were quite happy to come to me with those sorts of proposals.

Mr Blaikie: They were being screwed to the wall. If they had not agreed to your demand, they would not have been granted the subdivision. It was blackmail.

Mr D.L. SMITH: They were quite happy with the agreements for the land, all of which had been abandoned with the result that all of the area remains in doubt, at risk and in private ownership. It is not the responsibility of the Tourism Commission to acquire the land. It is the obligation of the Tourism Commission to identify what should be acquired and to become one of the advocates in the community for its acquisition. The Tourism budget should include some provision to try to improve access, signage and facilities in some of the areas acquired so that they become even better tourist attractions and even more enjoyable to the people who go there.

Another aspect is to ensure that there is adequate access to those natural resources. At present the area between the two capes has reached saturation point. With the number of visitors we have almost reached the stage where the area is at risk of losing the uniqueness and pristine quality that attract people to it. We do not want to reduce the number of tourists going to the south west, but we must increase the areas that tourists can access so that they do not despoil the coast to which they have limited access at present. The area between Augusta and Windy Harbour - mostly in the D'Entrecasteaux National Park - is one such area. It is a very large area of coast but there is almost no practical tourist access to it except for the ecotourist willing to go through hardships, a four wheel car driver or a surfer who is chasing some good waves in the area. In the short term we should look at a road running from Augusta, not along the coast but outside the boundary of the national park. We should bituminise those roads that currently run through the area and then provide limited and identified access to the park with some tourism infrastructure, such as caravan parks, placed conveniently outside the park so that people, although a very short distance from the coast, can still enjoy the amenities. We would open up a very substantial area which would reduce the pressures currently being experienced between the capes.

That is not the end of the matter. The previous Government had a program under way for dualling the whole of the Old Coast Road. That has been proceeding in stops and starts. I am relieved that the area north of the Brunswick River has been done, but there is a gap between Brunswick River and Glen Iris. There is no commitment about when that work will proceed or when a dual carriageway will be constructed between Binningup and Lake Clifton. People are now dissuaded from going to the south west on long weekends because of the enormous traffic hold-ups and hazards they experience because all of the Old Coast Road is not dualled. The same is true of the Busselton bypass. That has become critically important not for local traffic flow but to ensure that tourists will not be subjected to the risk and overcrowding on the roads currently experienced in the area between Busselton and Yallingup. We must construct the bypass around Busselton as soon as possible.

Another aspect of infrastructure in the south west is the airport. I am a great supporter of the concept of construction of a regional airport in Busselton. I am disappointed that, although we are loosely told of budget allocations and future plans for the development of the airport, no firm timetable or budgeting process for that regional airport has been produced. If we are to have any hope of attracting more people from Perth, an A class airport at Busselton must be constructed which is capable of taking direct flights as is the case in Cairns in northern Queensland. In the south west we must bring people into the heartland of our best tourist region via an airport. The Government can say that it has
done its job in enhancing tourism development access by air only when it develops a full-blooded plan that has a schedule for all of the work and identifies the various stages of the work, and confirms that the funding will be made available for each stage.

All that relates to the attractions and the infrastructure. The most important element to attract intrastate tourists in particular, but international and interstate tourists as well, is not just to bring them to an area where they can enjoy the scenery or visits to a winery; they want to enjoy experiences that are unique and local, as well as those that can be found elsewhere. In the south west we are short of activity based tourism ventures which would encourage tourists to come to our region. The Tourism Commission has a distinct role in that process: To identify - both through international research and visits and by other means - the sorts of activity attractions which could be included in a south west itinerary. It then has a role in identifying where they should be located, and locating and supporting any entrepreneurs who wish to go into business developing those activities. A critical area of tourism is identifying, promoting and matching opportunities for entrepreneurs, and giving some financial support for both capital works and ongoing activities. As the member for Perth stated, culture and the creative arts, sport, seminars and conventions are all important elements of the tourism industry. The Tourism Commission has a role to play not just in attracting conventions to Perth but also in promoting convention centres outside the metropolitan area. It should encourage people to go to the centres; it should support local activities, whether by way of aqua-spectaculars at Bunbury, musical eisteddfods or sporting activities; it should ensure that the people on the ground are not just organising the venture but also providing advice and information and doing the necessary work, such as making the bookings at the hotel, providing brochures and arranging the organisational matters that are necessary in order to make those sorts of events a success.

In addition, we should be identifying for the country areas some specialities that they could develop as their own in the area of culture and the arts. The Bunbury Eisteddfod could be developed as a national quality festival rather than a south west-based festival. We should look at the lower part of the south west as a creative arts centre where we could have a festival like the Venice biennale, and the like. We should recognise that we need to support such events in country areas.

The other aspect is support for the local tourist bureaus. Governments of all persuasions have not recognised the benefits of the work done by local tourist bureaus, and that they need more financial support than currently is provided. The member for Armadale mentioned Linda Marquis who has entered the tourism promotion arena via the Bunbury Tourist Bureau. A number of people involved at tourist bureaus throughout the south west know more and are doing more about identifying and promoting the tourism advantages of the south west than are other people in the area. We should be pumping more money into local tourist bureaus. It should not be solely the responsibility of local government or the tourism operators in the regions. Beyond that, through the South West Development Commission and the other development commissions around Western Australia, we should be providing the capital funds required to enhance and develop many of the facilities that have been set up, and to identify and encourage the entrepreneurs who wish to enter the tourism industry.

We must identify the availability and location of beds, and the nature and quality of accommodation. We must make sure that throughout the south west all kinds of accommodation are available, from youth hostels to the quality of the Lord Forrest Hotel and beyond. It was always a brief of the previous Government to have a Lord Forrest quality hotel in Bunbury, somewhere around Dunsborough-Busselton, around Margaret River, the Pemberton region and the Albany region. We have such a hotel in Bunbury and Albany but we need to encourage the development of five-star accommodation in other places. We need to do something of that kind somewhere in the Katanning and West Arthur area so that people can be encouraged to travel on a loop which would run from Bunbury to Dunsborough and Augusta, across to Pemberton, to Albany, back through the Porongorups, up through Katanning and back via Collie to Bunbury, and north on the South West Highway if they had come down on the Old Coast Road. That is
another area in which there has been a lack of real effort to coordinate the development of tourism which would provide a package to the international tourists, which would provide a detailed path of tourism and a range of alternatives for intrastate tourists through the country regions.

An urgent need exists to coordinate the development of tourism across the entire south west-great southern region. We should ensure that the areas which are not benefiting to the same degree as the coastal regions between Bunbury and Augusta share in the benefits gained from tourists entering the south west. They should take pleasure from the total south west experience. That experience is much more than the beach, the forests and the wineries. We must focus on all that the south west has to offer. If we do that we will attract more tourists, and from the tourists we can attract many permanent residents.

[The member's time expired.]

MR OSBORNE (Bunbury) [2.56 pm]: I support the Bill. The Western Australian Tourism Commission was formed in 1983 following the passage of the Western Australian Tourism Commission Bill. At that time the legislation contained a 10 year sunset clause so that the operations of the organisation and the legislation could come back to Parliament for review. One of the principal benefits of the legislation was that it put the organisation and the industry on notice that everything that was done by the commission on behalf of the industry would be open to scrutiny at any agreed future time.

Mr Pendal: The sunset clause was put in by the then Opposition.

Mr OSBORNE: Is that right? I was rather baffled about who that might have been. However, I get the member's drift. It is a valuable idea and we, as the Government, should seek to do that on every possible occasion because ultimately the Parliament is responsible to the taxpayers of Western Australia for the effectiveness and operation of such organisations. The opportunity to bring the legislation back for review on a timely basis is very important.

We ran out of time last year with the amendment Act and the curtain was pushed out to 31 December 1994. The amendments we are now considering are that the Tourism Commission be given life until 2004, and that some important changes be made to the powers and methods of operation of the organisation. It is important to recognise that the commission will be able to operate until 31 December 2004. However, clause 25 seeks to insert new section 29 to provide that the operation and effectiveness of the Tourism Commission be reviewed after five years. Therefore, in 1999 we will be able to look at the Tourism Commission again in this place. We will consider the effectiveness of the commission, the need for the continuation of the functions of the commission, and other matters that the Parliament thinks relevant. That is important also because - although I do not expect it to be the case - it may be that Parliament could decide that the industry had reached a certain stage of development, and private organisations such as the Western Australian Tourism Industry Association and the Australian Tourism Industry Association are able to take over the developmental, research and marketing roles of the commission; that is, there will no longer be a need for a government organisation to foster and lead the development of the industry. I do not think that will be the case but the opportunity is provided for the Parliament to make a decision in 1999.

I refer to three areas of the Bill which relate to important changes to the operation of the commission. They reflect the way we are starting to think differently about business operations. The Tourism Commission was set up in the early 1980s with the best information available, and the current practices were incorporated in the legislation. The Government now believes that some changes need to be made to take into account the different ways of doing things in the 1990s. One of these changes is that it intends to split the role of the chief executive officer and chairman, which is held by one person, Mr Kevin Harrison. That is a worthwhile change to make because the two roles are qualitatively different. One would expect the chairman of the board to be more of a visionary figure, a leader of the industry, and the chief executive officer to be responsible for the nuts and bolts of the organisation, ensuring that the auditor is looked after, that the
provisions of the Financial Administration and Audit Act are adhered to, that staffing matters are attended to, and that other day to day demands involved in the running of an organisation are attended to. They are separate roles requiring different sorts of persons. An important link will also be made between the board and the organisation. The CEO will remain on the board. That is important because it means there will still be a shared responsibility between the executive and non-executive arms of the organisation, so that decisions which are made at the board level will also be understood and committed to at the executive level.

The second area I am pleased is included in the Bill is the strengthening of the accountability of the Tourism Commission. Clause 18 of the Bill will require the Tourism Commission to prepare annually a corporate plan which will be made available to the Minister and, through the Minister, to the Parliament. Every year the Parliament and the taxpayers of Western Australia through parliamentary representatives such as ourselves will be made fully aware of the objectives of the Tourism Commission and the policies and strategies the commission intends to undertake to fulfil those objectives; and, importantly, the commission will be asked to provide a rolling assessment for four years ahead on the projected tourism outlook for the State.

Provision exists also for the preparation of an operational plan every year. The Tourism Commission will be asked to detail in the operational plan all its income and expenditure and the resources it will allocate against its programs. That is most important in ensuring the Tourism Commission will be accountable. The commission will also be asked to consult with the tourism industry in the preparation of these operational and corporate plans. That will guarantee that its links with the industry are continuous and close.

The legislation will ensure consultation with the industry and accountability to the Parliament. That is important. We should seek that in any organisation under our control, particularly the Tourism Commission because it has unusual and large powers. The commission is empowered to do all things necessary or convenient in connection with the performance of its functions. That traditionally has given the commission the character of pretty much a commercial organisation. It is necessary for the commission to operate as a commercial organisation, but because it is a government organisation checks and balances must be in place. Those checks and balances are provided in this legislation.

The Tourism Commission is able to acquire, hold, manage, improve, develop, and dispose of any real or personal property. It is allowed to participate in business arrangements and to acquire, hold, and dispose of shares and units in business arrangements. All of those factors are necessary if the commission is to properly carry out its role, especially with things such as events management. The role of EventsCorp is to seek out events for tourism in Western Australia. In order to do that the commission must have these sorts of commercial powers. I am relaxed about that for events and conventions. However, in the past some concerns have been expressed about the commission's power to acquire and sell property and to hold shares when it has been involved with the planning and development of tourism projects. I recall that in the 1980s the Tourism Commission was financially involved with the development of the Captain Freycinet motel in Margaret River. The commission took the view at the time that a new motoring hotel was necessary in the tourism market in Western Australia, especially in the south west. The organisation saw a potential at Margaret River and believed that an upmarket motoring hotel property with larger rooms and higher priced facilities was necessary to allow the tourism industry in Margaret River and the south west to go ahead. The commission was the only organisation with the financial clout, the research ability, and the position of leadership to ensure that necessary development took place.

Mr Blaikie: The normal banking organisations wouldn't have a bar of it because the market was regarded as dead meat. Forty local people went into a consortium at a cost of $25 000 each to fund it because nobody else would.

Mr OSBORNE: I think there were five parties in all, and the Tourism Commission one
of those. That action was necessary at the time, but it led to some concern and suspicion in the industry because the commission was also involved in retail sales. If visitors to the Perth Travel Centre wanted to buy a holiday in Margaret River or elsewhere in the southwest, the staff, being quite proud of and familiar with the Freycinet, tended to up-sell it more strongly than other properties. Some fear was expressed that the commission, in that dual role of owning and selling a property as a government organisation and of providing tourist information for the industry, was in a position to interfere with the marketplace. I do not think that occurred. The Tourism Commission staff acted with great integrity in the matter. However, the situation outlines one of the concerns that can arise when the Tourism Commission has those sorts of commercial powers. The consultation and accountability provisions provided in the amendment Bill are important because they will ensure that that sort of thing will be monitored annually by the Minister for Tourism and the Treasurer, and through them by the Parliament of Western Australia.

The third matter I raise relates to clause 14, which will allow the Tourism Commission to focus much more strongly on good growth areas in tourism. When the Tourism Commission was first established, it was only marginally concerned with events and conventions. Several years ago the commission was restructured. Three units were created: the Leisure and Recreation Unit, the Perth Convention Unit, and EventsCorp. Those units were made formal parts of the Tourism Commission's structure. I am pleased the amendment Bill will encourage the commission to concentrate much more strongly on proposals for events and conventions, and to administer and assist in their organisation and administration, because no doubt exists that these are the growth areas of the future.

Recently the Tourism Commission completed consideration of a feasibility study for a convention centre. It appears certain that there is demand for a 2000 seat facility, which will provide an income of $1.4b to the Western Australian tourism industry over the next 10 years. That is a strong area of growth. We are all aware of the strengths of the EventsCorp side of the Tourism Commission's operation - the member for Mitchell outlined some - and are all familiar with the Hopman Cup, the Commonwealth Bank rally, the Margaret River Masters, the Manjimup 15000 motocross event, and the Whitbread race, which is an event of world significance and brings an enormous amount of exposure and income to Western Australia. Other fun, domestic, but good paying events include the golden oldies rugby carnival. The great factor about an event such as the Hopman Cup is that it provides not only direct income to Western Australia, but also the exposure of Western Australia throughout the world. I remember that during the Hopman Cup some years ago Steffi Graf chose to go to Monkey Mia. The television pictures of her provided an enormous amount of television coverage into Germany, which the Tourism Commission could not possibly have afforded.

Germany is the largest outbound tourism market in the world. That kind of exposure in that marketplace saves a lot of money and builds up enormous prestige for the tourist product. The Whitbread yacht race does the same thing for Fremantle, as does the Masters surf competition for Margaret River. Only 10000 people can go to Margaret River for that event, but when one considers the magazine coverage in Asia, Japan, the USA and Europe, one recognises that the flow-on benefits from the work of EventsCorp is enormous. Those events are high yield products for Western Australia, and the Bill is a confirmation of what we think is important.

It is a very competitive area. All other States in Australia are trying to get in on EventsCorp’s ideas. They are snapping at our heels, but I am sure that the professionalism that EventsCorp has shown in the past will ensure we hold our lead ahead of the other States of Australia, which are going about it in the wrong way. New South Wales bought the 500 cc motor cycling event off Phillip Island; and Victoria bought the Australian Grand Prix off South Australia. They are wandering around Australia trying to make better offers, but that is the wrong way to go. That does not recognise the true viability of the event or develop an organisation that can win the event on merit rather than with a chequebook.

Those three areas confirm the Tourism Commission’s role in Western Australia and the
confidence that the Parliament has in the organisation. However, we must be aware of and overcome some impediments to the development of tourism if the industry is to achieve its potential. The first is a lack of coordination between government departments in planning and developing tourism projects. Developers in Western Australia must deal with sometimes up to a dozen government agencies and departments in order to get a development off the ground. Somehow we must break through that process, so the bewildering confusion a developer faces, and the time and expense that is wasted getting a tourism development off the ground, can be overcome.

The Liquor Licensing Act affects the tourism industry. This Act was first introduced in 1988 to loosen up the process of liquor licensing to make it less formal and less adversarial; however, I have found that the liquor licensing court process is highly adversarial. People who apply for liquor licences have a very tough job. They are opposed every step of the way by the current licence holders, who find it easy to oppose applications. A liquor licence application can be bogged down in the licensing court, sometimes for 12 to 18 months, and can involve expenditure between $130 000 and $150 000. Those figures are not unheard of for a person applying for a liquor licence. I hope we can speed up that process, put time frames on the operation of the court, and possibly reduce the number of licences. We have too many different licences, and that creates confusion in the industry. The industry will be a lot better off if we can tidy that up, so there is a licence for taverns, hotels and restaurants, and everything else can be covered by a special facilities licence.

A hot topic in the industry at the moment is retail trading hours. We hear a fair bit from the producers in the retail industry; that is, the shop owners, but we have not heard as much as we should from the customers, and consumers. The tourism industry represents a very large body of potential customers in retail trading. If we do not listen to potential customers, we run a great risk of their silently disappearing. The tourism industry and the Tourism Commission have conducted extensive research. They know that Japanese tourists leave Australia with millions of dollars in their pockets. The Japanese tradition when visiting a destination is to buy gifts, but the Tourism Commission has recorded too many instances where overseas visitors have gone home with unspent dollars in their pockets. It is an opportunity lost, and some liberalisation of retail trading hours would fix that. Research conducted by the tourism industry proves that potential Asian visitors identify shopping as one of the reasons for visiting Western Australia. If shopping hours were liberalised, there would be more shopping opportunities and Western Australia's attractiveness as a tourist destination would be increased. It is important we take account of this unheard constituency, because if those customers come to Western Australia and we fail to meet their needs, they will go somewhere else and we will not get them back for a very long time, if at all.

In my electorate of Bunbury many people talk to me about retail trading hours. They say that if they open on Saturday afternoon they do not increase their take; all that happens is that the dollars they take on Saturday afternoon reduce the Monday take. The trading pattern is moved from Monday to Saturday. Here, I am talking about export dollars; that is, new dollars that come into the retail industry via the tourism industry. That will grow if we liberalise trading hours. We do not need to be radical about it. Under the current legislation towns such as Bunbury can change their trading hours. Bunbury started six day trading in October.

The Government's policy is to create tourism retail precincts in the Perth central business district/Northbridge area and also in Fremantle. If we establish those tourism precincts, the tourism industry and all Western Australians will benefit.

Mr D.L. Smith: Do you think Bunbury should go to seven days' trading?

Mr OSBORNE: No, I do not think so. We should have at least one day of the week where mammon is not worshipped, and Sunday is one of those days.

I will touch on the comments of previous speakers. The member for Armadale and the member for Mitchell referred to the protection of natural resources. That is not the role of the Tourism Commission. In the past it had a strong role in developing tourism
facilities, especially in country areas, but as the member for Mitchell has said, those regional offices were closed - to my sorrow, I might add, but that is the way it has gone - and the development, protection and management of our natural tourism resources, such as Ningaloo, is in the hands of the Department of Conservation and Land Management. CALM is the manager of most of our tourist attractions.

Mr D.L. Smith interjected.

Mr OSBORNE: The member is right. The role of the Tourism Commission is to conduct market research and identify which of those natural resources is important to the industry and then to send the appropriate signals to the managers, such as CALM and regional development authorities, that these facilities should be enhanced and developed in country regions. That is a coordination and authority issue. The Tourism Commission needs the power to be able to strongly influence regional development authorities in the protection and management of tourism resources. It is a difficult question and there are different ways to handle it. The regional development commissions represent producers’ interests and the Tourism Commission of Western Australia represents consumers’ interests. Sometimes tension exists between the two and regional development commissions and regional communities insist on a certain resource being developed, without having regard for the market demand. If local regional communities want to be involved in tourism they must have regard for what the customer will buy.

Mr D.L. Smith interjected.

Mr OSBORNE: I am pleased that the tension is much less than it used to be. Inasmuch as that applies to the south west, it is probably because I am no longer there! The fundamental structural problem is that regional development commissions and local communities are coming at it from a different angle from the Tourism Commission. Local communities own the resources and they must make a tough decision to hand them over to the tourism industry for consumption by visitors because once the decision has been made, it may be irrevocable. The Tourism Commission’s role is to develop the State’s tourism strategy, and that must be tailored in accordance with the needs of the marketplace, and to advise development commissions and land managers - for example, the Department of Conservation and Land Management - what the industry is looking for.

I was interested to hear the member for Perth refer to cultural tourism and she briefly touched on Aboriginal tourism. The Aboriginal tourism product is unique. It is possible that it is the only unique cultural product Australia has. Research which goes back many years indicates that international visitors come to Australia with the desire to enjoy Aboriginal culture and they go away without that need being met. The challenge is to make use of the Aboriginal product.

Mr D.L. Smith: It is a big opportunity for Bunbury, Busselton and Collie.

Mr OSBORNE: The member for Mitchell is right; the market is enormous. Many years ago I was involved with the Southern Aboriginal Corporation in Albany and I recall a discussion about the use of Aboriginal myths and legends as the theme for cultural tours. The example given to me was the creation of Oyster Harbour. Aboriginal legend has it that the serpent came down the Kalgan River and curled around in Oyster Harbour and created the Oyster Harbour basin, leaving Green Island in the middle. A wonderful tourism opportunity would be to take visitors in a coach to that area and explain Aboriginal mythology to them instead of western history. It has the potential to be of benefit to the tourism industry. The Tourism Commission has Aboriginal tourism officers on its staff, but Aboriginal culture is an area which needs more support because the potential yields on the international market are very high. The member for Mitchell said that the growth target for intrastate tourism development is 5 per cent. It is already a mature market and it will be hard for it to grow any faster.

Mr D.L. Smith: It has done that in the south west in the past 10 years.

Mr OSBORNE: It is not as easy as it seems to have any growth in a mature market. Nonetheless, the Tourism Commission will continue to encourage people to go into the
country. The strategy is that Perth is the gateway to Australia. A tourist on his second visit to this State should be encouraged to go into the country. The greatest growth and appeal appears to be in the international and interstate markets and that is where the Tourism Commission directs its efforts.

I commend the Government for bringing the amendment Bill to the House. An enormous number of jobs and a great deal of investment are being created in the tourism industry and there is no reason why that cannot continue. I congratulate the Government on extending the operations of the Tourism Commission by incorporating the necessary safeguards in the legislation to allow members of Parliament to keep an eye on the operations of that organisation. I draw the attention of the House to the challenges the tourism industry faces: Infrastructure development, changes to retail trading hours, liquor licensing and the confusion that exists within government organisations to allow tourism projects to get off the ground.

MR CATANIA (Balcatta) [3.25 pm]: I support this Bill, although I express concern at the comments the Minister made in his second reading speech. It is all very well to implement checks and balances in legislation to ensure that the Tourism Commission of Western Australia has those safeguards, but when the Minister said the following in his second reading speech it concerned me -

... the doubling of international and interstate visitor arrivals to approximately one million and 900,000 respectively and a 25 per cent increase in intrastate visitor trips to approximately 6.2 million.

He then went on to refer to infrastructure investment and the need to increase the availability of hotel rooms. Since this Government has been in office it has had three Ministers for Tourism and, despite his rhetoric, none of them has put in place a structure to ensure that investment is attractive to potential developers not only from within this State, but also from intrastate and overseas. Unless infrastructure investment is attractive to potential developers to provide the facilities to which international and intrastate visitors are accustomed, the tourist industry will not develop.

The Minister for Tourism could learn from what Governments throughout Europe offer potential developers to encourage the development of tourist accommodation. Some of them have made a conscious decision to initiate tourist regions. These Governments grant concessions in taxes and charges and, in some cases, provide cheap loans to developers to provide the infrastructure. In return the Government requests the hotel to freeze its rates for the next five years. This advantages the region because it encourages tourists and the hotel does not price itself out of the marketplace. It is an initiative that this Government should take up instead of saying how wonderful the tourist industry is.

The tourism industry has a great future in Western Australia and will supply employment and investment, but the Government has done nothing to nurture that potential or to put in place a process by which Western Australia will be prominent as an Australian tourist destination over the next 10 to 20 years. The Minister said in his second reading speech that the idea of the amendment was to provide accountability procedures, which is fine; but virtually in the same breath he said -

To cope with this demand further investment is required in both public and private sector infrastructure with a need for more hotel rooms, man-made attractions, new international gateway airports and tourism product on the ground in all key tourism areas of the State.

That is just rhetoric. The Minister for Tourism has stated what he wants to do but has given no indication of how he will achieve it. Unless a definite process is put in place to attract investment to achieve those ends, the tourism industry in Western Australia, as the member for Bunbury stated, will be made up of a number of events which, by the way, were not initiated by this Government. That is all we will find, rather than attracting tourists from interstate and the world. Unless that inducement is provided and the infrastructure is in position, in 10 years' time Western Australia will not be a destination that offers reasonable accommodation in all categories of three, four and five-star hotels and will not be promoting the areas of tourism available to us.
I agree with the amendments contained in the legislation because they set in motion some accountability mechanisms, but the Government is very selective where it applies those mechanisms. It has applied them to the Tourism Commission in probably the most profitable sector, which is self-regulatory and a benefit to the economy. Let us hope that is a start and the Government applies it to other areas under its responsibility. However, to state that the Government expects so much from the tourism industry but to help it so little is very ironic and typical of this Minister for Tourism and his Government in their efforts to convince Western Australia that they can manage the economy properly and provide employment opportunities in the tourism industry in future. It has been an industry of the future for a number of years, but has not received the necessary attention, spending or support from this Government. Western Australia is still one of the frontiers in tourism and will remain that way until the proper process is put in place. The process outlined in the second reading speech will not help the tourism industry. The next time this Minister addresses this House on tourism perhaps he will indicate to members, the Western Australian community and the many people employed in the tourism industry that some infrastructure has been put in place that will attract investment on the accommodation side and to the man-made attractions, which were mentioned but which the Minister for Tourism has not yet given any indication that he will support.

The budget allocation to the Tourism Commission is meagre in the scheme of the $6.6b, and inappropriate, and certainly does not reflect the importance which this Government places on the tourism industry. The Minister for Tourism will know that the more one puts into profitable industries the more one gets out of them. He has not done that in his two years on the Treasury benches, nor given any indication that he knows where he is going with the tourism industry. The second reading speech certainly did not indicate the process. As I have said, later on during the Minister's sojourn on that side of the House I hope he will indicate to the people of Western Australia what he will do to the tourism industry. The Opposition agrees to these amendments but certainly has some concern about where this Government is driving the tourism industry of Western Australia.

MR BLAIKIE (Vasse) [3.36 pm]: I support this important legislation. Significantly, we in Western Australia have seen a change in ministerial responsibility. I am one of those people who believes that the Premier and Minister for Tourism has taken full responsibility for this tourism legislation. It goes back to the days of Sir David Brand, who was the first tourism Minister in this State. The direction the Minister for Tourism is giving the tourism industry again is very important.

Mrs Hallahan: It would be better if he had more time to do it in a more intensive way.

Mr BLAIKIE: I am satisfied with the impact of the Minister on the industry. Among other matters that should be considered is the area of deregulation. In the transport industry only this week deregulation has virtually revolutionised travel in Western Australia by the introduction of Qantas on a series of new airline routes. That deregulation augurs well for the tourism industry by introducing a new level of competition and enterprise.

Mr Court: They will be flying to Busselton shortly!

Mr BLAIKIE: We certainly hope that will be the case.

Mrs Hallahan: I was amazed that he was not making a case for it.

Mr BLAIKIE: With Westrail we need to look further into the whole opportunity for deregulation of the passenger transport industry. A number of opportunities are available in the private sector and in Westrail to enable it to meet the competitive requirements of the twentieth century.

Mrs Hallahan: Your colleagues in the National Party do not believe in that.

Mr BLAIKIE: I am making my speech. I happen to be a strong supporter of deregulation. Let me give one simple example in Westrail where the practice should be changed: Any person at Perth railway station who wishes to board a country train is checked very carefully by the conductors at the station. When one goes to other parts of
the world the practice is that one boards the train, the train departs and 10 minutes down the line tickets are checked. If someone does not have an appropriate ticket action is taken. Westrail's practice needs to be looked at and brought up to date for the twenty-first century as part of the practices we need to change. I am a strong supporter of deregulating trading hours. The Government should not determine when a trader can open for business; the trader should determine when he wishes to close. As we become more mature, we shall recognise that it is not necessary for the Government to make those decisions. Recently I was in the south of France.

Mr Pendal: No doubt working your fingers to the bone.

Mr BLAIKIE: Yes, and I was involved in twinning the towns of Busselton and St Tropez. St Tropez is one of the premier tourist resorts in that region of France. In one of the small hotels in which my wife and I stayed, we wanted accommodation for three or four nights. We were told that accommodation would be available for only two nights. I asked whether the hotel was full, and was told by the owner that he was closing the hotel for the season. If the former Government of Western Australia were still in office, under our liquor laws such a hotel owner would be forced to stay open. That is part of the code of practice in France, and a host of businesses operate for a season and then close for six months or when it suits the proprietors to do so. In Western Australia the Government determines when businesses shall open, but it also determines when they shall close. A significant change is needed in this area. Whether or not the Government makes those changes, I am satisfied that the people who come to Western Australia will ensure that the change is made eventually, slow though it may be. I warn those people who say that the situation cannot be changed under any circumstances, that in due course they will be proved wrong. They can certainly impede the speed of change but ultimately trading hours will be deregulated. The tourist industry is very important in my electorate. People visiting and staying in the Busselton, Margaret River and Dunsborough area want to buy the goods they need on Saturdays and Sundays when they are on holidays. They have that opportunity, because the traders have determined that they will.

I refer now to liquor licensing, which is an important part of the tourist industry. This area should be freed up, not so that people can become alcoholics, but so that they can buy alcohol when they wish. I remind the House that seven or eight years ago the laws of the land were such that people could buy only two bottles of alcohol at specific times on Sundays. It was said that if the system were changed, it would lead to ruin. The change has been made and nothing has been ruined. In relation to trading hours, I am making representations on behalf of a bottle shop in Dunsborough that is not permitted to trade on Sundays because it would contravene the permitted trading hours for bottle shops. Eventually, that too will change.

I mentioned the funding the Government has provided for a regional airport at Busselton. I place on the record my specific thanks to the Premier and Minister for Tourism for the role he has played in ensuring funding has been provided. The Government has allocated more than $3m which has been budgeted for and approved by the Parliament. It is an unusual situation because we are now waiting for on-ground approvals to be given in order to proceed. Usually the community demands that the Government move on such projects, but on this occasion the Government is in front waiting for the community to get its proposal in order. The airport will provide specific benefits to the greater south west region, which covers the area south of Bunbury and north of Pemberton to Augusta.

Mr Osborne interjected.

Mr BLAIKIE: I am quite delighted that it will be Bunbury based. It will be a major boon. In recent days the State Planning Commission has released a paper with planning guidelines for the greater Bunbury region to accommodate a population of 150 000 by the year 2040. At the same time it is projected that the population of the Busselton-Dunsborough region will reach 150 000. It is projected that within 40 years an area with a current population of 60 000 will have a population of 300 000. The decisions made now will impact significantly on whether those targets are met. I am concerned about the growth of tourism in this State, on a local level and at a state level, because I do not
believe that sufficient hotel beds are available to meet the demands of tourists who could be encouraged to visit Western Australia. That applies certainly in my electorate. A further injection of funds is needed from the Government to make developers aware of the opportunity in Western Australia for a significant increase in the number of overseas visitors. The member for Bunbury correctly pointed out that a 5 per cent increase in the interstate sector of the industry is an ambitious figure. However, the potential for growth from the Asian region and from Europe via the Asian region augurs well for this State. However, unless the accommodation is available in advance, we shall not be able to take advantage of those opportunities.

The member for Mitchell commented on the importance of the Leeuwin-Naturaliste national park, ecotourism and other areas. Approximately one million visitors go through the Leeuwin-Naturaliste national park each year. It has never been widely advertised and yet it is of great importance to visitors in that area. On the state scene, over the past four years, the total land area of national parks has increased by 38 per cent. However, the funding provided for the management of those national parks has decreased. The advantages of ecotourism are apparent, but we need to ensure that our management practices are lifted to make those areas more attractive to the people who visit this State.

I have been a very firm advocate of a system of marine parks. However, what is the point of establishing marine parks, if we do not put in place management strategies and people on the ground - or in the water - as the marine parks are developed? If we do not take those actions, we shall miss a huge opportunity. The tourism industry needs more beds, accommodation and opportunities, and the Government has an important role to play in that.

While I was in England and France, I had meetings with the British Aircraft Authority, which manages airports around the world. Some of its trade personnel visited Western Australia this week, and I was delighted to show them some aspects of my electorate. While I was overseas, I took the opportunity to seek out Club Med. That is a well respected, world-class organisation. It has extraordinary potential for Western Australians. Club Med states in its brief that it is the largest, most established tourism company in the world and one of the few that can claim to be a household name to millions of people around the globe. I find it particularly interesting that the company was formed 43 years ago in Europe to provide a respite from the horrors and deprivations of World War II and that what began as a simple get away from it all holiday of beach side tents in the Mediterranean has developed into a network of resorts as diverse and sophisticated as one will find anywhere in the world. Club Med has about 106 resorts around the world, each of which offers between 200 and 400 beds and provides accommodation for 600 to 800 people. This State must have such a resort development at Broome or Exmouth, or at Busselton when we have our airport, if it is to move into the next stage of tourism development, and that will also provide a tremendous spin off for other people in the area. I have had meetings with representatives of Club Med, and they will be in this State in early December and I hope will be in the south west region in mid-January. We have a wealth of opportunities in front of us and it is a matter of seeing not how limited but how wide our horizons can be.

This is an exciting piece of legislation. People want to become involved in the tourism industry, and it is an industry which I am proud to represent because it has prospered in spite of government. The entrepreneurial people within this industry have done it all themselves and government is now trying to catch up. I am delighted that the Premier is taking the initiative in promoting this industry. It augurs well for the people who visit this State that the head of the State has a great fervour for the growth of the State and particularly for the tourism industry. With those comments, I support the Bill.

MRS PARKER (Helena) [3.52 pm]: I join a range of other members who have spoken in support of this Bill. It is encouraging to find an industry that has such widespread and bipartisan support. I speak not only on behalf of areas in the northern part of my electorate which have a fledgling tourism industry with much potential - the Swan Valley and Guildford - but also because this is an issue of state policy and growth. Tourism is a wonderful industry which provides great potential for this State and I am delighted with
the support which this Bill has received. I have been advised that there has been widespread consultation with the industry on the review of the Western Australian Tourism Commission Act. The review evaluated the option of splitting the Government’s role in tourism into a commission, which would be the marketing arm of government and would operate in the same way as the Australian Tourism Commission, and a department of tourism, which would be a regulatory body similar to the federal Department of Tourism, so that we would create a situation that was parallel with the federal situation.

The changes to the Act are minor but they reflect a change in business principles from when the Act was first promulgated 11 years ago. The proposed separation of the roles of the chairman and chief executive is in line with current corporate practice. Few public companies and only a few family-owned companies today would combine those two roles, so there is great wisdom in separating those roles. I join with the member for Bunbury in supporting the industry’s wish that the chief executive officer be included as a member of the board. This will provide the non-executive members of the board and the executive officer with collective responsibility. That will help us to avoid another National Safety Council scenario.

The member for Armadale expressed concern about the accountability of the Western Australian Tourism Commission. However, this Bill addresses that issue in proposed section 16A, which will entitle the Minister to have information in the possession of the Western Australian Tourism Commission. That is consistent with the recommendations of both the Burt Commission on Accountability and the Royal Commission into Commercial Activities of Government and Other Matters.

Mrs Hallahan: That does not answer my concern at all.

Mrs PARKER: I think the member will find that it does.

Mrs Hallahan: You cannot say that because it appears from your comments that you do not know what my concern is.

Mrs PARKER: I listened carefully to the member’s speech.

Western Australia is well placed economically and geographically to achieve substantial tourism growth. Western Australia is in the same time zone as and only four or five hours away from the major markets of Indonesia, Malaysia and Singapore, with their increasing middle classes and propensity to travel. Our current marketing programs are directed at growth markets such as those. In the future, we can target markets such as China and India by promoting Perth as the western gateway to Australia. Perth is ideally placed to take advantage of tourism growth in the Indian Ocean rim. Our interstate tourism is showing healthy growth as the national carriers continue to offer special air packages. Competition has encouraged travel on long haul routes. It was, therefore, disappointing to note the abrupt and non-diplomatic manner in which the federal Minister for Transport, Mr Brereton, refused Air New Zealand entry into the Australian market, for we in Western Australia would appreciate and benefit from such increased competition.

The member for Mitchell mentioned that it was a problem to get people to visit country areas and referred to the need for a better air link and infrastructure services. It is noteworthy that this week, Qantas subsidiary Airlink commenced services within Western Australia, and that will address this problem to some degree. That has led to reductions in air fares of up to 70 per cent, and we are now witnessing the longest sustained air fare discounting program in the history of this State. I congratulate the Minister for Tourism on his initiative in encouraging this competition. Tourism is a great opportunity for decentralisation. It also provides opportunities for youth in regional areas to find meaningful employment close to home and to not have to go to a larger city in order to find employment.

Tourism in regional Western Australia has great potential as an increasing number of people travel to the outback in order to escape today’s pressured lifestyle. The nature-based or ecotourism industry currently is enjoying a growth rate of some 30 per cent per
annum, which is a dramatic increase. Western Australia is well placed to benefit from ecotourism because of its wonderful natural resources. In the past, we have blamed our isolation for the lack of growth in this area, but with today's modern aircraft, and with a policy of adding competitors to the industry, this is no longer the case. We now have the opportunity of using our previous isolation to advantage because we have not had the mass tourism which has destroyed the environment and natural assets of other countries.

Tourists, like anybody else, properly educated and with good interpretive centres, will help protect the environment. In fact, a nature based tourism industry can work in cooperation with the environment to ensure its protection. The south west eco-museum concept is a project of great initiative and will see interpretive centres linked throughout the south west. The dolphin centre in Bunbury is in operation and almost complete. The karri forest eco-tourist museum centre in Pemberton has been opened and others are in place for the jarrah and tuart centres. I have also seen conceptual plans for the interpretive caves eco-museum.

Mr D.L. Smith interjected.

Mrs PARKER: It is interesting that the member for Mitchell mentions that because when he was speaking he admitted that during the 1980s the Tourism Commission had lost its way. I think this Bill will make significant change to the structure of the Tourism Commission and help define its role, responsibility and direction.

Mr D.L. Smith interjected.

Mrs PARKER: I am happy to accept that. It also illustrates that where there is a strong community base to industry - as the Bunbury region has; for example, the dolphin centre - that provides a strong local drive behind a project. That is from where the real initiative comes and where people are prepared to see a project followed through. That is the real strength of the tourism industry.

Mr D.L. Smith interjected.

Mr Osborne interjected.

The ACTING SPEAKER: Order!

Mrs PARKER: That is right. I was in that area and I noted the history in that museum. It is a great story and quite an initiative that the local people have taken on. We are in a position to ensure that our wonderful natural attractions are protected. I look forward to the release shortly of the nature based tourism study commissioned by the Premier and Minister for Tourism.

Finally, I note that the Bill does not provide for the Western Australian Tourism Commission to have any regulatory role, nor should it, as its primary role is to market and encourage infrastructure development. The tourism industry advises me that the greatest impediment to infrastructure development, so essential if we are to cater for potential tourist numbers, is the lengthy time delays in government approvals. The member for Bunbury referred to the many departments that are required to be accessed for approvals to take place. The member for Balcatta, the drive, consistency and accuracy of whose debating skills are about on a par with those aspects of his tennis skills -

Mr Court: That is a cowardly thing to say when he is not in the Chamber!

Mrs PARKER: I am sorry the member has left the Chamber. I would have cherished the opportunity to say that while he was here.

Mr Court: You should repeat it outside.

Mrs PARKER: I will repeat it on the tennis court any time and I will take a challenge -

Dr Hames interjected.

Mrs PARKER: The member for Dianella fought back fairly poorly indeed and choked towards the end on match point!

In his address the member for Balcatta said that some tax breaks should be provided and
that this Government was not providing sufficient support. However, support is being
given in the form of changes to the legislation to give more direction and focus and to
provide a better operation for the Tourism Commission and support to organisations such
as EventsCorp. We are getting on with the job of supporting the industry to see its own
growth. However, with the commission having no regulatory powers concern exists
about the messiness of processing approvals. I urge that consideration be given to
forming a ministerial council on tourism to ensure that both public and private
infrastructure can cater for demand. In view of concerns expressed by members of the
Opposition and my own colleagues in this area I anticipate support for such a concept.

Mr D.L. Smith interjected.

Mrs PARKER: We certainly will.

In closing, I commend this Bill to the House and look forward, with other members,
people from the commission and the population of Western Australia, to the development
of this industry in the years that lie ahead. It will become a growth industry for us, a
great employer of our people and an industry that makes us even more proud and aware
of the magnificent resources within this State.

MR PENDAL (South Perth) [4.05 pm]: Members may find it interesting that the
somewhat traumatic period the Government went through last year in amending the
Environmental Protection Act and separating the roles of chairman and chief executive
officer of the Environmental Protection Authority had its origins in this Bill. It was
Liberal Party policy which took us to the 1989 election and which saw the need for a
variety of imperatives at that time to separate the roles of chairman and chief executive
officer; not the least reason being that it was simply bad management practice for those
two roles to be combined into one. It was therefore that desire to see those roles
separated in the State tourism body that saw the Liberal Party transfer that same principle
to environmental law in Western Australia. It is somewhat ironic that that was achieved
12 months or so before this Bill was introduced in 1994.

I think it was rather ungenerous of the member for Armadale, and at least one other
member of the Opposition, to ask effectively that the Government put its money where
its mouth is in its commitment to tourism promotion. I think the member for Armadale,
if not one of her colleagues, said by way of interjection that, since the Government took
office, no real commitment had been made in that respect. As I recall, in the financial
year 1993-94 the amount of money set aside for advertising and promotion - which, after
all, is the fundamental role of the Tourism Commission - was in the order of $9m. That
was raised in this year's Budget to $12.2m.

Mr Bloffwitch: Quite a heavy increase.

Mr PENDAL: It is. That is approximately a 33 per cent increase in that part of the
Budget where it counts. I put before the current Minister, who happens to be the
Premier, an idea which I floated several years ago while we were in opposition and which
I still believe warrants serious consideration. I do so in no way to denigrate the efforts
of the very professional people within the Tourism Commission, two of whose excellent
members are in the gallery today; namely, Kevin Harrison, the chief executive officer,
and Brian Herne. They are both very highly regarded within the industry and the tourism
bureaucracy.

However, it occurs to me that we are overlooking an obvious area for increased
promotional and advertising budgets. For example, this year, approximately $22m has
been set aside for the Western Australian Tourism Commission with something less than
half of that being devoted to the fundamental purposes of marketing and promotion.
Therefore, in the five year period once the amendments take effect the Government could
look at the notion of setting aside virtually that full budget. That would effectively mean
privatising the Tourism Commission. In my judgment, a small executive core would be
still required to make the decisions about where the $22m would be invested in
advertising and promotional funds.

Mr Bloffwitch: An international airport at Geraldton would be a good choice.
Mr PENDAL: I beg to differ with my colleague from Geraldton who is understandably a bit parochial about those things.

Can members imagine what they could do with a budget of $22m? That would be a way, over the period of time, of privatising the Tourism Commission and calling Australia-wide and, if necessary, South East Asia-wide for tenders for the promotion and advertising budget of the whole of the Western Australian Tourism Commission. Under those circumstances and within the confines of the present budget of $22m, a million dollars or so may be needed to keep alive the central executive core. That core could then be used to call for those Australia-wide or South East Asia-wide tenders for the other $21m. I know in some respects it is simplistic but we would then be doubling the budget that would be available for that advertising and promotion. There is really no reason to have 165 people in the Tourism Commission if we make the decision to put out to tender the bulk of the funds being allocated to it. It is not something that we could do in five minutes, or in a week, or even over the space of one budget because of the disruption it would cause to people's lives. I do not even think we would have the tourist infrastructure in Western Australia to accommodate the vast influx of tourist numbers. The Minister is on record in recent days as saying that a dramatic increase in bed numbers in metropolitan Perth was needed before we could even begin to see a substantial increase in the inbound figures. I ask the Minister for Tourism to take that into account.

The Government is doing the right thing by renewing the sunset clause. It is a bit of an oddity when one moves from one House to the other because it is a bit like sending bad parcels to oneself. I can recall inserting in the other place in 1983, the sunset clause with which we are dealing today. The Opposition was then on something of a sunset clause kick. It has proved its worth to have agencies, departments and statutory bodies come back to the Parliament to justify their existence. That was not difficult for the Tourism Commission to do because it has been spectacularly successful in producing the figures that we have today.

I believe devoting all of those funds, or, if not all, most of the funds, to the promotion and marketing budget could be achieved without detriment to the current staff who, over that period, could be absorbed into other areas of government. In the meantime, I commend the Government for its actions and wish the Tourism Commission well.

MR COURT (Nedlands - Minister for Tourism) [4.15 pm]: I thank members opposite for their support of this legislation and will answer some of the questions that were raised in the debate. The member for Armadale raised a number of issues, the first of which related to the leakage of funds to overseas interests. I agree with her comment that it would be preferable to have more local investment in the tourism industry. Fortunately, the investment community here is now taking more seriously the opportunities available to it. However, on the real estate side of things, it must be prepared to look at the longer term picture because some investments do not show a return until some years down the track.

In referring to the lack of infrastructure development, the member referred to the convention centre and the convention study. There is a lack of infrastructure in that regard across the State. The biggest problem that we must face up to is ensuring that facilities keep up with the rapid growth taking place in the industry. We also have to keep a close watch on the Australian and overseas competition because the standard of facilities becoming available is rising all the time. Only this morning, we had a visit from a Minister from the West Cape Province of South Africa who outlined plans to lift tourism in that area. He looked at some of our models for training people in the hospitality industry which are regarded internationally as good. However, we must be aware always of what is happening with our competition.

The member also referred to taxi drivers needing more education to be ambassadors for the State. Again I agree with her. However, taxi drivers here are a lot better than those I have experienced in most of the other States.

Mrs Hallahan: I agree with you on that.
Mr COURT: I recently travelled in a cab in Victoria after drivers there had lifted their standards. I would hate to have seen them before that. Recently, I witnessed an incident at a hotel in Perth. Some Asian visitors asked to go to a very well known restaurant in West Perth. However, the cab driver did not know anything about the restaurant and was completely unhelpful. In the end, the commissionaire suggested to the people that they go in the next cab, the driver of which was extremely helpful. Even if they are working on a late night shift, it is important that they are well trained.

The member for Armadale suggested also that we need to work more closely with the Australian Tourism Commission. We are doing that effectively. We do not have territorial rights in the Partnership Australia proposal.

Mrs Hallahan: Could you take that attitude over to some of your other portfolio interests? That is a good approach.

Mr COURT: Only where we have true cooperation. I think we are getting there, but we are still not happy because there has been an emphasis on promoting the Eastern States, particularly the Queensland-New South Wales axis. We are trying to make them realise that Western Australia is also part of Australia and it would like to have a bigger involvement. However, our relationship is good. For example, we are about to relocate our office in Tokyo.

Mr D.L. Smith: I am pleased to hear you acknowledge that we are part of Australia.

Mr COURT: We are one-third of Australia.

Mr Day: We are the nation.

Mr COURT: We are Australia.

In Tokyo we are relocating our offices so that all of the States will be operating out of the same building. Where we can utilise the same resources, we do. We are not all that pleased with the arrangements that exist in Europe. We found that our agent in Germany is far more effective than would be the case were he to utilise the facilities of the Australian Tourism Commission offices in London.

The payment of board members is currently being reviewed by Government. A proper review of all of the boards in the different government areas has not been done for many years. The relativities of payments for members on the different boards is out of kilter. We have just completed a study and have asked a private sector firm to provide some recommendations about the remuneration levels across the different areas of government.

Mr D.L. Smith: Is that the Singapore solution?

Mr COURT: It will result in some people receiving less, and some receiving more. I met the head of the Singaporean civil service who was here a couple of weeks ago. As members might know, Singapore's Parliament approved an increase in ministerial salaries to a million dollars. As a sacrifice to the people of Singapore, the members gave back $200,000. They gained an increase from $600,000 to $800,000, and the newspaper stories were headlined "Ministers sacrifice $200,000".

Mr Day: What do backbenchers get?

Mr COURT: I do not think Singapore has any backbenchers. I cannot comment on those details.

In relation to the comments about funds being raised from the private sector not being spent in accordance with the Financial Administration and Audit Act, they will be. The commission must be fully accountable for the expenditure of all its funds. Shortages of accommodation do not occur only in five-star hotels; all areas are experiencing problems. The most need for urgent investment is for three and four-star hotels, and we are doing a great deal to encourage that.

In relation to the assistance of the commission to bring groups to Perth, we are running a large program of familiarisation tours with the media, tour operators and investors, in some of which I have an involvement. One member said that I had not spent enough
time in this portfolio. I can assure that member that I spend a great deal of time in this portfolio. I usually participate in the familiarisation tours which involve trade or investment. I would like to think that will start to pay some dividends.

The outbound tourist market from Japan is controlled by five major companies and we must deal with those people directly if we are genuine about winning that business. Even before I took over this responsibility, on my visits overseas I have quite deliberately targeted tourist areas trying to get airlines - for example, Korean Air, and EVA in Taiwan - that are now flying direct to Australia to consider flights to Western Australia. Alternatively, if they cannot fly direct to Western Australia, I have suggested that on their flights to Djakarta and nearby countries an arrangement be made with Ansett Australia and Qantas Airways Limited to get passengers to those destinations to come to Western Australia.

The commission provides considerable assistance to the Tourism Industry Training Committee. The member for Perth commented that she wants to see more assistance for cultural tourism - the opera, the ballet and festivals. We are about to release our cultural tourism report, and I support the proposals that she put forward. It is becoming an interesting growth area in the tourism business. The member for Mitchell questioned why interstate tourism is projected to increase by only 25 per cent during the next five years. The interstate market is one that is relatively mature.

Mr D.L. Smith: Half of Perth’s population has not been to the south west in the past 10 years.

Mr COURT: I cannot comment on the south west but we have noted that most Western Australians have not been to the Pilbara and the Kimberley. Cost has been one of the major factors. When it costs about $1 000 for a return air fare to get to the north west, people think about the Bali-type experience. We hope the recent airline competition will make it a lot easier for people to experience the Kimberley, the Pilbara and the goldfields regions. The challenge will be thrown out to the operators to make sure those places can handle the numbers. There is a shortage of facilities in Kununurra, Broome, Exmouth and the goldfields. The goldfields is battling to handle the corporate market, let alone the tourism sector. It is a good problem to have, but one that we must address.

A comment was made that the appointment of commissioners from country areas is not specified. We have shown that a reasonable spread of people has been appointed. We need to have someone appointed from the Pilbara, otherwise the local members would get pretty upset. That person is pretty active, as is the appointee from the south west. We cannot address all of the areas with appointments, but we do the best we can.

Interestingly the way that nature based tourism is developing is to the benefit of the regional centres. Nature based tourism will lead to quite rapid development in many parts of the State. The member for Mitchell raised the issue about the forest and the need for forest discovery centres where people can get a better understanding of what we have. This is critical. One thing I learned when I visited places in Zimbabwe, Kenya and South Africa is that the big selling point is the guides, who are properly trained. Although the scenery is not that exciting, the well trained guides can educate the visitors about it. We are also moving in that direction. The forest discovery centre at Mundaring, which is at the beginning of a section of the Bibbulmun Track, is a good initiative. Throughout the State it is important that we have better facilities and better trained people available to explain what is in these areas. Let us take, as an example, the Valley of the Giants in the south west. We must put money into that area very quickly both to improve it so that the people walking through the area are better controlled and to train people to explain those attractions. Huge numbers of people are going through the Valley of the Giants every day. It requires a training capability.

The member for Bunbury, who has taken an interest in tourism because that was his profession before he came to Parliament, mentioned accountability where we are working with the private sector in fundraising arrangements. I agree that it is important that these things are monitored closely on an annual basis. There is a large involvement with the private sector.
Mr D.L. Smith: There is nothing wrong with support from the private sector, so long as it is disclosed.

Mr COURT: Yes. The member for Balcatta made the point about the need for development incentives. Where we can, the best incentive to offer is to speed up the approval process when people want to get some of these developments off the ground. The member mentioned that in the budget we had not put our money where our mouth is. However, this year the budget reflected a 12.7 per cent increase in funding to this area. That is a significant increase considering that we have reduced expenditure across government.

Mr D.L. Smith: The Department of Planning and Urban Development should be involved in the strategic plan.

Mr COURT: I will come to that.

The member for Helena spoke about the need for community support in the establishment of nature-based attractions. I could not agree more. Projects are successful when they receive strong community support, and I can refer to projects such as that in Karratha. People supported the local tourist centre, and before it was opened it was considered to be too small. Previously the centre was hidden behind a caravan park. We knew it needed better exposure, and by the community becoming involved it has lifted the profile of tourism in that part of the State.

Mr D.L. Smith: The best way to have community involvement is for the Government to provide the means.

Mr COURT: That is exactly what we did. No representation was made by the local community. The previous Labor Government would not help the people at Karratha. We gave a commitment to help them, and we did just that, so now those people have a wonderful tourism facility. Now is the time to expand it.

The approval process for infrastructure is a matter of concern, but we must get the balance right. We often talk about development between Carnarvon and Exmouth along the Ningaloo Reef area. A great deal of interest has been expressed by people who want to spend money, but no proper planning has been done for the development of that area. Currently, the Minister for Planning is expediting a plan which involves not only the environment but also the local development authorities, and so on. We want to set up a plan for the area so that we can say to the investors that we will allow certain development. That is critical. Members alluded to that aspect when they said that we must provide more resources to enable the Department of Planning and Urban Development to assist with the planning side of things.

Mr D.L. Smith: It is a strategic planning area.

Mr COURT: We could not agree more. The Minister for Planning is working closely with us to make it easier for the developments to proceed.

The member for South Perth drew attention to the provision of a sunset clause in the earlier legislation. We are reaping the benefits of that today. We are taking the opportunity to look at the legislation and see how it is working. We want to address some concerns, and although the review has been put off for a few months it will be undertaken.

The privatisation of the commission is an interesting proposal. We are working very closely with the private sector. We have been successful in persuading it to contribute more money to marketing programs in conjunction with the Government. Once we explained what we wanted to achieve, the private sector was very good in providing support.

Mr Catania: When have you ever done that with tourism?

Mr COURT: We have done that in all our marketing strategies this year. We told the private sector how much we were prepared to spend if the private sector was prepared to make a contribution. That contribution has been made willingly. In the Eastern States
one of the major strategies was our marketing of package tours. We have organised mail-outs through the newspapers in the Eastern States.

Mr Catania: That is not an example. Tell us about joint promotion.

Mr COURT: That is joint promotion. Information is sent out regarding XYZ tours for, say, a $599 package. This is done in conjunction with the operators. I can provide the details for the member if he wishes. Of the total budget of $22m, the marketing strategy allocation is 87 per cent, and corporate expenses amount to 13 per cent. Under the previous Government, corporate expenses made up 25 per cent of the budget. Therefore, we have been able to make some progress. This year we received a further $9.3m from the private sector to assist in the marketing program; that is an increase of 48 per cent. That situation has been achieved by a combined effort; indeed, we are leading Australia in this combined operation. I will provide further details if necessary.

I thank members for their support of the legislation.

Question put and passed.

Bill read a second time.

PARLIAMENTARY COMMISSIONER (POLICE INVESTIGATORY POWERS) AMENDMENT BILL

Second Reading

MR CATANIA (Balcatta) [4.37 pm]: I move -

That the Bill be now read a second time.

In his annual report tabled in Parliament on 20 October 1994 the Parliamentary Commissioner expressed serious shortcomings regarding the way in which police investigate complaints about their own officers. Mr Eadie said in his report -

In most cases those shortcomings have involved the failure by police investigating officers to properly address the legality and reasonableness of police action.

He was especially critical of police investigating police with no independent body to oversee the process, claiming the shortcomings outlined in his report highlight the value of, and the need to strengthen, the role of the Ombudsman’s office, as an independent external review agency in the investigation process. He concludes appropriately by saying -

If the public were aware that an independent agency such as mine was involved from a very early stage, public confidence in the system might well be considerably enhanced. There would also be a significant benefit in terms of improved public accountability.

Police reputation and morale will be enhanced if they are seen to be beyond reproach. Unfortunately, recent events have undermined the public’s confidence in the internal investigation procedures of the Police Force. Indeed, the Director of Public Prosecutions draws this to the public attention in his annual report, which states -

Regrettably, in respect of certain matters from the Internal Investigation Branch (of Police), decisions have been made to write matters off in an unacceptable way.

At times a brief has been structured in such a way as to lead to a result that no charges are laid. A review of the brief by the office and personal contact with some of the witnesses reveals a different state of affairs from that shown in the brief submitted by police.

The amendments I propose today are crucial in restoring the public’s confidence in its Police Force. The amendments propose that the Parliamentary Commissioner be empowered to undertake a primary investigation of complaints against police. This authority presently is not available to the Ombudsman; it is an authority that he has
requested; it is an authority that the wider community is demanding and it is an authority that will eliminate the cynicism and innuendo that comes with police investigating police. The Parliamentary Commissioner does not presently have the power to conduct an investigation until the Commissioner of Police has had a reasonable opportunity to conduct his own investigation. Reasonable opportunity is given as a period of 42 days, or such longer period as is agreed to by the Commissioner of Police and the Parliamentary Commissioner. The time has come to ensure independent scrutiny of police internal investigations.

This amendment and the consequences that will arise from it have been successfully implemented in New South Wales, South Australia, the United Kingdom and New Zealand, and should be supported by all members of this House. The impetus to propose the change has never been stronger in the light of the comments on the subject by two of the State's most respected officers and servants - the Director of Public Prosecutions and the Parliamentary Commissioner. Both state in their annual reports that the present system is defective and unacceptable. Page 35 of the annual report of the Director of Public Prosecutions, which was tabled in September, states:

> It is an unfortunate fact of life that police officers along with every other section of the community are on occasion accused of committing criminal offences. By arrangement with the Commissioner of Police, the office has, in respect of indictable offences taken over from inception, the prosecution of police officers who have been charged with a criminal offence. In this way, there is a measure of independence which protects all concerned.

There is an immediate recognition by the DPP that some independence is required to protect all parties, including the police. The DPP goes on to state in his report that there were a number of reasons the number of police officers going before the courts had increased over the past two years. He says that the Commissioner of Police and his assistants have referred matters to his office for consideration for prosecution, and that the office has applied a more objective standard as to whether a prosecution should proceed. Once again, the statement of independence and objectivity is recognised as an important ingredient to a creditable investigation.

This Bill proposes to amend section 14 of the Act, firstly, by deleting section 14(1a) of the principal Act which gives sole right of primary investigation to the Commissioner of Police; and, secondly, by repealing section 14(1b) of the Act which gives the Commissioner of Police 42 days to conduct the investigation before the Parliamentary Commissioner is able to intervene. In its place the Bill seeks to amend the Act to allow the Ombudsman to request the Commissioner of Police to accede to the Ombudsman taking a supervisory role in police investigations into the matter, or undertaking a primary investigation, irrespective of whether a police investigation is also being conducted.

It should not be thought that my call for independent scrutiny of internal investigations is an attempt to undermine the office of Police Commissioner. The important place and significance of the Commissioner of Police and the police is recognised by the proposed addition of the provision to section 14 which states:

> When conducting such a primary investigation the Parliamentary Commissioner shall ensure that the Police Commissioner is fully informed as to the progress of the investigation.

It would be irresponsible of the Minister for Police not to support the amendment because it would show that he did not support or want to protect the reputation of the police and the process of accountability. It would also be irresponsible of this Government not to support the amendment and to reject the findings of the two impartial and independent servants of the State. Rightly or wrongly, the community's confidence in police investigating police has been undermined. Internal police investigations will always be open to allegations that they are biased or ineffectual. These amendments will ensure there is independent scrutiny of police actions. The amendments should ensure that the public's confidence in the Police Force is considerably improved and enhanced.
The Police Union stated that if an independent investigation would help in restoring confidence and deflecting criticism, it would support such a move. I urge government members to join the Opposition in supporting this amendment, and in so doing demonstrate to the community their commitment to accountability and scrutiny in Western Australia. To defeat the amendment would show not only a lack of commitment to accountability, but also a lack of support for a police service. I commend the Bill to the House.

Debate adjourned, on motion by Mr Bloffwitch.

MOTION - MINISTER FOR PLANNING, CONDEMNED FOR MISLEADING THE HOUSE

MR KOBELKE (Nollamara) [4.45 pm]: I move -

That this House -

(a) condemns the Minister for Planning for misleading the House and being dishonest in his handling of the Planning Legislation Amendment Bill 1994; and

(b) calls on the Premier to exercise leadership in requiring all Ministers of his Government to tell the truth, and to direct the Minister for Planning to apologise for his untruthful statements.

I have not moved this motion without consideration of the facts of the matter. In the short time available I hope to place before this Chamber a number of facts which will clearly show that the Minister for Planning has not told the truth. It is incumbent on the Premier and this Chamber to ensure that the standing of the Legislative Assembly is upheld in the community. People expect members in this place to tell the truth. We heard a series of statements by the Minister in debate on the Planning Legislation Amendment Bill which were simply not true. I will take up some of those statements today.

I am not taking issue with the broad, general intent of what the Minister has said he is trying to achieve. If the Minister says he wishes to improve the planning system and overcome duplication, the Opposition will support that. However, he cannot jump from there to saying that the Opposition supports the measures the Minister has brought forward. It is a totally illogical link by the Minister. One cannot conclude that because opposition members may support good government, they would therefore commit themselves to supporting all the mistakes of this Court Government; however, that is something the Minister has asserted on the Planning Legislation Amendment Bill. Opposition members have simply indicated their desire to support the Minister in making improvements - nothing more - but he has said that we support his Bill. That is totally untruthful.

In doing that, the Minister has seemed to play a similar role with various interest groups. The Minister has spoken to these groups, explaining to some extent what he is trying to do, and has then said that these groups support the legislation.

Mr Lewis: How would you know what I said?

Mr KOBELKE: When the Minister explained the Bill to these groups, did they understand the intent of the legislation?

Mr Lewis: Yes, as best as I could explain to them.

Mr KOBELKE: The Minister has said on the record that he spoke to these groups. He thought he conveyed an understanding of the intent of the legislation, and on that basis they offered some support. That is not the story I have heard. I have heard - I will provide evidence today - that the Minister was very selective in the information he gave these groups; either that, or he was very poor in communicating what he was attempting to do. The groups did not understand what was in the Bill. The Minister continued to say that the effect of this legislation on environmental matters was something that it clearly was not.
The Minister said in his interjection that he consulted with these groups and that he thought they understood what he was saying. One of the key contentions of the Minister is that the Planning Legislation Amendment Bill, which has now been withdrawn from this House, did not reduce the role of the Environmental Protection Authority. Fortunately too many people have read the legislation and understand it, and have judged the Minister to be wrong. It may be that the Minister is incompetent, or these authorities do not know what they are talking about, or the Minister has set out to deceive people and say the legislation is something which it is not.

I will quote one passage from *Hansard* where the Minister has made that type of statement. On 28 September he stated -

> The nonsense that this legislation is taking power from the EPA has no legs; the assertion is flawed and cannot in any way be sustained.

That reflects what the Minister has said on many occasions.

Mr Lewis: Yes, and I stand by it.

Mr KOBELKE: The Minister stands by it. He also stands by the fact that he spoke to these groups and explained to them what the legislation was about. One of the groups which supports the legislation is the Royal Australian Planning Institute. In its preliminary discussions with the Minister it obtained a view as to what he was trying to do. The president of the institute included that in his message in the *Western Planner* in June this year. I know that was early in the piece. Representatives from the institute had discussions with the Minister and thought they had the correct view about what the legislation was about. The first paragraph states -

> Planning in Western Australia is currently entering a period of change with a number of initiatives in the process of being made public. There has been considerable behind the scenes work in finalising some important changes to the Town Planning and Development Act and its interrelationship with the Environmental Protection Act. Briefly, what is being proposed is that the Department of Planning and Urban Development will take a greater role in determining the environmental appropriateness of planning decisions. This change will return much of the power to planners that was taken over with the enactment of the Environmental Protection Act 1986.

Who was right? Was the Minister right when he said that he consulted and he thought that they understood? The institute's understanding was that there would be a shift of power away from the EPA to the planning authorities. It is there in black and white in the message from the President of the Western Australian Division of the Royal Australian Planning Institute in the *Western Planner*.

Did the institute misunderstand the Minister? If its understanding is correct, the Minister is clearly deceiving people. That is not the view put by the Royal Australian Planning Institute. Its clear understanding was that the Bill would shift power away from the Environmental Protection Authority.

That is a clear example of where the Minister has been caught out. It does not stack up. The Minister cannot have one without the other. They go together. They are mutually exclusive. The Minister has repeatedly made these statements to mislead people on this legislation. The Minister said that he consulted these bodies, but did they have a clear understanding of what was involved? If they did, we would not have these varying opinions on what the Minister said.

One simple example of where this Minister misled the public is a talk back radio program in which he participated with Dr Phil Jennings from the Conservation Council. I heard that interview in my car on my way to Parliament, and that matter arose in debate in this Chamber a little while later. The Minister quoted from a transcript of that interview.

Mr Lewis: I tabled it.

Mr KOBELKE: The Minister did not table it. He should not tell another lie.
Withdrawal of Remark

The DEPUTY SPEAKER: The member for Nollamara made a statement which maligns another member, and I ask him to withdraw that word.

Mr KOBELKE: I withdraw. I ask the Deputy Speaker to take note of the substantive motion. The wording of the motion allows room to use words which, in ordinary circumstances, would be unparliamentary. The Deputy Speaker is totally right in that case.

The DEPUTY SPEAKER: Order! I cannot allow members to question the ruling. I have read the motion before the Chair. The words "misleading" and "dishonest" are part of the substantive motion; it does not include the word "lie". I will establish that there has been an unqualified withdrawal.

Debate Resumed

Mr KOBELKE: The interjection from the Minister is totally untrue. The Hansard record shows that the Speaker ruled that it did not need to be tabled. The Opposition obtained a copy of the transcript and found that the Minister had quoted some positive statements, and used them out of context to try to create the impression that the Conservation Council had been happy with the consultation. Opposition members interjected during that debate and asked the Minister to continue reading the transcript, but he would not. The next few lines of the transcript show that Dr Jennings stated -

... Mr Lewis didn't consult the conservation council during the preparation of this legislation in the way that we would have hoped that he would.

That transcript was before the Minister, and members of the Opposition knew what it contained because we heard the program, but the Minister chose to read into the record a selective quotation which gave an impression which was totally opposite to what happened during that radio talk back program; that is dishonest. It is dishonest for the Minister to claim that people support him, when the facts are the opposite.

Another clear example of that is in a letter the Minister wrote to the editor of The West Australian which was published on 2 November. The Minister said -

Even the State Opposition has clearly stated the need for the Government's changes.

On June 16, Labor Planning spokesman John Kobelke told Parliament: ..."

The Minister's letter continued with a quote from Hansard. Anyone reading that letter would assume that the Opposition supported the planning Bill, because that was the subject of the Minister's letter. The Minister said that the Opposition supported the need for the Government's changes. He used a positive quote about improving the planning system. That was totally dishonest of him because the quote related to a debate on 16 June on the Subiaco Redevelopment Bill.

Mr Lewis: So what?

Mr KOBELKE: The planning Bill had not been introduced into the Chamber at that stage. The Opposition had no inkling of what was in that legislation except a few general phrases from the Minister. He was totally deceitful in choosing to say that the Opposition would support his Bill. Members can go beyond that and read the appropriate page of Hansard. The Minister took a couple of positive statements, where I said that starting the environmental clearance process up-front in the planning process was a good idea, and on this the Minister claimed the Opposition supported the Bill. On that same page I clearly stated the Opposition's concern that the Minister's changes would undermine the environmental protection process. I stated -

I have concerns about division 4 which relates to the role of the Environmental Protection Authority in redevelopment schemes. ... I have some concerns about how these provisions will work ... I wonder whether the provisions in this Bill may be in conflict with the provisions in the EPA Act. ... It is important that provisions relating to the Environmental Protection Authority be effective and not
allow the proper process to be subverted ... I have genuine concerns because I expect there will be problems in that area.

Those statements are on the same page and relate to another Bill; it was not the Bill that the Minister said the Opposition was supporting. On all those occasions I said that the direction the Minister seemed to be taking with the Subiaco Redevelopment Bill raised a number of concerns and problems with environmental clearances. The Opposition was worried that those processes would be undermined by changes in planning. At the same time, we wanted to see an improvement to planning and environmental processes.

How can we give bipartisan support to a Minister who seeks to deceive people by misrepresenting what was said and suggests the Opposition did not oppose the Planning Legislation Amendment Bill? The Minister told the community - I heard him on radio - that the Opposition did not oppose this Bill. Yet on 28 September I moved a motion in this place which, in part, called on the Government immediately to withdraw the Planning Legislation Amendment Bill. It is recorded in a debate in this Chamber on 28 September. Even after that, the Minister said the Opposition supported the Bill. That is totally dishonest. If this Minister were a total incompetent one could find an excuse in that he did not understand what people said. However, I have some respect for the intellectual ability of this Minister, so his statement is an exercise in deceit. This Minister has sought to deceive the people of this State and to say things in this Chamber which are not true.

One further example of where this Minister has been dishonest is a statement he made in this Chamber which has misled the Parliament. The facts are completely irrefutable. A proposal was put forward in the McCarrey report for the sale of Whiteman Park. The Premier suggested that the Government could look into that. The Minister’s answers to questions about the sale of Whiteman Park are recorded in Hansard on 29 March this year. The first question was -

Has the Government investigated the possibility of selling part of Whiteman Park?

The Minister’s answer was "Yes." The Minister was also asked what part of Whiteman Park might be sold, and his answer was "To be determined." The final question was -

When will a decision be made on whether part of Whiteman Park will be sold?

The Minister’s response was -

A decision to sell the land would follow, once an amendment to the metropolitan region scheme has been finalised.

Clearly, the Government was considering the option of selling off part of Whiteman Park.

Mr Lewis: That has never been denied.

Mr KOBELKE: The Minister should get his facts straight - he puts his foot in his mouth every time he opens it. His leader should tell him to keep quiet so that he does not continue to tell untruths. In the Estimates Committee on Tuesday, 23 August when I asked the Minister a question about selling off parts of Whiteman Park he replied that this Government had never considered selling any part of Whiteman Park.

Mr Lewis: That is true. The State Planning Commission did.

Mr KOBELKE: The Minister says that is true, yet when he was asked whether the Government had investigated the possibility of selling off parts of Whiteman Park, his answer was yes. The Minister’s interjection that it was the State Planning Commission is sophistry and he will not get away with that. He cannot blame the State Planning Commission. A ploy other Ministers adopt is to blame the public servants simply to cover up their mistakes. The Minister for Planning will not get out of it this time because on both occasions reference was made to the Government and he replied yes in one instance and no in the other.

The Minister cannot help himself because he continues to compound his untruths. On 1
November, when introducing the metropolitan region scheme amendments for the north east corridor, the Minister said, "I categorically state that we have no plans to sell off any part of Whiteman Park." However, when I see a word like "categorically" I am very careful because it means, "I am telling an untruth and I am deceiving you." A map of that major amendment shows that two sections of Whiteman Park will be rezoned and removed from the park precinct and at some stage they will have to be sold.

The area to the north east of the park which is alongside a special rural zone will be rezoned rural. I do not think the Government intends to allocate its Ministers country estates in that area so they can have a rural allotment alongside the highway reserve. The south east section of the park will be zoned urban deferred. How can the Minister change areas of the park to rural and future urban after he tabled a map in this House and then say that categorically the Government has no plan to sell off the park? It is total sophistry.

The process put in train by the Minister will change the zoning of small sections of Whiteman Park so they can be sold in the near or distant future. That is unavoidable by the very nature of the zoning proposal tabled by the Minister. If that illustrates the level of truth of this Government, the people of this State have a great deal to be concerned about.

The Minister for Planning's statements regularly fail the test of truth. He can play with words or put the blame on public servants, but at the end of the day the truth of his statements will be judged. I have given the House a few examples of when the Minister said things which were untrue when he knew they were untrue. How do members opposite know when the Minister is telling the truth? The Leader of the House interjected during questions without notice and said, "On this side of the House we tell the truth." I accept that. Members opposite do tell the truth sometimes, but I have given examples of occasions when they have not told the truth.

The problem for the people of this State is knowing when the Government is telling the truth or when they are being deceived by a Minister who says something that is not true. The truth means something to people only if they know that a person is telling the truth. People are left to guess whether Ministers are telling the truth and when they hear the Minister for Planning say that categorically he is telling the truth, they question whether he is telling the truth. It is perfectly clear from the examples I have given that on several occasions he has not told the truth. With the planning legislation he set out to paint a picture that would deceive people and that is the reason he had to withdraw it. The Opposition accepts that the planning system can be improved and it is willing to support the Minister in a process that is honest. It will not support him if he does it in a dishonest way by telling people half the truth and then misrepresenting what they say.

The Minister felt that he could cover up one untruth by telling another. It is time the Leader of the House and the Premier spoke to the Minister for Planning and other Ministers and suggested to them that that is not the way to go. This Government will have no standing in the community if it continues to tell untruths and deceive people, and then tell more untruths to cover its tracks. The Minister attempted to push the planning legislation through the House, but his plan came unstuck because people found out the truth. I acknowledge the efforts of The West Australian because it took the trouble to tell the people of this State the truth about this legislation. Its publicity on what the legislation would do resulted in such a groundswell of opinion against the legislation that it had to be withdrawn. I suspect the Minister told his Cabinet colleagues that he had agreement from the relevant groups and they became caught up in his web of deceit.

It is incumbent upon the Premier, if he has any standards, to take up this matter to ensure that the Government has a clean slate. The Government must acknowledge the deception surrounding this legislation. If the Government and the Minister have any credibility, they must acknowledge that. A Government which tries to cover its deceit with more deceit is on a downward spiral into a morass from which it cannot escape. If the Government's actions were only to affect it politically, the Opposition would not be concerned, but this is the Government of Western Australia and if it continues to tell
untruths it is not good government. We do not have good government in this State and perhaps the Leader of the House will ensure that members on his side of the House will always tell the truth.

MR McGINTY (Fremantle - Leader of the Opposition) [5.08 pm]: I am happy to second the motion because on 9 November, the day the Minister announced he was withdrawing from the Parliament the environmental provisions of the Planning Legislation Amendment Bill, the Minister and I appeared on "The 7.30 Report" program to debate that issue. During the course of that program the Minister seriously compromised himself and he was certainly guilty of misleading the people of Western Australia. He set about to deflect attention from the massive backdown he had made that day under pressure from community interest groups, including the Chamber of Commerce and Industry, the Conservation Council of Western Australia, the Opposition and experts in the planning field. He attempted to smear me regarding the development of the old Swan Brewery project on the Swan River. It is a magnificent development for which future generations will be grateful to the Labor Party and me. If the Liberal Party had been in government at that time, Perth would have lost one of its great heritage buildings in what would have been an act of unprecedented vandalism in this State. As a result of my intervening and saving that building and of the widespread community support for the restoration work on it, the Minister thought, "I will smear the Leader of the Opposition." He thought he would chuck a bucket at me to try to deflect attention from his backdown on the planning Bill. During the course of that debate he said that the old Swan Brewery redevelopment was a major development and that I was a hypocrite for not referring it to the Environmental Protection Authority for approval.

Mr Lewis: I did not say that at all.

Mr McGINTY: The Minister was completely wrong. He told what is without any doubt one of the greatest fabrications and untruths he has ever told. He said that knowing full well it was untrue. He has now been exposed in the untruthfulness in what he had to say. In *The West Australian* on 11 November under the heading "Lewis caught by jibe at McGinty" the newspaper reported -

A Government attempt to discredit Opposition Leader Jim McGinty by alleging he failed to seek environmental approval for the Swan Brewery redevelopment backfired yesterday when it emerged that approval was sought.

We have here a Minister who, quite frankly, cannot be believed. He was caught out telling untruths at least on "The 7.30 Report" program that evening. It became apparent that the Minister misled quite seriously the viewing public of Western Australia when trying to deflect attention from his own withdrawal of a very bad piece of legislation by trying to cast aspersions on me. He made factually incorrect statements... It transpired that the previous environment Minister, Bob Pearce, and the Chairman of the Environmental Protection Authority, Barry Carbon, had dealt with the referral of the redevelopment of the old Swan Brewery, considered it and given informative advice, as is often the case in a whole range of large and small developments. One would think in those circumstances we might have seen from the Minister for Planning an apology. "I am sorry; I was wrong," is what he should have said. He should have retracted and said, "I tried to smear you but the bucket came right back over me." The bucket landed right on his head and all the muck and the mess that he tried to throw is dripping from his head at the moment, because he was shown to be an incompetent fool who could not get his facts right. The Minister was factually incorrect. The least I expect from any honest individual with a measure of integrity is that when he is wrong he is man enough to say so. The Minister's big problem is that he is not man enough to do it. On the first day the member for Albany stood in this House I made statements about what I believed to have been actions by the Labor Party when it was in government on the Workers' Compensation and Rehabilitation Act. The actions were in conflict with what the member for Albany was saying in his speech, and so I took him on over the issue. I was man enough to say here later that day that the member for Albany was right and I was wrong. I said what I said in an honest belief but I was wrong. I am man enough to admit when I am wrong. I corrected myself and apologised to the member for Albany. The
Minister could do exactly the same. The Government Leader of the House interjected when the member for Nollamara was speaking and said there is a big difference between fact and interpretation. I fully accept what he said by way of interjection. However, this issue has no room for interpretation. The Minister was wrong in a malicious attempt to smear someone who was an innocent party to the whole thing. It has backfired on the Minister, who has been exposed as a person who is loose with the truth and cannot be believed. If he is to have any credibility he must stand and apologise, admit that he has got it wrong and start again. It reflects very badly on his character as an individual that he is not prepared to admit when he is so blatantly wrong.

During the course of "The 7.30 Report" he went on to say something that I believe he knew to be just a blatant untruth to try to confuse the debate on this issue. Having failed to smear me in his attempt to divert attention from his backdown on the planning Bill, he said that the Opposition had never opposed the Bill.

Mr Lewis: You have not.

Mr McGINTY: I suggest that the editorial in The West Australian which said the Minister should get a grasp on reality is about right. He is about as far off reality at the moment as he could possibly be. We are not on the same planet. He is so far off the beaten path it is unbelievable. The Opposition moved a motion in this House calling on the Minister to withdraw the Bill because it was bad. If that is not an indication of opposition to the Bill from the Labor Party, then I do not know what it is. We could explain to the Minister in single syllables that we oppose the Bill and he still would not accept that as the fact. He would still say, "Yes, they still support us." It is a bit like his saying the Chamber of Commerce and Industry supported the Bill when it was campaigning against it. It is a bit like his saying that his party room colleagues, with the exception of the member for South Perth, all support the Bill when we know damned well that is not true. It is a bit like his saying that the Conservation Council supports the Bill when we all know it is not the case and it has come out publicly and said so. What the Minister has to say needs to be credible. I refer the Minister to page 5082 of Hansard for 28 September when, notwithstanding the Minister's assertion that the Opposition supported the Bill when it was patently not the case, the Labor Opposition moved this motion:

That this House condemns the Government for its failure to properly consult with local government, environmental groups and the general community before introducing the Planning Legislation Amendment Bill.

The House notes the forced backdown on this issue and calls on the Government to:

1. immediately withdraw the proposed Bill;
2. draft a new Bill to streamline the planning process which is truly subject to the Environmental Protection Act;
3. ensure that planning and environmental processes are integrated in such a way as to preserve and enhance the quality of our water and air, and the natural and built environment; and
4. institute a bipartisan parliamentary committee to oversee the necessary consultative processes required before the introduction of this new Bill.

If the Minister thinks that is support he might as well live on the moon because it shows he does not understand the English language and does not have his feet on the ground. That is a clear motion of opposition to what the Minister brought to the House and on which he was forced to back down. The Minister should listen to and take in the words "we oppose the Bill". Those words obviously did not sink into his head during the debate on that motion; certainly they did not in the light of all the public statements in which the Labor Party said, "We oppose the Bill."

Mr Lewis: You oppose everything.
Mr McGINTY: We either oppose everything or support the Government occasionally. The Minister cannot say that we oppose everything but supported him on this Bill.

Mr Lewis: It is a matter of fact that you oppose everything.

Mr McGINTY: We do not.

Mr Lewis: You are so negative it is not true.

Mr McGINTY: If we oppose everything, why does the Minister say we support him? He is a buffoon.

Withdrawal of Remark

The DEPUTY SPEAKER: Order! I have been listening to the debate, and I am sure it is fairly emotive for some people but we cannot allow members to impugn other members. I require the Leader of the Opposition to withdraw that last word.

Mr McGINTY: I withdraw.

Debate Resumed

Mr Lewis: When you get in a corner you get personal, don't you?

Mr McGINTY: Coming back to the original muck chucker from "The 7.30 Report" who was found out because what he said was maliciously misleading and factually incorrect, the Minister should not talk about getting personal. He threw in that personal abuse in order to divert attention.

Mr Lewis: I will get some details about that.

Mr McGINTY: The Minister can get all the details he likes. It is clearly on the public record that he was wrong and he should be man enough to admit it, to be able to raise his head with some pride in this place rather than be known as a person of no integrity who does not tell the truth. That is what this motion against the Minister is about. I suppose the Minister will interpret it as a motion of support for what he is trying to do with the Bill; that would be in accordance with his track record. I will tell the House why the Opposition opposes the Minister's planning Bill. It can be stated in no better terms than those in an article in The West Australian on 10 November 1994, the day after the Minister's monumental backdown. Under the heading, "Sense wins out in battle of wills", the article reads -

There was not a lot wrong with the Planning Legislation Amendment Bill - but what was wrong was awful.

Rarely has a piece of legislation attracted such overwhelming opposition from a wide range of critics.

Yesterday, Planning Minister Richard Lewis was still insisting that those who opposed his Bill simply did not understand it.

I am sure that all members in this place read that article. It was an awful Bill, the Minister has been forced to back down and at the end of the day he has done the right thing, but most ungraciously. He did so very reluctantly, but he had no option because the Bill he presented to this Parliament was absolutely awful.

One of the amazing things about the whole debate on the Planning Legislation Amendment Bill, apart from the duplicitous role played by the Minister for Planning, has been the weak and ineffectual role of the Minister for the Environment. He can properly be described as a Minister against the environment. Right from the start he buckled under and said he supported the worsening of environmental regulation in this State. He did not go in to bat for his portfolio interest of environmental protection. He capitulated and handed over his responsibility. The Government would be well served if the member for South Perth were promoted to the Cabinet and given responsibility for the environment. Then, at least, those Western Australians who care a little bit about the environment would feel greater comfort in knowing they had someone in Cabinet who would argue for a pro-environment position. They would know he is a person of principle who stood up to his own party and said he was not prepared to see such a
blatant disregard of an election promise. The member for South Perth was prepared to cross the floor, if necessary. It is an admirable virtue and the member for South Perth deserves to be applauded. All Western Australians owe him a great debt of gratitude for having forced the Minister for Planning and the Minister for the Environment to back down and not proceed with the original legislation. In the lead-up to the 1993 state election the member for South Perth was given responsibility for cultivating environmental groups in this State. He did so with a balanced and moderate approach to the environment. He gave one promise on environmental matters which struck a chord with environmental groups in the community; namely, there would be no reduction of environmental standards under a coalition Government. The Premier - then Leader of the Opposition - reiterated that promise. That gave comfort to the many thousands of Western Australians who were very concerned about the environment, and they felt they could trust a coalition Government. We all know what happened from there. The member for South Perth was knifed and left out of the Ministry when the member for Melville resigned from the Ministry. The Environment portfolio went to an environmental vandal who could not give a damn about the environment. He was happy to roll over and have his stomach tickled by the Minister for Planning on this issue, The job of the Opposition in this place would be immeasurably harder if it had to deal with the member for South Perth as Minister for the Environment. He is a person of great integrity and he would have ensured that the promise made to the people of Western Australia prior to the last state election - that no environmental standards would be worsened - was honoured. The Minister for the Environment and the Minister for Planning in cahoots are breaching the promise made to the people of Western Australia. If the public knew then what they know now, I am sure the results of the election might have been considerably different.

I am happy to support this motion because it is crucial for our system of parliamentary democracy that we have all the facts before us, an accountable Government and rationality in debates about issues. I can understand differences of opinion on issues, but I cannot understand a Minister who says that black is white and that the Opposition supports a Bill when it is on the public record as saying it does not. I also cannot understand a Minister who said that the brewery development was not subjected to environmental assessment through the EPA process when it was, who said all the other things pointed out by the member for Nollamara, and who is not telling the truth.

We need a measure of accountability and integrity in debates about important issues in this place, and debate on the planning Bill in this place has been made difficult because when the Minister for Planning gets it wrong, he just covers his tracks. He does not apologise when he tells untruths or retract when he gets it wrong; he simply tries to muddy the waters and suggest people support him when they do not. It is inimical to the interests of proper debate in this place, a proper representative democracy and the notions of accountability, for a Minister to conduct himself in the way in which the Minister for Planning has on this issue.

It is an important lesson to everyone on the government side. They should come into this Chamber, lay out the facts, tell the truth and let the public be the judge. They should not try to cover up, make things into what they are not and mislead people. In the end such behaviour will come back and it will hurt members opposite badly as a Government. On this occasion the Minister for Planning - and this applies increasingly to many others on the front bench of this Government - has not been up to the job and the standards of accountability and honesty we expect in this Parliament.

*MR LEWIS* (Applecross - Minister for Planning) [5.27 pm]: We have listened to about an hour of a classic exercise in carping from the Opposition.

Mr Kobelke: That statement is untrue. Private members' business did not start until 25 minutes to, and we had another motion.

Mr LEWIS: It must be three-quarters of an hour. This debate has been brought on because during the debate on the planning legislation the Opposition did not fire one shot. It came into the Parliament and belatedly moved a motion as a matter of public
interest. The Opposition tailed in the debate. The Leader of the Opposition thought he
would take some cheap political shot when I, on my own motion, decided to withdraw
that legislation and split the provisions. The Leader of the Opposition appeared on "The
7.30 Report" television program and thought he would take a free kick at the head of the
Minister for Planning. He went out licking his tail. He was absolutely slaughtered, and
he has come into the Chamber today with some trumped up motion, full of
gobbledygook, that makes no sense. It contains no evidence that I have misled the House
or been dishonest.

The Leader of the Opposition is trying to retrieve the ground he lost when he appeared on
"The 7.30 Report". That is the truth of the matter. I can see through his tactics. He was
shafted and he is trying to retrieve some ground. He thought he would get a free kick,
and he was belted. The fact is that the only opposition to that planning legislation came
from The West Australian.

Mr McGinty: Here you go again! You are as thick as a brick. Did the member for South
Perth support you?

Mr LEWIS: Let me finish.

Mr McGinty: Did the Chamber of Commerce and Industry of Western Australia support
you?

Mr LEWIS: In fact, the Chamber of Commerce and Industry has written a letter to us
supporting the thrust of the Bill. Does the Deputy Leader of the Opposition agree with
the principle of what we are trying to achieve?

Dr Gallop: I support the thrust of western civilisation.

Mr LEWIS: Members opposite have now got to the stage where they need to laugh in
order to cover up their inadequacies. It is a natural human trait to laugh when one gets
embarrassed, and now and again the Leader of the Opposition blushes, as he did on
television the other day.

The member for Nollamara said on 28 September -

Planning is about preserving and enhancing the quality of the natural and built
environment. That cannot be done without the proper environmental clearances.
We will end up with a built environment of degraded quality if the proper
environmental processes are not carried out.

Does the member for Nollamara still support that statement?

Mr Kobelke: Certainly.

Mr LEWIS: Does the Leader of the Opposition support that statement?

Mr McGinty: Yes.

Mr LEWIS: Then why is it that when the Leader of the Opposition had the carriage of
that deal at the Swan Brewery, it was not environmentally assessed?

Mr McGinty: It was referred to the Environmental Protection Authority.

Mr LEWIS: There is no file on it.

Mr McGinty: Here he goes - he is going feral now!

Mr LEWIS: I am not. There is no file on it in the department.

Several members interjected.

The DEPUTY SPEAKER: Order! We allow interjections which add to the debate but
we cannot have three or four people interjecting at the same time. I remind the House
that I observed members listen with great intent and relative silence while other speakers
were on their feet. This is a serious motion, as we all realise, and it is important that the
Minister have a proper opportunity to be heard.

Mr LEWIS: Thank you, Mr Deputy Speaker. The fact is that there is no file in the
department.
Mr McGinty: Have you destroyed it? Has Graham Kierath been in there with his matches?

Mr LEWIS: That is an unbecoming thing for the Leader of the Opposition to say.

Withdrawal of Remark

Mr C.J. BARNETT: That comment from the Leader of the Opposition impugns the integrity of the member for Applecross because it suggests that records were destroyed deliberately, and I ask that it be withdrawn.

Mr McGinty: It was more of a reflection on the member for Riverton, to be fair.

The DEPUTY SPEAKER: Order! The Leader of the Opposition has made the point. We cannot reflect inappropriately on members of the House, and I ask the Leader of the Opposition to withdraw the comment that he made.

Mr McGINTY: I withdraw.

Debate Resumed

Mr LEWIS: On the one hand, the member for Nollamara states that planning is about preserving and enhancing the quality of the natural and built environment, and that cannot be done without the proper environmental clearances, yet on the other hand the then Minister for Heritage, who had the carriage of that shonky deal -

Mr McGinty: It was dealt with by the EPA, on a reference from Bob Pearce.

Mr LEWIS: There is no file in the department on it. They now intend to put a jetty into the Swan River and to build a multistorey car park on the Kings Park escarpment, when there was no environmental assessment.

Mr McGinty: There was. You are misleading the House. Can you not read? You are as thick as a brick if you cannot understand that.

Mr LEWIS: I am showing up the Leader of the Opposition for what he is - duplicitous.

Mr McGinty: You were caught out telling untruths on "The 7.30 Report". You know that you have told untruths, and you should retract now.

Mr LEWIS: This paragon of virtue, whose first utterances on "The 7.30 Report" were to accuse me of dishonesty, which is a disgraceful thing to say before I had even answered a question, now comes in here licking his wounds and trying to create the impression that I have been untruthful in regard to the planning legislation. Does the Opposition support the need for environmental assessment up front and in parallel with the planning process?

Several members interjected.

The DEPUTY SPEAKER: Order! We cannot have a situation where there are interjections from all over the place. I remind the House that the Minister is entitled to be heard.

Mr LEWIS: When members opposite get into trouble, they have to call on other members to try to distract me by interjecting. Earlier this year, I promoted and was a member of a select committee chaired by the member for Jandakot to examine development on ground water mounds. It is interesting that no-one has given the Government credit for the establishment of that committee. I will paraphrase what the member for Peel said to that committee.

Point of Order

Mr KOBELKE: The Minister has indicated that he wishes to quote from transcripts of a select committee, and he has some transcripts in front of him. Mr Deputy Speaker, I would like your ruling on whether it is appropriate for any member to comment about the proceedings of a select committee of this House when that committee has yet to report.

The DEPUTY SPEAKER: All members of the House should be aware that until a select committee has reported to the House, members of that committee or people who have given evidence to that committee cannot quote from transcripts which have been made on
committee business. However, nothing prevents a member from indicating in his own words the information which he has at his disposal and which he may have brought to the attention of that committee. I remind the Minister and other members they cannot quote from transcripts.

*Debate Resumed*

Mr LEWIS: That ruling has long been the case in this House.

In the debate on the Subiaco Redevelopment Bill the member for Peel and the member for Nollamara in general terms said that they were strongly of the view that when they were in government, the Opposition had got planning all wrong and that the Environmental Protection Authority should be part of the planning process.

Mr Kobelke: Stop misrepresenting us.

Mr LEWIS: That is true. Will the member for Nollamara say now by interjection that he opposes the principle of having the environmental process up-front?

Mr Kobelke: I support the principle -

Mr LEWIS: He cannot answer the question.

Mr Kobelke: Because you ask loaded questions.

Mr LEWIS: Does the Leader of the Opposition support the principle of environmental assessment up-front in the planning processes of zoning?

Mr McGinty: I support it up-front, in the middle and at the end. You are trying to cut it out of the middle and the end.

Mr LEWIS: If the Opposition's Bill was so good, why was it forced to withdraw it? The Leader of the Opposition has finally admitted he agrees with environmental assessment up-front after being silent for two and a half months, hardly saying a dicky bird, and not being quoted in the Press.

Mr McGinty: We have consistently said we approve of the environmental process being up-front, during the middle and at the end of the planning process. You know that and for you to suggest otherwise is malicious and misleading. I can keep talking while you read and collect a few thoughts which you certainly need to do.

Mr LEWIS: I was reading a letter that was written by the Chief Executive Officer of the Department of Environmental Protection to say there is no file at the EPA in connection with the Swan Brewery. What I said the other night on the ABC's "The 7.30 Report" is factual.

Mr McGinty: It is not.

Mr Court: Why would you need environmental assessment to build a multistorey car park into the side of Kings Park?

The DEPUTY SPEAKER: Order!

Mr McGinty: If you are going to call Order, call him to order.

The DEPUTY SPEAKER: I hope when I have called order, the Leader of the Opposition, who was one of two or three people in this House who continued to interject -

Mr McGinty: It was the Premier and you did nothing about it.

The DEPUTY SPEAKER: Two or three people continued to interject after I called order. Although I like to allow the opportunity for people to interject, if people disregard what I am trying to do, which is give the person on his feet an opportunity to convey what he needs to convey to this House, I will formally call to order people to maintain control or I will take even tougher measures. I do not want to do that because it interrupts the flow of the debate and the way in which we normally do business in this House. If the Premier disobeys the rules of this place, he will also be called to order. That is not a problem as far as I am concerned.
Mr LEWIS: The member for Nollamara said how dishonest and how misleading I had been. Yet he could not produce a shred of evidence to support how I had misquoted him. He tried to hang on me statements by the Royal Australian Planning Institute on the basis that that is what I had told them. I have had many meetings with many people in the past 12 months or so in producing this legislation, and I have at all times tried to explain fully its intent. I can accept that sometimes I may not be as competent a communicator as I wish to be.

Mr McGinty: I agree with that.

Mr LEWIS: That is fine. One thing I can say is that I have not at any time tried to hide the intention of the legislation.

Dr Gallop: You have gone into bat and you do not have a ball. Where is the Bill?

Mr LEWIS: The matter really gets back to what the Opposition has reluctantly agreed is a good principle. However, I still say the member for Nollamara is not big enough to admit that principle, even after his statements and the quotations that I have read from Hansard. It should also be known that quite eminent and extensive contrary legal advice that the EPA's -

Mr McGinty interjected.

The DEPUTY SPEAKER: Order!

Mr LEWIS: - ability to process and do its job -

Dr Gallop interjected.

The DEPUTY SPEAKER: Order! I formally call to order the Deputy Leader of the Opposition.

Mr LEWIS: I can accept argument because wherever there are lawyers there is always argument. I can produce just as much eminent opinion to say that the EPA's processes would have been -

Mr McGinty: No you cannot. Get the EPA's own legal advice and every other legal opinion that has been published. You have no legal advice.

Mr LEWIS: I have hurt the Leader of the Opposition; he has not stopped talking. We have a difference of opinion; we have them all the time. People opposite are always carping in the negative and in opposition to what a good Government is trying to do. We accept that and that is what they are on about now.

Mr Graham: Sit down.

Mr LEWIS: I will sit down when I am ready.

Mr Graham interjected.

The DEPUTY SPEAKER: Order! I formally call to order the member for Pilbara.

Mr LEWIS: I will conclude quickly about Whiteman Park because it is important we put that furphy to bed. The McCarrey report clarified the need for the State Planning Commission to identify land surplus to its requirement. It sought professional advice, analysed its inventory and came up with a proposition that the southern end of Whiteman Park could be considered for sale. It came to me and I sent it back and said that we would not be selling that. That was my decision back to the State Planning Commission. What the member for Nollamara said was right. The Government, through the State Planning Commission and McCarrey, initially examined a proposal, which is something any good Government should do. The State Planning Commission accepted that there could be a case; it made a recommendation to me and I said we would not sell that land under any circumstances. Then the member for Nollamara tried to hang his hat on the major amendment.

Mr Kobelke interjected.

Mr LEWIS: I am running out of time. The major amendment incorporates the Perth-Darwin Highway - a controlled access highway - that runs down the eastern edge of
Whiteman Park. We all know that building railways and roads sometimes means constraints and therefore they must take a few turns. A little bit of land exists which is isolated and rural, and it is tabled in the amendment. There is a small piece of land that is categorised as proposed urban deferred. I think it is only 4 hectares from memory; the member should not hold me to that. It is isolated on the other side. I want to make the point that, just because something is zoned urban deferred in a region scheme, it does not mean it cannot be public open space.

Mr Kobelke: Why didn't you zone it as that?

Mr LEWIS: Does the member not understand what regional planning is about? It is about broad categories, not specific categories.

This Government has no intention at this time to sell any land associated with Whiteman Park. Finally, I have not misled this House, I have not been dishonest and I absolutely refute the motion.

MR C.J. BARNETT (Cottesloe - Leader of the House) [5.52 pm]: This motion deserves to be rejected out of hand. It seeks to condemn the Minister for Planning for misleading the House, his dishonest behaviour and for failing to tell the truth. At a personal level, this Minister does not conduct his affairs in this way.

Dr Gallop: What about at a political level?

Mr C.J. BARNETT: Not at a political level either. There is no doubt that there has been controversy in the Government and in the Opposition over these issues. However, there is a huge difference between an opinion and policy and the assertion that this House has been misled or that untruths have been told. We on this side of the House have had more debate about this issue and not about whether the Minister for Planning has misled the House or told untruths. He is not the sort of person to do that. It is incredible that the Leader of the Opposition has taken it upon himself to join in this debate.

I refer again to the Multiplex deal at the Swan Brewery. I remind the Leader of the Opposition of the history of that deal. He will not like it, but he should remember that the test of whether one tells the truth is in what one says and what one does. What did the former Minister, the now Leader of the Opposition, do in relation to the Swan Brewery? He conducted and oversaw a tender process that, by any examination, was an absolute sham. On 11 May, invitations went out to companies in Perth asking them whether they wanted to tender for the project. It said that they had eight days in which to reply. In this House on 4 June he said, "Hang on, we are on the verge of a deal and the company is Multiplex." What a sham tender process that was. What he said is just as bad.

On 4 June, he, as responsible Minister, told the public that the project was a redevelopment to provide commercial office space. On 19 June, he said it was to provide commercial office space and public purpose space. However, the lease document in the third schedule of the legislation provided for offices, retail premises, residential premises, a boutique hotel and restaurant premises. Then came the crunch. On 14 August, when Multiplex boss, John Roberts, unveiled his $40m plan, it included a three storey building that had not been discussed at all. It was an entirely new building, hardly heritage -

Mr McGinty: Yes it had.

Mr C.J. BARNETT: No, it had not. Then there came the coup de grace - out of the blue a 300 bay car park appeared on the site. It had not been mentioned before. The former Minister, the now Leader of the Opposition, went through an absolute sham tender process to give a sense of propriety to a deal he was doing behind the scenes with Multiplex. What he did -

Dr Gallop: He tabled everything.

Mr C.J. BARNETT: No, he did not. It began as a commercial development. It then included a public purpose development and proceeded to include restaurants and then we saw a new building and a car park. What one says and what one does is the test of truth.
Unfortunately for him, he stands on his record. It is incredible that the Leader of the Opposition would move a motion like this against an honest man and an honest Minister.

Several members interjected.

The DEPUTY SPEAKER: Order! Once again, two or three people are trying to interject at the same time.

Mr C.J. BARNETT: All Ministers face pressure from decisions, conflicting interests and timetables. All Ministers are conscious of that. Former Ministers on the other side are aware of that. Under pressure, mistakes can happen. We all make mistakes. I am not suggesting that a mistake was made by the Minister but people do make mistakes; that is inevitable. However, there is a huge difference between differences of opinion and argument about policy and about the final effect of a piece of legislation. In fact, there has been a most vigorous debate about the effects of the proposed planning legislation on environmental issues and the Environmental Protection Authority. It is fine to have that debate and the Minister responsible can handle himself well enough. However, that is greatly different from that which is referred to in the motion. The best example for everybody in this Chamber is the conduct of the Leader of the Opposition who deliberately went through a sham process and deliberately did not tell the truth in this House and did not reveal the full details of that deal to the people of Western Australia. That is unacceptable for a Minister of the Crown. There is no parallel between that and the conduct of the Minister for Planning in whom members of this House and the community have confidence. This motion is rejected.

MR RIPPER (Belmont) [5.56 pm]: The Leader of the House is the same man who, in question time, admitted that there had been no tender process for the Ord hydro project just after his colleague, the Minister for Water Resources, said that the Government had not asked for quotes when it awarded a contract to Controlled Marketing - a company dominated by a person with very close connections to the Liberal Party. It is a mistake for the Leader of the House to dare to mention tender processes following his and his colleague's performance during question time today. He made a further mistake which was to take advice from the Minister for Planning.

That Minister put up an extraordinary performance in this House this afternoon. I usually enjoy the performances of the Minister for Planning, more for their entertainment value than for any other contribution they make to the business of the House. However, today, he exceeded even my wildest expectations. He presented as a person who is a few bricks short of a load. He indicated that he has a very small grasp of reality. The adrenaline which drives his performances has somehow completely destroyed the judgment that he should bring to his argument.

Dr Gallop: The Tasmanian tiger is alive and loose in Applecross.

Mr RIPPER: There is something very feral loose in Applecross and it shows in the arguments that the Minister for Planning presented.

The Minister for Planning responded to the attacks on the way he has handled the planning legislation now withdrawn not by defending himself but by seeking to attack the Leader of the Opposition. That was a most extraordinary way to proceed given that the attack that he launched has already been comprehensively rebutted by none other than the former chief of the Environmental Protection Authority, Barry Carbon. It was summed up very well by an article which appeared in The West Australian headed "Lewis caught by jibe at McGinty". His grasp of reality is so poor that he launched the same attack on the Leader of the Opposition today that failed earlier. Someone referred, by interjection during the debate, to the black knight who wanted to battle on despite having lost his arms and legs. The Minister reminds us of that comedy character over and over again.

I remind the House of the Minister's characterisation of the Opposition's position on his failed planning legislation. The Minister wrote to The West Australian on 4 November 1994 saying that even the State Opposition has clearly supported the need for the Government's changes when, on 28 September, we moved a motion in this House calling for the Bill to be withdrawn. That is an indication of his very precarious grasp on reality.
That is the problem. I do not believe that the Minister has a character problem or that it was his intention to mislead the House and tell untruths. I think he has a problem of judgment. He has not conducted himself in this debate over recent months and again today as should a Minister of the Crown.

The Leader of the House should remember that the Premier is responsible for the standards in his Government. He should take action to bring the Minister for Planning into line because the Minister for Planning has played fast and loose with the truth, has demonstrated a precarious grasp of reality, and has not conducted himself in this debate as should a member of the Government.

Question put and a division taken with the following result -

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<td>Mr D.L. Smith</td>
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<td>Mr Brown</td>
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Question thus negatived.

Sitting suspended from 6.02 to 7.30 pm

WESTERN AUSTRALIAN TOURISM COMMISSION AMENDMENT BILL

Committee

The Chairman of Committees (Mr Strickland) in the Chair; Mr Court (Minister for Tourism) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 3 amended -

Mrs HALLAHAN: There seems to be general support for this Bill. It would be useful if the Minister for Tourism spelt out the reasons for the changes that are being made in this clause. Why are we not using gender neutral language? Is the Government opposed to that? Will the Minister indicate the reason for the change in the definitions of chief executive officer, the board and the commission? It may prove useful later if the reason is provided.

Mr COURT: In the definition of "chairman" the words "and chief executive officer" will be deleted to enable the duties of the chairman and the CEO to be separated, consistent with one of the main thrusts of the legislation. Introducing the concept of a board is designed to eliminate the confusion over the use of the term "commission". In some
instances it has been used to refer to the commissioners and at other times it has meant the organisation and staff. This confusion was once commented upon by a judge of the liquor licensing court. Calling the commissioners a board provides clarification. The Australian Tourism Commission also uses the term "board". The term "board" will replace "commission" as appropriate throughout the body of the legislation. The term "appointed member" will be replaced with "member", meaning a member of the board, and the definitions of "paragraph", "Part", "section", "subsection" and "Trust Account" are being deleted as they serve no useful purpose in the interpretation of the legislation. The term "chairman" was in the original legislation. That term was suggested by the drafting people, but it fully covers a chairperson.

Mrs HALLAHAN: Mr Chairman, Chairperson -

The CHAIRMAN: Order! I am the Chairman.

Mrs HALLAHAN: I note that you would like to be known as the Chairman. However, that does not preclude you from also being a chairperson. I would like to indicate to the -

The CHAIRMAN: Order! The member should resume her seat. The standing orders indicate that the position in this place is the Chairman, and I will not allow the member to question that situation.

Mrs HALLAHAN: I am absolutely inspired by the energy that the Chairman has put into such an important matter. Perhaps that is why he is Chairman of Committees. I move -

Page 2, line 16 - To delete "chairman" and substitute "chairperson".

Mr COURT: We do not have any difficulty with the amendment.

Amendment put and passed.

Mrs HALLAHAN: I seek clarification regarding the amendment just passed. Can I assume that the word "Chairman" will be replaced by "Chairperson" throughout the Bill?

The CHAIRMAN: I am advised that the member will need to move an amendment to replace the word on each occasion that it appears in the Bill.

Mr COURT: I suggest that we continue with the Committee stage to its finality, and then recommit the Bill. In the interim I will arrange a draft of the necessary changes to allow for the deletion of the word "Chairman" and the substitution of "Chairperson" where necessary in the Bill.

Mrs HALLAHAN: That is sound thinking; I thank the Minister for Tourism for that, and compliment him for his acceptance of the amendment. It was not a case of my springing it on the Committee; the matter arose as the Committee stage commenced.

Clause, as amended, put and passed.

Clause 5: Section 4A inserted -

Mr D.L. SMiTH: During the second reading debate I asked whether the Government would make a commitment to the appointment of commissioners in country areas. The Minister for Tourism indicated that a commissioner had been appointed in the Pilbara. I do not wish to amend the legislation; I seek only a commitment from the Government that it will give serious consideration to the appointment of at least one country commissioner each year.

Mr COURT: We have two at present: Linda Marquis from the south west and Terry Baker from the north of the State. It is our intention to have a reasonable representation on the board.

Mrs HALLAHAN: What is the Government's attitude regarding a chief executive officer being a member of the board? I understand that debate has occurred within Public Service circles regarding CEOs, and perhaps other members of staff, being included on the board. This is a break with longstanding tradition in the public sector. Will there be an opportunity for a CEO to be a commissioner and therefore a member of the board? Are we moving towards a new concept of boards in government or will we stay with the longstanding model?
Mr COURT: The amended Act will provide for a CEO to be appointed to the board at the discretion of the Governor; that is, the Government. The industry indicated that it would prefer to have the CEO on the board. If the CEO is not a member of the board, it is common practice for him to sit in on board meetings in an ex officio capacity. The Government will have the flexibility to make a decision about whether CEOs will be appointed to the board.

Mrs HALLAHAN: Because most people in the industry come from the private sector they suggest that the CEO should be a member of the board. Perhaps in his remaining years in government the Minister for Tourism will be pressured by the private sector; that is, people will want to see a different board model. I agree that is not normal in the government arena, but it is normal for many corporations to appoint to the board the CEO and other directors who are paid full-time by the organisation. In some cases it is close to a 50:50 situation. It is also a board model for smaller firms. How will the Government arrive at a decision? For example, why does the Government not say that this is a new model that it wants to try? What will weigh upon the mind of the Minister or the Government when deciding whether to recommend to the Governor the appointment of a CEO as a board member?

Mr COURT: We will have the best of both worlds when this legislation is passed. People will have a choice. This procedure works well in the private sector.

Mr D.L. SMITH: Will the appointments made by the Government include the CEO as a member of the board? What kinds of factors will the Minister take into account when deciding whether CEOs in future should be board members?

Mr COURT: The term of the existing commissioners is until December this year, then a new board will be put in place. That is why the Government wants to get this legislation through. The Government has not made a decision on the make-up of the board and whether the CEO will be a member of the board.

Mr D.L. Smith: Will any change be made in the CEO between now and then?

Mr COURT: The Government is pleased with the performance of the CEO: I do not envisage a change. I have taken on board the member for Mitchell’s wish that there be proper representation from the country centres, and that will be met.

Clause put and passed.

Clause 6: Section 5 amended -

Mrs HALLAHAN: What matters will be considered in any decision on whether the CEO will be a member of the board? How will that be made known to the Parliament or, indeed, to the shadow Minister?

Mr COURT: I think the member for Armadale is confused about how a board operates. When a CEO is not a member of a board, which is common, it is normal for him to sit in on board meetings. It is not as though a board operates without the CEO knowing what is going on.

Mr D.L. Smith: Board members can exclude the CEO from their meeting at their discretion.

Mr COURT: Of course they can. However, it is normal practice in most private sector businesses for the CEO to sit in on the board. The member for Armadale will know the make-up of the board when it becomes public, because it must go through the Cabinet, through Exco, and then into the Government Gazette.

Mrs HALLAHAN: I do not think the Minister for Tourism is being deliberately evasive; however, my question has not been answered. The Government is building flexibility and discretion into this clause. That is accepted. What matters will the Government consider in the exercise of that discretion? How will that be known to the public? How will we know what those deciding factors were?

Mr COURT: I cannot tell the member for Armadale what our thought process will be.
Mrs Hallahan: It would be useful. People must have thought it out. If you do not have a clear system in mind, it must be by whim.

Mr COURT: The member is trying to trick me.

Mrs Hallahan: I would succeed if I tried.

Mr COURT: It will go to Cabinet and Cabinet will then make a decision on the recommendation. Is the member for Armadale saying that she is not trying to trick me?

Mrs Hallahan: I am not trying to trick you; I am being straight out. You’re the one who is trying to be tricky now.

Mr COURT: I am not. A decision will be made and the matter will go to Cabinet, and Cabinet will decide whether it believes the people were appropriate.

Mrs Hallahan: I am not concerned about the people; I understand that process. The Government is building a discretion into the Bill. What factors will it use to decide whether to exercise the discretion?

Mr COURT: It may be the advice that comes from the chairman and the board. They might be comfortable working with a particular arrangement, and the Government might agree with that; or the Government might believe it is appropriate that the two be separated. As I said, it is normal practice in the private sector to allow discretion as to whether the CEO is on the board. The member for Armadale is trying to read into this clause something that is not there.

Mrs HALLAHAN: I understand that members will be appointed and that the public will be advised of those appointments. I understand also that in the private sector the CEO is on the board.

Mr Court: No, the CEO can be on the board.

Mrs HALLAHAN: All right. The only reason the Minister is offering - we need it on the record because it has some interesting connotations - is that one of the criteria might be the comfort between the CEO and the chairperson of the board.

Mr Court: The comfort?

Mrs HALLAHAN: That is what the Minister said; how they feel about each other.

Mr Court: I didn’t say "comfort".

Mrs HALLAHAN: What did the Minister say: How they feel about working together and what they think? This highlights my point that there are no clear factors about this discretion the Government is building in. I am not trying to be difficult, but am simply asking for a clarification.

Mr COURT: I do not know how I can clarify such a simple matter. The legislation states that the Government may make a decision to have the CEO as a board member, or the CEO might not be a board member.

Mrs Hallahan: What are the factors you as the Minister will consider to bring you to that decision?

Mr COURT: Perhaps the member for Armadale can tell me what thought processes go on inside her party about who will be its leader. We cannot put those things down on paper. It is a process we work through; we choose people and make sure they are capable of doing a job.

Mrs Hallahan: With all due respect, it seems that the Government is building in a discretion to which it has given no thought. Somebody must have given some thought to it, but clearly the Minister has not.

Mr COURT: The Government has given a lot of thought to it. That is why it is amending the legislation. Under the existing legislation the chairman and the CEO are the same person. The Government thinks that is an unhealthy arrangement. The board has a responsibility with its duties, and the CEO has his or her responsibilities in that area. The idea of a board is to oversee the general operations and direction of the
commission. It is the normal practice in the private sector to have discretion as to whether the CEO is on the board.

Clause put and passed.

Clause 7: Section 7 amended

Mrs HALLAHAN: This clause is a departure from past practice. Today in response to the second reading debate the Minister for Tourism said that a review of the remuneration for members of boards was being conducted across government. What will this discretion mean? For example, will any limit be placed on any Minister wanting to make a particularly large remuneration to a board member? It would be a departure from the past if the review came out with a set of recommendations for allowances to be paid to a member, with the amount being determined by the Minister after consultation with the Office of Public Sector Management.

Mr D.L. SMITH: What is the current remuneration of the ordinary members of the board, and is any extra remuneration paid to the present chairman over and above his salary as a CEO? Has the Minister any intention of increasing salaries from the current levels and, if so, to what level? In determining these remuneration levels, will the Minister take into account any side benefits the board members receive such as travel? The parish priest at the last church I visited on my travels overseas noted that 3 November was the feast of St Martin of Tours, but that it was not true he was the patron saint of bishops and parish priests - who seem to be travelling all the time. I wonder whether St Martin, Bishop of Tours, might be the patron saint of Ministers of Trade and members of the Tourism Commission.

Mr COURT: The combined chairman/CEO position is a package of just under $100 000. The commissioners are paid $3 750 at present. After consultation with the Minister for Public Sector Management, there will be flexibility in remunerating the members, but within the framework of public sector consistency. When we conducted a study on what people have been paid, by and large there have been no increases in most areas for many years. Some remuneration is absurdly low. Certainly, there are distortions in the system.

A private sector group conducted an exercise on boards and committees in Tasmania. It worked out what they did, where they ranked in the system, and what they should be paid. We propose to do just that, and we will amend the Salaries and Allowances Act, so we can determine what the remuneration is on all these different boards. It will probably be a grading system. We will determine into which level a board fits. The distortions that have come into the system resulted from political appointments. For example, a former member of Parliament is appointed and the previous salary, which may have been $30 000, is increased to $60 000 because that person is doing more work, or whatever. Where those cases are identified we appoint a new chairperson and bring the salary back to what is the appropriate level on the advice of the Salaries and Allowances Tribunal. For example, we sought advice from the Salaries and Allowances Tribunal on the appropriate levels of remuneration for appointments to the Commission on Government, and we accepted its advice. We will be moving to consistency across government in remuneration. I envisage with this new structure that there could be an increase in remuneration for board members, but I do not think it would be much.

Mr D.L. SMITH: I take on board what the Minister has said. In general terms, most boards would receive only sitting fees and that achieves a degree of equity in time, etc. However, where an annual salary or reward is paid the Minister must distinguish between those who are appointed to the board, not because they have an interest in the area but because they have legal, accounting or other business experience that is valuable to the commission, and those appointed in a representative capacity. Some legislation requires that boards comprise members who represent a section of the community. Board members who are appointed because they represent the interests of their group must be treated differently from people who are expert in an area and who are not getting any personal reward other than what they are paid.

Clause put and passed.
Clauses 8 to 10 put and passed.

Clause 11: Section 11 amended

Mrs HALLAHAN: This clause provides a different model for dealing with the question of the interests of board members. I understand that this may not be the most stringent model available. This is an intensive industry and no doubt a number of people on the board will have vested interests. I ask the Minister for Tourism to briefly explain the intention of this clause.

Mr COURT: The current Act leaves the issue of the exclusion of a member with an interest from discussion and/or voting to the discretion of the commission. It is silent on the matter of whether the member with any interest may remain while the commission determines whether the member may take part in the discussions and/or the vote. The Australian Tourism Act is more precise and requires the member with an interest to be absent while the matter of the member’s exclusion or inclusion in the discussion and/or voting on the subject is discussed. The State Government Insurance Commission Act is consistent with the Australian Tourism Act, while the East Perth Redevelopment Act is more stringent because it provides that exclusion from consideration, discussion or voting is obligatory. It is believed that the models in the Australian Tourism Act and the SGIC Act would suit the commission’s needs and that is what is incorporated in this clause.

Clause put and passed.

Clause 12 put and passed.

Clause 13: Division 2 of Part II amended

Mrs HALLAHAN: In the second reading debate I raised the question of the leakage of tourist dollars from this State and I do not think my concerns were fully understood by the Minister for Tourism. The tourism industry is unlike other industries. The statement that until recent years local people have not been aware of the benefits of investing in the tourism industry does not address the question of the leakage of the tourism dollar. I understand that it was reported tonight on one of the television stations that Sizzler will be importing beef from the United States.

Mr Osborne: It is not going to do that now.

Mrs HALLAHAN: That may be the case, but it is a classic example of the leakage of tourism dollars from not only this State, but also other States. It is a question of investment not only in infrastructure, but also in a range of services which are provided from within the facility. The revenue for those services may flow out of the State and Western Australians would not benefit to the extent they should. The Minister should give an assurance that the Tourism Commission of Western Australia will have the required analytical tools to quantify that leakage. During the second reading debate I said there were grave doubts about the statistics published in the commission’s publications. I understand from people interested in policy that it is a substantial problem and that great care must be taken in any analysis of what comes into the State in tourism dollars, what stays here and what goes out.

Mr COURT: I am advised that a study was done on this matter in Cairns where there is a large Japanese investment in various operations. It was found that the leakage of tourism dollars from that marketplace to Japan was 9 per cent. This State runs huge trade surpluses and it does everything it can to encourage local people to be investors in and suppliers to the tourism industry. I will provide the member with a copy of the study to which I referred.

Mr D.L. SMITH: My problem may be in the drafting of this clause. The heading of division 2 is amended by deleting the word "objects". Am I correct in thinking that the functions referred to in clause 13 are, in effect, the objects? In effect the objects of the commission will be described as functions. Is this true, or is there to be a separate objects clause?

Mr COURT: The heading of new section 13 will be amended to read "Functions and powers of the commission". The functions have been rewritten in proposed section 13(a)
to (f) to clarify the commission’s involvement in promoting, developing, facilitating, organising and administering activities associated with events and conventions in addition to promoting the State as a holiday destination.

Mr D.L. SMITH: I do not have a copy of the principal Act and I am trying to ascertain whether there is an objects clause separate from the functions clause - clause 13.

Mr COURT: I am advised that "objects" is an obsolete term and legislation now refers to "functions and powers".

Mr D.L. Smith: Will the objects come into the legislation under some other clause?

Mr COURT: No.

Clause put and passed.

Clause 14: Sections 13 and 14 repealed and sections substituted -

Mrs HALLAHAN: This clause and clause 15 involve the expenditure of public money and I ask the Minister for Tourism how it will be accountable to the Parliament. Will the Freedom of Information Act apply in this instance? I accept that the details of the budget allocation will be available to the Parliament, but this body will continue to be a quango and will not be required to provide detailed information. I assume it will be an active body and will make money available to private sector organisations.

Mr COURT: The Freedom of Information Act will apply and the information to which the member is referring will be reported in the operational plan, the details of which are outlined in proposed section 16(c).

Mr D.L SMITH: During the second reading debate I expressed my concern at the lack of clear directions being given to the commission about country tourism. Not enough direction is given on the importance of encouraging equal development of tourism in country and regional areas as in the metropolitan area. I would like some clear expression that for interstate and international tourists one of the functions of the commission is to encourage them to spend as much time as possible in non-metropolitan areas of Western Australia. Intrastate tourism must be promoted with equal force as interstate and international tourism. I am not suggesting any amendments to the Bill, but I ask the Minister to consider before the matter is brought back before the Parliament - or his replacement if there is a change of government by then - rewriting the functions so that a clear commitment is given to the matters I have raised.

In relation to accountability, under both the functions clause and the power clause there seems to be a fairly unlimited power, subject in only some cases to Treasury approval, for the commission to enter into business arrangements, joint ventures and the like. For the East Perth Redevelopment Authority and the like, it was legislated that where those arrangements involve a substantial financial commitment over a certain sum, say $500 000 or $1m, these commitments are to be individually reported to the House or listed in the body’s annual report or otherwise communicated to the Parliament. That was the case with the sale by the State Energy Commission of Western Australia to the East Perth Redevelopment Authority of a parcel of land for $2m. I have absolutely no problem at all with commissions, especially tourism commissions, being able to exercise some of the powers and functions provided for in this legislation. However, there should be some simple reporting mechanism for accountability in addition to the normal requirement, such as that arrangements which deal over a certain amount must be communicated to the Parliament or noted in the annual report. During the second reading debate I said to the Minister that there is nothing wrong with the State supporting private enterprise. However, when the State supports private enterprise there needs to be full disclosure and accountability. It is not quite true that when the State supports private enterprise information is always available through freedom of information legislation. If it comes down to one of the exceptions in the legislation relating to freedom of information, quite often the Minister for Trade or the Minister for Resources Development declines to produce contracts or to provide details of tenders, incentives and the like on the basis of financial confidentiality, business secrets or some other reason. In these cases what assistance is being given to private enterprise, local
authorities or persons needs to be reported in some way either directly to the Parliament through the annual report mechanism or through someone else who is given the responsibility to oversee those arrangements.

Mr COURT: Paragraph (j) spells out that any grant must be approved by the Treasury. The commission cannot provide assistance off its own bat without having it approved and meeting the conditions laid down by the Treasury.

Mr D.L. Smith: That is not the only form of assistance. One can apply a whole management-approved disposal of real or personal property so that one can invest in a hotel with a private venturer. That investment would not require Treasury approval under paragraph (j) because it would not be a grant or a loan but a direct investment.

Mr COURT: The Treasury condition we spelled out is the same condition the Opposition put in its legislation when in government, which covers loans, guarantees, etc.

Mr D.L. Smith: It does not cover direct investments, joint ventures, partnerships, joint sponsorship and joint organisations.

Mr COURT: Our problem was that under the previous legislation the commission was considered unable to lend money to an incorporated association. A number of cases have arisen where one would want to lend moneys to bodies made up in different ways. With this change we have made it possible for that to occur.

Mr D.L. Smith: I will give an example under clause 13. The Minister told us today that one of the ways he would be raising extra money for the promotion of tourism was to go to private enterprise and say, "We have $X to spend in this area. If you want to come in with us to promote this particular product we will contribute $X towards the promotion." We may be talking about $1m for a big campaign overseas promoted on behalf of Western Australia, which may be featuring a particular event or tourist destination, such as Broome or the resort of Cable Beach. How do we know whether Cable Beach is putting in a third of the cost or half the cost, or what benefit Western Australia is receiving as a spin-off?

Mr COURT: We do a lot of cooperative advertising.

Mr D.L. Smith: I support that and have no problem with it. How is it accounted to Parliament?

Mr COURT: We have to operate within a budget. During the estimates debate we spell out where we envisage the main money will be spent on marketing programs.

Mr D.L. Smith: You will not tell us about a particular campaign. There may be an $8m or $10m budget. I will stand and address the issue.

The CHAIRMAN: I cannot have both members standing, member for Mitchell.

Mr COURT: I am advised that the industry contribution is shown in the annual report of the Tourism Commission.

Mrs Hallahan: In aggregate?

Mr COURT: Yes.

Mrs Hallahan: That is the problem.

Mr D.L. SMITH: The Minister might have $1m to promote the Kimberley region in general. The Minister may agree with Cable Beach and tag into the promotion a significant emphasis on what a good resort it is, the advantages of Broome, and how cheap and easy it is to get to from other places. Cable Beach would be a very big winner of custom that goes to Broome from wherever that promotion campaign is run. We on the outside have no way of knowing whether the contribution Cable Beach makes to the overall campaign is equal to the value the commission will get from Cable Beach. Nor do we have any assurance from the Minister that the make-up will be the same in all cases. If he were to say to us that the offer is always $2 for $1 for all campaigns it would start to ease our concern, but he does not do that. Quite clearly advertising in the tourism industry is a very big cost. It is a very big incentive and of assistance to tour operators if
they are included in the commission's promotion dollars, even if they contribute themselves. In those cases there needs to be some accountability so that the public know how much Cable Beach put in and how much the State put in in order that they may make some judgment about whether the balance is right in the spin-off to Cable Beach as an individual operator.

Mr COURT: In relation to the detail of the different programs, should a member of Parliament want specific information, he or she can ask for it.

Mr D.L. Smith: That system caused some of the problems with the previous Government.

Mr COURT: The decision about whether the private sector is involved, is made by the private sector. If it decides it wants to participate in a program, and that fits in with the activities of the Tourism Commission, negotiations take place. Members of Parliament can ask questions about any joint advertising for particular companies, campaigns or periods.

Mr D.L. Smith: If it runs a big campaign on the Kimberley, for example, and a private company contributes $1m towards the campaign and does not want anything in return, that is a bargain. I have no problem with that. However, if the tourism operator agreed to contribute $1m provided it got so much of the campaign time, I would start to worry. The State Government may spend more than the individual operator in an effort to promote tourism generally in the north of the State. I do not mind the notion of joint advertising, but we should disclose whether a direct benefit flows from some small contribution.

Mr COURT: That is how the bulk of the marketing budget is spent. If the State spent $1m on a promotion, it might or might not be effective. If the program expenditure were increased to $2m, with the private sector becoming involved, that would be all the better. We often get more for our dollar in that way than would have been the case without involvement by the private sector. There is a system of performance indicators to assess the effectiveness of advertising. On the question of accountability, details are made available in the operational plan, as described in proposed section 16C. If members want week by week or month by month information -

Mr D.L. Smith: We only want to know whether a direct personal benefit goes to a contributor.

Mr COURT: It is hoped that cooperative advertising benefits all parties involved; that is the point of it. We should all get better value for our money. The State Government is limited and it cannot spend a lot of money.

Mr D.L. Smith: I think you need greater accountability, and I ask you to re-examine the legislation.

Mrs HALAHAN: I reiterate the valid points made by the member for Mitchell. The Minister for Tourism said it was covered in proposed section 16C. In the course of debate the member for Mitchell put forward a good idea which is reasonable and workable; that is, a schedule or some form with information should be attached to the annual report so that any accusations of possible rorts can be adequately dealt with. The response from the Minister does not suggest that those fears can be allayed. He suggested that members could ask questions in the Parliament about particular arrangements. Unfortunately, that will not dispel the suspicion of favouritism in regard to campaigns or to companies within the same campaign. The member for Mitchell asked the Minister to re-examine the legislation.

By interjection, I asked whether the information available would be an aggregate, and the Minister confirmed that would be the case. He said that information would not be about individual companies, or how they could benefit. I agree that everybody should receive some benefit from these joint arrangements. Given that, the companies that enter into such arrangements should be prepared for a public statement to be made showing how much the Government contributed towards the campaign and how much was contributed by the private sector. The sooner we move to openness and accountability in these
matters, the greater will be the benefit from the campaigns. It will be more realistic and will avoid any injudicious decisions being made about the direction of government funds, at best, or corruption, at worst.

Although members on both sides of the House applaud the additional funds being made available for tourism and the tourism industry, nevertheless some people feel we are spending significant amounts of taxpayers' money with very little return in the way of outcomes. At the moment everyone wants the Government to spend more money in this area, but in time the question of benefits derived from money expended will become a more important issue. This is an area in which the Tourism Commission has not developed. I may be challenged on that statement, but from my discussions with industry representatives that appears to be the case. Programs must be developed that require specific outcomes from money expended.

Mr COURT: One member says we are spending too much money on the marketing side, and the member for Balcatta says we are not spending enough.

Mr D.L. Smith: We are saying that you should spend more and be more accountable at the same time.

Mr COURT: On the question of accountability, the member for Armadale said that proposed section 16C does not deal with this situation.

Mrs Hallahan: When I questioned you, you said that 16C provided the answer. When I later interjected, you said that the money will be an aggregate and I took that to mean that 16C would not provide an answer.

Mr COURT: Proposed section 16C states that when the board is preparing a corporate plan it shall prepare an operational plan for the financial year to which the corporate plan relates. That operational plan must provide an estimate of the commission's income and expenditure for that financial year, and specify the resources that the board proposes to allocate to each program.

Mrs Hallahan: Do you agree that the actual figures are needed, rather than estimates?

Mr COURT: The commission must comply with the Financial Administration and Audit Act, and the member for Armadale stated that it should not be open to rorting. As we all know, everything is open to rorting. There cannot be any greater accountability than a requirement to comply with the FAA Act and disclose all of the information that is required. Any contract in excess of $40,000 that is entered into by the commission, whether it be a contra or whatever, must go to the board for approval. The board is in place to ensure that everything is open, accountable and above board.

Mr D.L. Smith: It is public money, and the board must make full disclosure in some way so that we can ensure that the commission is making the right decisions.

Mr COURT: It must do just that under the FAA Act. I do not think the member understands how the FAA Act works, because it is about accountability. The operational plan will spell out how the commission intends to spend the money, and at the end of the year it will have to provide a full set of accounts, which will include outcomes. The Auditor General will be responsible for checking the outcomes against the performance indicators, and if he is not happy with the outcomes, he will report to the Parliament directly. All of the safeguards that are required have been put in place.

Mr D.L. SMITH: We all know that there is FAA legislation, that there are accountability standards, and that there is FOI legislation, but I repeat that none of that will give us the information that the public requires in regard to joint ventures or cooperative campaigns with private enterprise to not only believe but also know that the board is doing the right thing. The lesson of the recommendations of the royal commission is that what the Minister regards as safeguards are not absolute safeguards. They are fine so far as they go, but more is required. I urge the Minister next time this Act is reviewed, or preferably over the next 12 months, to think about how the commission can be made more accountable with regard to joint ventures to develop or facilitate the development of new tourist facilities, etc, which in the past has included the joint development of hotels.
Mrs HALLAHAN: I agree with the comments of the member for Mitchell about the need for greater accountability. The member for Mitchell asked the Minister to give an undertaking that he would scrutinise the Act with these concerns in mind, and I am interested to hear the Minister's response.

Mr COURT: The member for Mitchell said that he wants something more absolute. Nothing is absolute when it comes to —

Mr D.L. Smith: We require more disclosure than is currently required.

Mr COURT: The former Government did not have to govern under the Freedom of Information legislation.

Mrs Hallahan: Do you not like FOI?

Mr COURT: I am just saying that the former Government decided to not put that in place.

Mrs Hallahan: It was our legislation.

Mr COURT: It did not apply when members opposite were in government. We campaigned for years for the former Government to introduce FOI legislation and it would not do it. It just so happens that it came into effect when the former Government went out of office.

Mrs Hallahan: Are you complaining about legislation for which you campaigned?

Mr COURT: I am saying it is a further safeguard in the system. All of the safeguards which we have here are appropriate. If the system was sorted by someone, that would be a fraudulent activity, and there is a pretty severe penalty for fraud.

Clause put and passed.

Clause 15: Section 15 amended —

Mrs HALLAHAN: Despite the fact that the Government is now working with the freedom of information legislation, the Minister has failed to recognise that many of the contracts about which we are talking may be exempt from the FOI legislation because they are commercially confidential. The information which the Opposition is seeking and is saying would be reasonable to be provided will therefore not be provided.

Mr COURT: The information must be provided to the member if it is requested.

Mr D.L. SMITH: Proposed section 15(1)(b) states that the commission may acquire, hold and dispose of shares, units or other interests in any business arrangement. I urge the Minister again to look at the East Perth redevelopment legislation, the provisions of which were repeated in the Subiaco redevelopment legislation, because it contains some requirements which would be useful with regard to this matter. The proposed section states that the commission may do certain things for the purpose of developing and operating tourist facilities in Western Australia or organising or administering events and conventions. During the second reading debate, I referred to the importance of activity tourism, whether cultural, sporting or otherwise. The commission could enhance the quality of particular events by lending its organisational support under an EventsCorp-type situation or by increasing the prize money by coming in as a co-sponsor or advertiser of some events. One example that was given during the second reading debate was the surfing competition at Margaret River, which would not have proceeded in that year because of insufficient prize money to attract international surfers to that competition.

That sort of support is becoming increasingly important to some of the country events. For example for the eisteddfod in Bunbury the South West Development Authority at one stage increased the value of the prize for the open piano recital from a trophy to $1 500. The immediate effect of that was that almost every young pianist of quality in Perth started entering the competition. It enhanced not only the competition by lifting the overall standard enormously, but also the attraction of the event because the prize winners gave a concert performance. Those types of support will not always be forthcoming from the arts authority or other groups.
The commission should be considering whether it can provide some form of events coordinators in some of the regional centres. Those coordinators could provide some of the hardware and software needed to properly organise some of these programs and professional support to ensure they are being promoted as national events. Beyond that are other tourist attractions, such as annual country shows. The level of support for agricultural shows is limited to occasional capital grants from the Minister for agriculture of up to about $5,000. The result is that many of their exhibition buildings and the like are floundering. The late Charlie Barbetti of Waterloo was good enough to donate a 100 acre piece of land to the Bunbury Agriculture Society for development of an agricultural showground and exhibition centre. He wanted it to be an equestrian type of show. Nonetheless, it has become an important project in trying to develop that park as a regional exhibition centre where trade fairs, shows and other events can take place.

It is very difficult to approach any government body other than the Premier or the Deputy Premier to seek financial support for those projects. I believe the tourism commissioner may have a role in assisting with some of the building infrastructure for events of this kind that are important to intrastate tourism by encouraging people to move to other towns and regions. I encourage the Minister to think about having, not full EventsCorp offices, but at least someone in each regional centre who could perform functions on a regional basis as does EventsCorp in metropolitan Perth.

Mr COURT: This clause in conjunction with clause 14 enables the commission to assist any type of entity. In the past the commission has been restricted to assisting only companies. When it attempted to assist a unit trust that had a corporate trustee, considerable delay was experienced while legal opinion was sought regarding the commission's ability to assist. The specific reference to events and conventions and the creation of the Perth convention unit is recognition of the amalgamation of EventsCorp within the commission. I accept the comments of the member for Mitchell and agree with him about how it works in the regional areas.

EventsCorp overall takes a risk in some of the things it supports; it has winners and losers. As a Government we must accept that. Often some of the most unlikely events become successful, ongoing operations. Winning one event often gives a bit of a boost for a period, but if an annual event can return to the State it is often of much more benefit. For regional areas this year we have set aside $50,000 to assist in regional events. At the same time we have been holding seminars in the regions to teach people how to run events. A seminar was held recently at Bunbury for that purpose. The member for Mitchell might have been overseas at the time. Some of the regions have developed much expertise in the running of events that have now become successful annual operations. At the same time, the regional managers around the country also assist in providing advice on events and give feedback to EventsCorp to see whether they can assist. We are already implementing the member's suggestion.

Mr D.L. SMITH: I refer to proposed section 15(1)(b) covering the commission's ability to acquire, hold and dispose of any shares. I am not one to in any way criticise government supporting private enterprise. If a Government wants to give X number of dollars to a business or even an individual to support them in some way I have no problem with that. Occasionally we have allowed the problems of WA Inc and the royal commission recommendations to run away with us by believing the Government has no right ever to assist private enterprise. That is not the case at all, but a precondition of that assistance must on every occasion involve full disclosure to the public by the appropriate means that it has happened, the nature of the assistance, the reasons it has been given and what is the perceived public benefit. I do not think under the obligations currently on the commission, whether the freedom of information legislation, the Financial Administration and Audit Act, the Burt Commission on Accountability requirements or in any aspect of this legislation, there is sufficient requirement to provide the information and to be accountable in the way I suggest.

Clause put and passed.

Clauses 16 to 21 put and passed.
Clause 22: Section 22 amended -

Mrs HALLAHAN: This clause amends the principal Act by deleting $2 500 and substituting $5 000. We are debating an Act that has been in place for nearly 10 years. Has such a fine ever been imposed? If no such fine has been imposed, does that mean that no offence has occurred against the secrecy provisions, or does it mean the provision has not been enforced?

Mr COURT: Under section 22 the penalty for a breach of confidentiality will be increased from $2 500 to $5 000 to allow for inflation. The section has not been used in the 10 years of the commission's existence.

Mrs Hallahan: Does that mean that the provisions have not been imposed?

Mr COURT: I said they had not been used for 10 years. They have not needed to be used.

Mrs Hallahan: Therefore, the assertion is that they have never been needed because there has never been a breach of the secrecy provisions?

Mr COURT: That is right.

Mr D.L. SMITH: I saw the Minister on television tonight speaking about leaks on certain police matters. I agree with what he said about these leaks. Nonetheless, there are occasions when there is a need for what we call whistleblowers; that is, people who do not leak information with any malice but try to ensure that, in the public interest, matters about which the public should be concerned are communicated to the public. It worries me that we have not looked at all of these secrecy provisions that impose penalties of this kind to ensure that, in the Interpretations Act, the public sector Act or some other general way, whistleblowers are not punished for making disclosures in the public interest.

Mr COURT: Two avenues are available to people with complaints: They can go to the new Public Sector Standards Commission or the Official Corruption Commission. Mechanisms are available for whistleblowers to reveal matters about which they are concerned.

Mr D.L. SMITH: I do not think it is appropriate to say that avenues are available to those people when those avenues do not involve making the matters about which they are concerned public in the ordinary sense. Whistleblowing is not about protecting people who go to public offices. Whistleblowers have always been able to go to the police, the Public Service Commissioner, the Premier, the Parliamentary Commissioner, the Auditor General and elsewhere. Because of the nature of their offices, those people would have been protected. However, in my view, people should have the capacity, when they genuinely believe that there has been malpractice or fraud in an agency, or when something has gone on that is contrary to the public interest, to make it public. Often, when the Government was in opposition, members opposite obtained information in that way.

It is wrong for people who do that to be worried about being prosecuted under this provision or under the Criminal Code, as happened with an officer of the then State Housing Commission under the previous conservative Government. It is time that we wrote into the Criminal Code or somewhere else an appropriate defence that allows people who are charged with these sorts of offences to raise the defence of public interest because what they did was in the public interest and not because of some maliciousness or personal interest.

Mr COURT: The member for Mitchell knows the law better than I do. It is important that avenues are available to people to express their concerns. I mentioned two of the avenues that are available. The member referred to those people going to the police or to the Minister responsible. It is something that played very heavily on my mind during the WA Inc years, because the ultimate thing a public servant could do was to resign his position and then go public about why he resigned his position.

Resigning one's position is an extreme thing to do because that person has thrown away his job because he feels strongly about something. However, before he gets to that stage,
a number of avenues are available to him to express those concerns. One of the problems is that it sometimes takes a long time for a body like the Official Corruption Commission to investigate a matter and for something to flow through the system. The person often is not aware of what is happening. I understand the concerns that the member has expressed and I think he would know better than I about the legal difficulties in that area. However, more avenues are now available for public servants who are not happy with what is happening in their operations to express their concerns.

Mr D.L. SMITH: I wish to make clear that there is absolutely no suggestion of any impropriety within the Tourism Commission at any stage. The matters we have raised were raised as general issues and not in relation to the agency with which we are dealing.

Mr Court: I appreciate that.

Clause put and passed.
Clauses 23 to 26 put and passed.
Title put and passed.
Bill reported, with an amendment.

Recommital

On motion by Mr Court (Minister for Tourism), resolved -
That the Bill be recommitted for the further consideration of clause 4.

Committee

The Deputy Chairman of Committees (Mr Day) in the Chair; Mr Court (Minister for Tourism) in charge of the Bill.

Clause 4: Section 3 amended -

Mr COURT: I thank the member for Armadale and the Opposition generally for their cooperation in this matter. I move -

Page 2, line 16 - To delete "chairperson" and substitute "chairman".

We agree entirely with the principle that the word "chairperson" should be written into all new legislation as it comes into the Parliament. However, we have run into a technical difficulty in that we are amending an old piece of legislation, although it is not all that old. In the previous legislation the word "chairman" appeared. During the debate we were advised that if a way could be worked out of having the term amended in the Legislative Council this time around, we would do so.

If that does not work, we might be able to do it in the omnibus Bill that will be debated next tonight. Those sorts of minor changes to a name can be incorporated in such a Bill. Therefore, we will not have to wait until a tourism Bill is brought before the Parliament. The amendment can be done in one of those pieces of legislation. We agree entirely with what the member for Armadale wants to achieve and will do what we can to have the term changed. All new legislation these days comes in with the term "chairperson".

Mrs HALLAHAN: I accept the Minister's explanation. It is a remarkable indication of what was achieved in 10 years of Labor Government. That period has been subjected to a great deal of criticism, yet a lot of good things that were done in that time have not been recognised. This amendment is a symbol of some of the social change for the better that took place in that time. Owing to the technical problem, given the way in which the parent Act was written under a Labor Government, I now accept that we cannot just change this amending Bill. During that time of Labor Governments it was recognised that to use the word "chairman" was as offensive to many people in the community as the word "chairperson" appeared to be to the member for Scarborough this evening.

I told the Minister that I thought he was sliding back to old ways. He assured me that he was quite agreeable, as he displayed in the Committee stage, to have my amendment accepted. Having been given advice, which I accept, that a technical problem would be created were we to make the change now, the amendment needs to be dealt with in
another way. I recall that when I was a Minister in the other place, one of the Premier's former colleagues, an experienced parliamentarian who had previously been a Minister, was debating a Bill of which I had carriage and he insisted on calling me Mr Minister. I do not know where that term would be enconced in the traditions of the House; however, he insisted on using it when referring to me. It was quite extraordinary obstinacy on his part not to accept that a woman could be a Minister. I could think of no other explanation.

I am therefore rather wary of the attitude of members of this Government. When the negotiations were taking place in Committee I said to the Leader of the House that we all knew the Minister for Tourism is now the proud father of a precious little girl called Emma. If Emma should ever be the chairperson of the Tourism Commission or the holder of some other position of status in the community, we would not want to refer to her as chairman. It would be very silly. I am glad that we can accept that the use of certain words is anachronistic and not acceptable.

I appreciated the spirit in which the amendment was received. I also appreciate the advice that there is a technical difficulty, given the way in which the parent Act is written, and I accept in good faith the undertaking given by the Minister to have the matter looked at when it is considered in the other place. I hope there will be a means of updating this piece of legislation.

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

Further Report
Bill again reported, with a further amendment, and the report adopted.

Third Reading
MR COURT (Nedlands - Minister for Tourism) [9.18 pm]: I move -
That the Bill be now read a third time.

MRS HALLAHAN (Armadale) [9.19 pm]: The Opposition supports the direction of the Bill but I place on record our very real concern about the inadequate level of accountability contained within the Bill. That pertains to making public information about the funding that goes to the private sector, community groups or whoever.

The Minister was reluctant to accept that anything further was required. His argument seemed to be that the Bill had been brought in under a Labor Government and that as it stood, the Financial Administration and Audit Act requirements and the Freedom of Information legislation - which I gather he resents having to work with, when we did not - were safeguards enough. As pointed out clearly by the member for Mitchell, when the Bill was brought into this place and passed it was deemed to contain adequate accountability provisions. With the benefit of hindsight we realise that a greater degree of accountability is required. I view with concern the Minister's lack of recognition of the points made in that regard. I accept it will not be achieved on this occasion but a method of schedules to annual reports, or some other mechanism, should be set up whereby all moneys going to the community or to the private sector should be transparent, particularly in an industry where everyone involved has a vested interest and stands to benefit.

I am not arguing against sponsorship arrangements with the commission or against any support for particular projects. However, like the member for Mitchell, I remain very concerned about the lack of transparency of the commission's actions. Nowhere could I see that concern being addressed. The Freedom of Information Act provides a number of exemptions where commercial confidentiality is invoked, sometimes for good reason and sometimes not. Although the Financial Administration and Audit Act is very important it does not require the public of Western Australia to be fully informed, either through the Parliament or by any other means. To that extent, the Bill contains serious shortcomings and is inadequate.
We wish the Tourism Commission well in its work under the new Act. I trust that the measures that we have processed in part tonight for its future operation will lead to a greater level of economic activity in this State, and that the promise of this industry can be realised.

Question put and passed.
Bill read a third time and transmitted to the Council.

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL**

*Second Reading*

Resumed from 15 September.

MR D.L. SMITH (Mitchell) [9.24 pm]: This Bill is important in the sense that it is an innovation which is long overdue. Too often Bills come before Parliament which are of very minor consequence. They just tidy up a piece of legislation or repeal a couple of Acts in an area that is no longer of concern. Whenever Bills come to this Parliament as an individual Act, some members who like to speak on all Bills feel the need to make a general speech on the individual repeal or individual amendment. In the end, that results in an unnecessary loss of parliamentary time. The kinds of Acts that consolidate many amendments and repeals are long overdue, and I welcome this innovation.

The Bill is important because it continues the work by the former Attorney General, Hon Joe Berinson, to review all legislation and to identify that which should be repealed because it is no longer of consequence and is obsolete. The second aim is to make legislation easy to read, up to date, relevant and free from the minor errors that often occur in the legislative process. Some of that work is done through amendments initiated by Hon Joe Berinson to the Interpretation Act and some through amendments to the reprints legislation. However, there is a need for cases where the use of the Interpretation Act or the Reprints Act is not appropriate; nonetheless it is a minor matter. This Bill does it very well.

Because it is an innovation I wish to make some general comments on how I think these Bills should be treated. As with reserves Bills, we should introduce two of these Bills each year. They should be introduced at the commencement of each session and effectively lie on the Table until the end of the session to enable members to do the appropriate research to discover whether they fit the category of amendment or repeal which is meant to be covered by this type of Bill. When Bills are introduced the person who is responsible for the passage of the legislation through the House should liaise with his or her opposite number in the Opposition and make sure that person is provided with a copy of the Statutes that are being repealed or amended. We face an enormous task in this place when confronted with a repeal or amendment. The normal practice is to ask the parliamentary staff to find a copy of the relevant Acts and bring them to us so that we can check the amendments to see whether they accord with what we regard as the proper interests of the community.

That work should be removed from the parliamentary staff. It should be the responsibility of the Minister introducing the legislation to make sure that the Opposition receives that information as early as possible. In most cases, the Opposition will decide to accept that the Bill should be repealed. In other cases we want the opportunity to refer the piece of legislation to the various community and professional bodies who may have an interest in the area. In that way we seek confirmation that the Bill is obsolete and should be repealed, or that the amendment is minor and the legislation should be amended in the way suggested by the Bill.

Some attention should be given to the writing of the Bill and to the way it appears to us as a Bill. One of my concerns under the current rules is that one has the opportunity to speak only three times on any clause at the Committee stage. If, as with this Bill, some 30-odd Statutes are being repealed, and they appear in a schedule, and we have only three goes at that schedule, anyone with concerns about a great number of the Statutes would be denied the opportunity to comment on many of them. In effect, one must make one’s
Committee comments either at the second reading or third reading debate stage. For that reason, the Bill should be drafted in a way where each repeal, and each amendment to each Act, is treated as a separate clause. If it is not possible to do that owing to the work imposed on Parliamentary Counsel, we should consider amending our standing orders to provide specifically for this kind of legislation to ensure that we have the opportunity to comment on all matters of concern.

The prerequisite for the Opposition being able to accept this kind of Bill is that the repeal or amendments must be of the kind referred to in the Minister's second reading speech. That is, they must be short, they must be noncontroversial, and they must not impose or increase any obligation to adversely affect any existing rights. I would perhaps be slightly more generous than that and allow some amendments which were not short and which did impose or increase obligations to be included, provided they were clearly identified in the second reading speech and, as I said, ample scope was available for some debate on those provisions if the person handling the Bill on this side thought that appropriate.

On my reading of the first example of this kind of legislation, a number of amendments do not seem to fit into the category of being short or noncontroversial, or of not imposing or increasing any obligation to adversely affect the rights of any individuals. The amendments to which I refer are not so much in relation to the repeal Statutes, but to some of the others. For example, an amendment to the Artificial Conception Act 1985 is contained in this legislation which in effect introduces a substitute paragraph (b) dealing with the maternity of the child that is conceived by artificial conception.

It may be that that is as minor as the person introducing the Bill or the draftsperson suggests. However, something as important as declaring who is the mother of the child conceived by artificial conception is not a matter which is noncontroversial, even if it does not adversely affect the right of the person who contributed the ovum, in this case. It is not the sort of amendment that should have been included in this kind of legislation without its being highlighted.

Another example relates to the definition of "court" under the Evidence Act. The new definition, although necessary, is a much wider definition than was previously the case. That should have been highlighted more than has been in the second reading speech and in the explanatory notes which accompany the Bill. Another amendment deals with the Freedom of Information Act, in which section 86 will be amended to make it clear that a third party is entitled to be joined as a party to an appeal under section 85(2), in accordance with the rules of court. It may be that it is just confirming the existing situation, or it may be that it is giving a right which was previously unclear for third parties to be joined as parties to those appeals. If that is the case, it confers a new right which was not clearly there before.

Another example relates to the Government Employees Superannuation Act, where the definition of what constitutes salary clearly is now to include any benefit the employee receives as part of his salary package. Again, it might be argued by the Premier that that does not confer a new benefit, but simply makes it clear what has been the practice or the existing situation. Nonetheless, on its wording it seems at least to provide a clear benefit where perhaps before there might have been only an arguable benefit. Similarly, the Bill contains a change to section 96(6)(b)(ii) of the Liquor Licensing Act where "mortgagor" will be deleted and "mortgagee" substituted. That may be to correct a drafting error, but it completely changes the nature of the legislation from the person who gives the mortgage to the person who takes the mortgage. That is a substantial change in the obligations and liabilities. I have no problem with that, but those changes should be highlighted when these Bills come before the Parliament.

Beyond that, the Opposition has not had the opportunity of referring all the repealed Statutes or amendments to the groups in the community which should have been consulted. We have taken that approach on the Government's assurance that all the amendments are noncontroversial, that they do not impose or increase any obligation to adversely affect any existing rights, and by and large are minor modifications. The
Opposition has taken the Government's assurance in that regard on trust. If we receive any advice subsequent to the passage of the Bill that that trust has been breached in any way, we will want to reconsider our position on welcoming Bills of this kind in the future.

The object of this legislation is to save the Parliament's time; to tidy up legislation; to get rid of all the obsolete Bills to make research and knowledge of the Statutes of Western Australia easier; and, it is hoped, to remove all the anomalies on the face of the current writing of Statutes. I encourage this Government to do what I believe the former Attorney General did; that is, to monitor every comment made by the judiciary at whatever level to ensure that every court decision made in Western Australia which highlights any anomalies which, while minor, are of concern to the courts in the interpretation of Statutes, are noted. A Bill such as this could be introduced six monthly to address the concerns expressed by the judiciary. It some cases that would involve changes in obligations, and it might involve issues of controversy.

One of our problems as a community is that when we are criticised in relation to the Statutes those criticisms are either ignored or the matter is referred, unnecessarily, to the Law Reform Commission or a consultative group and the matter goes into limbo for a number of years while the criticism of the courts continues. In a great number of cases that is not necessary. In most cases the courts’ criticism relates to the way certain legislation is drafted, creating some uncertainty. Where that occurs, we as a Parliament have an obligation to respond to the concern of the courts as early as we can. The best way we can do that is to have these six monthly Bills to address the problem on a regular basis, so that if there is uncertainty or a problem we rectify that as early as we can.

The Opposition does not intend to go into Committee on this Bill and deal with every repeal Statute or amendment. On this occasion we are taking the Government on trust. We hope it has done its work properly and accepts full responsibility for anything we have allowed to slip through tonight which we should not have. To facilitate the use of this kind of legislation I ask that in future the Government have some regard to my remarks on how it should be drafted and presented, and the support and information that should be conveyed to the person handling the Bill on this side to assist in his or her work.

To the extent it may be necessary, I ask the Government to consider reviewing the standing orders so specific provisions are in place to deal with these types of Bills to ensure that on the occasions we want to go into Committee there is more than adequate opportunity for the kinds of debates that should take place.

Mr C.J. Barnett: That is perhaps an appropriate matter for the Standing Orders and Procedure Committee to consider.

Mr D.L. SMITH: I encourage the member as Leader of the House to ensure that matter is referred to the committee to see whether that should occur. I commend the Bill to the House.

MR COURT (Nedlands - Premier) [9.40 pm]: I thank the Opposition for its support. I agree entirely with the member for Mitchell that this legislation will work only for matters of a minor nature as we will not have an opportunity for an extensive debate on the schedule.

Mr D.L. Smith: Research is very difficult.

Mr COURT: We are aware of that, but we wanted to try to establish a mechanism for noncontroversial, minor changes. For example, in the previous Bill, if we wanted to change "chairman" to "chairperson" we would be able to use the avenue of an omnibus Bill and change it right through the legislation. If it contained something that was not of a minor nature and was controversial, it would take away the whole purpose of an omnibus Bill. I thank members opposite for their support.

Question put and passed.

Bill read a second time.
Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Court (Premier), and transmitted to the Council.

RESERVE (No 1720) BILL

Second Reading

Resumed from 29 September.

MR KOBELKE (Nollamara) [9.45 pm]: The Opposition supports this Bill. It will achieve something which we in government attempted to do in relation to a portion of the Kings Park reserve on which is the well known establishment of Bernies hamburger bar. Perhaps we should look at Bernies as a heritage site rather than as part of Kings Park. I can recall my days as a student, when, at 11 or 12 o’clock at night, a group of us would regularly stop there for a hamburger before we went home. I am sure many people have fond memories of Bernies as it was in the 1960s. Of course, times have changed with that form of fast food retailing, and the proprietors, who have run Bernies for many years, accept the way in which the Bill will deal with that piece of land.

I accept the undertaking given by the Minister for Lands in the other place to this effect and repeated by the Leader of the House here. The land in question is leased from the Department of Conservation and Land Management. It will now be converted to freehold and the Government will dispose of it by some form of public tender. The sale process has not been clearly put forward by the Government, but the Opposition will be watching to ensure that process is one which meets all the requirements of proper accountability.

Mr Lewis interjected.

Mr KOBELKE: The second reading speech states that preferably the sale should be by public auction or tender, so there is no clear commitment at this moment. We will accept that the Government will look to the best return from the sale of this land. We will be watching to see that is done in an up-front and accountable way. The Labor Party when in government attempted to dispose of the land in a similar way to this Government. The only difference I am aware of is that the land would have included part of the scarp of Kings Park. The adjoining blocks take in the scarp, but the Government considered that it would not allow the freehold to take up that area of the scarp. In order to ensure that the commercial value of the land is the same as it would have been under the previous process, the Government has deemed, for development purposes, that the area will be 4 550 square metres; whereas the actual size, having taken the scarp out, will be 3 291 sq m.

I hope the Minister can provide some additional details on the type of development that will occur there. The Bill provides for the land to be slotted into the existing town planning scheme for the area. That will overcome the delays in any rezoning of this land. However, with this deemed area, land does not have to be put aside for parks, gardens or open space like the adjoining allotments. They have the scarp and they must provide a certain area of open space for gardens. This block will not include the scarp; that will remain part of the allotment of the land called Kings Park. That is the quid pro quo, as they will not have to provide that same amount of open space by giving the larger development area. The area is currently zoned as R160. Perhaps the Minister will confirm my estimate that this could allow 72 units if that were applied to its maximum on the development area. What height restriction applies to this land? Does it come within the parliamentary precinct? That would affect the style of the development.

I am aware, from one person in the industry, that not a great deal of interest has been shown in that area for residential purposes. I do not know whether that is due to the shadow that is formed by the scarp, or for some other reason, but it is not judged by the real estate industry to be prime land for residential purposes. Perhaps someone will come along with a concept that will overcome the difficulties. I understand it is more likely to
fit in with the use which is taken up by existing neighbours, and that would be an appropriate development in that area. I will not delay the House as it is a matter that the Opposition supports.

MS WARNOCK (Perth) [9.48 pm]: I will add some brief remarks, largely because the site is in the electorate of Perth and since we are in the business of personal reminiscences about Bernies, I advise that I, too, have eaten hamburgers there late at night, and have also been to Cookies, now long gone. As my colleague, the member for Nollamara said, certainly the call for those late night places of refreshment has somewhat passed, and I am not surprised to hear that the person who has been for some time owner, or occupier/operator of that hamburger bar is seeking to change the arrangements he has had over that property. From reading Legislative Council speeches and also comments from a 1987 reserves Bill relating to this same subject, it seems that both sides of Parliament agree about this matter. We have no argument on the question of the sale of the old Bernies site, that hamburger bar we recall so well that has been there from the 1940s. Generations of young people spent their lives going home in the evening via Bernies, and now the gentleman who runs this business intends to sell it. In 1987 when this matter was last discussed in this Parliament a campaign was aimed at protecting the site from being sold. The Government now intends to go ahead and allow that to happen. As my colleague said, it will be sold, if possible, by public tender or some other form of public sale. Of course, that refers only to the section of the land that is not on the scarp. The member for Nollamara explained very carefully that rather than the whole site being sold, a portion of the land excised from the scarp will be sold and the area on the scarp will remain a part of the Kings Park reserve. Members should be pleased about that. It is a delicate piece of public land and certainly should not be damaged. In any event, the nearby residents have raised their concerns with me. One of their concerns is that out of scale buildings have already been constructed on the scarp. The residents are determined it will not happen again.

Another important issue to which the member for Nollamara alluded is the need for a building height limit in that area. I am a little confused about the relationship of that site with the parliamentary precinct, which has existed for some time. I seek the Minister’s assurance that there is a height limit and that no out of scale buildings will be erected on the Bernies site to spoil the amenity of the residents in close proximity to it.

My colleague mentioned that there had not been a rush of people anxious to buy the land. The reason could be that it is close to the freeway and is some distance from the river. The older members in this House will recall that the waterline of the river used to be very close to Bernies. Since that area of the river was reclaimed for the freeway, which was built in the late 1950s and early 1960s, it is no longer a riverside property. That is probably one of the reasons it has been slow to sell. As it is close to the city the site would be appropriate for residential development. I assume that it is the City of Perth’s responsibility to determine the height limits and that they form part of its town planning scheme.

It is important to keep the integrity of the Kings Park reserve intact and to protect the delicate areas of green space in the inner city area. I see no reason to oppose this Bill, although I will be very carefully watching its outcome because the residents in the area have approached me about the matter.

MR LEWIS (Applecross - Minister for Planning) [9.54 pm]: I thank the Opposition for its support of this legislation. It is true that it was the subject of a previous reserves Bill. The part of that Bill pertaining to this reserve was withdrawn by a previous Government. My second reading speech alluded to the concerns of the then Opposition. One of the reasons the Bill was withdrawn was that the proposition was flawed because the area which was intended to be set aside went half way up the scarp and was subject to a regional reservation for public open space. That factor had been overlooked by the people in the Department of Land Administration who were processing that Bill. If that part of the reservation had been transferred to Mr Hardwick he would have had the opportunity to claim compensation at some future date. That was nonsense and the Government of the day recognised it and withdrew the Bill.
The member for Nollamara referred to the bonus plot ratio. I cannot confirm that 72 units is the exact number of units, but it is about that number. It must be recognised that the adjoining properties do go up the scarp and have the benefits which that provides included in plot ratio bonuses. Bearing in mind that it cannot be used, it appears that the only equitable way to deal with this matter is to give the same bonuses on the basis of the reduced area because the part being sold does not go up the scarp.

The members for Perth and Nollamara referred to a height limitation and I advise them that I do not know what it is. It has been confirmed that it is the subject of the requirements of the Perth City Council’s town planning scheme and that the provisions of that scheme will apply to whatever development takes place on the site. Many options are available for the development of the site because of its zoning; it could end up being an extension of the hospital or apartments for inner city living. These developments will comply with the coding in the town planning scheme.

This Bill will remove the A class reserve from the Kings Park reserve and allow it to be granted in fee simple, by way of a Crown grant, to the person who successfully tenders for it or purchases the property at auction.

If members visualise the site they will be aware that it is around the corner from Parliament House. I suggest for that reason that the height restrictions of the parliamentary precinct will not apply.

Mr Kobelke: Is there a height restriction in the town planning scheme?

Mr LEWIS: I do not know that, but perhaps the member for Perth knows.

Ms Warnock: I believe there is.

Mr LEWIS: I understand it is linked with the plot ratio, and the number of dwellings that can be erected on the site will depend on their size.

Mr Kobelke: I was hoping for a guarantee and I accept what the member for Perth said by way of interjection; that is, that there is a height restriction within the town planning scheme. It would be a travesty to have a 12 storey building on that site.

Mr LEWIS: I take the member’s point, but I do not know whether it is appropriate in a reserves Bill to overrule the provisions of the City of Perth’s town planning scheme. This Bill is about excising land from an A class reserve and making it a Crown grant.

Mr Kobelke: I accept that. Because the Bill contains the plot ratio advantage and there is a possibility of that occurring, perhaps that advantage should not be given.

Mr LEWIS: I understand what the member is saying. I think that answers in general terms the questions asked.

Question put and passed.

Bill read a second time.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Lewis (Minister for Planning), and passed.

RESERVES BILL (No 2)

Personal Explanation - Minister for Housing

MR PRINCE (Albany - Minister for Housing) [10.02 pm] - by leave: This is a somewhat unusual process, Mr Acting Speaker, but it has been done by agreement with the Opposition. I refer to this Reserves Bill now before the House and most particularly to clause 21, which appears on page 9. It concerns Albany Lot 833 in the Town of Albany. It is a relatively small piece of land that fronts Frederick Street. I wish to bring to the attention of the House, as I have to the attention of Cabinet, to the party room and to the Minister for Lands that my wife and I are, amongst others, owners of the land immediately alongside this to the west. That land of which my wife and I are part owners
was purchased by a unit partnership in about 1980 or 1981. My wife and I have 5,000 units of 100,000 issued - 5 per cent, in other words. The land, the subject of clause 21 of this Bill, is used for egress and entry to the rear of the building subsequently built on the land of which I am a part owner. Since at least 1984 extensive efforts have been made to acquire this piece of land from whoever was the owner. At one stage when I was in legal practice I wrote many letters to, amongst other people, the member for Armadale when she was Minister of Lands, to no avail. There were very lengthy pauses between replies and there was nothing coming of the acquisition. I wish to disclose to the House, firstly, that my wife and I have an interest in the land immediately adjoining; secondly, that before I became a member of this place we made efforts to acquire this piece of land; and thirdly, that I again make the point that my wife and I have a 5 per cent interest in the building and land immediately alongside, but it is a strategic exercise as far as that land ownership is concerned. As a result of that declaration I do not propose to take any part whatsoever in this matter and trust that my disclosure is accepted in the spirit in which it is made.

Second Reading

Resumed from 26 October.

MR KOBELKE (Nollamara) [10.05 pm]: This Bill was introduced into the Legislative Council with 23 clauses and was then amended by the addition of clause 24 relating to the Perth heritage precinct. I propose to take up matters relating to a number of these clauses during Committee, because they generally relate to specific pieces of land which may not have a great deal of interest for the wider community but may have considerable interest for the local community and landholders in that area. Therefore, I will use the opportunity during Committee to go through those various clauses. I will use this second reading debate to make some comments on clause 24, which relates to the heritage precinct. This was announced by the Government earlier in the year and some matters concerning it were raised in the Estimates debate in this Chamber. The R & I Bank building which runs from Barrack Street to Hay Street was a most unfortunate building to the extent that it was a mistake ever to place it at that location.

Mr Lewis: Which Government put it there?

Mr KOBELKE: I do not know. I am not blaming any Government. It was certainly built years ago, when I was a boy, but I cannot remember what was on the site prior to its construction. I can certainly remember the front of the building onto Barrack Street where a statue and plaque commemorate the foundation of Perth and the felling of a tree by Mrs Dance - something which we all learned during history lessons at primary school.

Mr Thomas: Do you recall in what year it was built?

Mr Lewis: I think it was 1956.

Mr Thomas: I think it was 1960.

Mr Lewis: I was working for the Lands Department.

Mr KOBELKE: We have a couple of contributors who obviously want to take up that matter later on. This really is a significant site in the modern history of Western Australia. It is not just the fact of Mrs Dance cutting down the tree. I had the additional connection in that an aunt of mine was a great niece of Mrs Dance, and that certainly gave the site a significance to me. I would look at the plaque when I went past that area even as a young child. The Town Hall, while not a building of great stature, is a very significant building with an architecture all of its own and a place in our history. On the other side are the central government offices and behind them the old Lands buildings with their marvellous architecture and colonnades facing east. Adjacent to them is St George’s Cathedral and other properties belonging to the Anglican Church. It is a great pity that part of that land was used for the R & I building some years ago. One supports the move by the Government to try to restore that heritage precinct.

The issue goes beyond those buildings and what is now the BankWest building. The Law Chambers building was in many respects a mistake. It might have been a good
commercial arrangement for the Anglican Church in times gone by, but I understand that now it is difficult to get a return on that building because of its age and the surplus of office space in the central city area. One must look at how the whole area could be redeveloped in a manner in keeping with the heritage nature of the precinct. It is very pleasing that the Government has decided to do something about it and has put in a great deal of money up front to do that. I say at the outset that I fully support the Government taking these steps, but I have concerns about the way in which it has gone about it. A heritage study of this area was not conducted prior to the commitment of a large amount of money. We should look at the best way to stage this development. What will be the final extent of the development? Will we be able to find the funds to remove the Law Chambers, which is a proposal put forward by a planner in Perth, and one which I think has considerable merit? However, considerable costs are involved in that. Have we forgone that opportunity by committing the money at this stage for the demolition of the R & I Bank? I do not know. These questions should have been asked and a proper study should have been conducted of all the possibilities that existed before the money was committed in this way. When tens of millions of dollars are committed or forgone by the Government we need to ensure that we have established our priorities; that there is an overall strategy; and that as money is committed it is part of the staging towards the finalisation of a plan. We cannot be sure otherwise that we are getting value for money. One may find that the demolition of this building will lead to an arrangement which could have been done in a better and more cost effective way had a different order of proceedings been embarked upon.

In this clause we have the amalgamation of the land on which that BankWest building currently stands. There are three portions of land, of which two are currently Crown land and vested for the purpose of the Commissioners of the Rural and Industries Bank of Western Australia. One is a very small portion which was on freehold title held by the bank. They will be amalgamated and their use changed from "use and requirements of R & I Bank" to "historic precinct, public purposes, community use and ancillary and beneficial commercial purposes". That indicates that perhaps coffee shops and other types of shop fronts of a tourist nature may be appropriate in that location. No concept plan has been provided, indicating what is likely to be constructed. In the last financial year the Government paid compensation to BankWest for the loss of that building. Taking into account that it did not own the land, and given the current state of the commercial market in Perth, the value of that building is limited. All sorts of problems would be encountered in refurbishing or demolishing and rebuilding. The value of the property is quite marginal in the current market for commercial properties in the central city area. The arrangement for the demolition of the building and the amalgamation of the lots, referred to in clause 24 of the Bill, was part of an agreement. This agreement included requirements for the R & I Bank building to be demolished as part of the historic precinct proposal, and for part of the plot ratio relevant to the land in question to be referred to the BankWest Tower at the corner of William Street and St George's Terrace, pursuant to a heritage agreement. The Minister for Lands stated in the second reading debate in another place that new clause 24 therefore provides for formal discharge of the trust surrendered by BankWest as part of the sale contract, removal of the land from the operations of the freehold land system and consolidation as a single class A reserve under the Land Act. The consolidated reserve will, however, continue to be subject to the reduced plot ratio consistent with the heritage agreement that formed part of the purchase agreement by the Crown, and any possible future development on this site must take this into consideration.

I shall look in some detail at the arrangements for this agreement that will lead to the demolition of the bank building in Barrack Street and its incorporation into this reserve for historic and other purposes. During the Estimates Committee debates the Treasurer indicated that the bank placed a book value on the building of approximately $16m. One assumes the Government will pay $16m to compensate the bank, and the building will be demolished at the Government's expense so that the area can be used by the public in a way that highlights the heritage value of those buildings. I do not have a valuation of that property, but I suspect that in the current property market, given the special nature of the
land, the valuation of $16m is on the high side. The bank does not have freehold ownership, and the building is between 30 and 40 years old. A building of that age fits into the lower classification of central city properties. Such properties are currently hard to lease and, if leased, the rental value is not very high. BankWest had a building of dubious value, but while it was its primary headquarters that was not a major concern. However, if it wished to move its operation into its main building, the BankWest Tower on the corner of St George’s Terrace and William Street, it would have great difficulty finding tenants or some other use for that building. In debate in the Estimates Committee the Treasurer provided additional information on the agreement. In this year’s Budget $8.5m was provided to meet the demolition and other costs. I asked the Treasurer for a breakdown of the major items that constitute the $8.5m, to which he replied -

Part of that amount is for consultancy on the heritage study. Part of it might be under the Heritage budget. Perhaps some initial funding was given there. Heritage studies have been undertaken on the buildings in the area. This item will tie the studies together with the specific one relating to the Treasury and the old land titles buildings. The advice on the building was that the facade was first class but the inside had been changed around and added to. It will be a major expense to fully restore the building, so we must determine its use. We must allocate funds for that.

Although that is not a specific answer to the question, because the Treasurer did not have all the details at his fingertips, it gives some idea of the scope of the work. It will go beyond restoration of the lots contained within this clause of the Bill, and will be for the restoration of the buildings in that heritage precinct. A major part of the $8.5m will be for the demolition of the building and redevelopment of the land in an appropriate way. I do not have any information on the heritage studies referred to by the Treasurer. My subsequent questions to the Treasurer led to the answer that a heritage study had not been carried out, although a study of the Perth city area had been undertaken.

Mr Lewis: Did you ask me questions?

Mr KOBELKE: No, I asked the Premier. Is it correct that no formal heritage study has been done on this precinct?

Mr Lewis: A study was carried out eight or nine months ago.

Mr KOBELKE: I will seek further information from the Treasurer. Contracts have been let in connection with that allocation of $8.5m. One is for the project management of specifications and contract administration for demolition work on the bank building, for an amount of $135 000. The St George’s Hall project involving project management of restoration of portico, landscaping and a building for a cafe, is to be undertaken under contract at a cost of $95 000. As I indicated, a reasonable amount will be involved with this site. From last year’s Budget and this year’s Budget, the Government has committed $20.5m for this site. I congratulate the Government on committing that large sum of money to a heritage project, but I doubt whether the process involved ensured that the heritage issue would be given first priority, as opposed to other matters. We found that this deal was stitched up on 30 June 1994. It is perhaps a coincidence that it came at the end of the financial year, or it may have been convenient for the Government to put that money away. Perhaps additional funds were available in the consolidated fund and the Government thought it was appropriate to distribute them, or the bank found it appropriate to receive that money at the time. The elements of this heritage precinct have not been thoroughly investigated.

What is the value to BankWest? It received $12m in cash for forgoing the use of that building and also the concession on plot ratio, by transferring that which was available from the site in Barrack Street to the site on the corner of St George’s Terrace and William Street. During the Estimates Committee, I asked the Premier a question about the value of that plot ratio concession, and the Premier replied by way of supplementary information that it was estimated at $3m. The $12m cash for the building in Barrack Street and the $3m for the plot ratio concession total $15m, when it had a supposed book value of $16m.
I also asked the Premier -

By what floor area did the BankWest tower at the corner of William Street and St George's Terrace exceed the plot ratio for that site?

The Premier replied -

The City of Perth calculated 6 400 square metres.

I then asked about the details of the concession, and the Premier replied -

A heritage agreement was entered into by the Heritage Council of Western Australia, BankWest, the State Government and the City of Perth. By resolution of the Commissioners of the City of Perth on 28 June 1994, approval was given for the demolition of the Barrack Street/Hay Street buildings, formerly owned by the bank, and the transfer of plot ratio to the BankWest Tower. The amount transferred was 6 400 square metres, which in turn has increased the maximum plot ratio of the BankWest Tower from 7.2 to 8.84.

Without going to the expense of getting a proper valuation, one can only guess what is the actual value of that 6 400 sq m which is now available to the owners of the BankWest Tower, but it is clearly well in excess of $3m. There are two possible ways of calculating the value of that plot ratio concession. The exercise has become easier because within the past few days, the BankWest Tower has been sold to the AMP Society, and if one accepts the figures given in the AMP press release and also in the newspaper as accurate, the starting price for the lettable space of 6 400 sq m - not all of that may be available as letting space, but it gives an idea of the amount that may be available - is $236 per square metre, which gives a figure of $1.5m. If the net rental value comprised 10 per cent of the value of the building, the value of the building would be $15m. Even if I were out by a factor of 50 per cent, the value of that plot ratio concession would still be well in excess of $3m. I suspect that $15m is at the bottom end of the value of that plot ratio concession.

The BankWest Tower has reputedly been sold for $146m. Another way of estimating the value of that concession is to take the 6 400 sq m concession as a proportion of the floor space of the building, which is about 40 000 sq m, which gives us 15 per cent, and 15 per cent of $146m gives us about $22m. Therefore, the actual value of that concession is likely to be between $15m and $22m. I am not suggesting that one would want to spend money on the basis of such a rough sketch of the value of the concession, but it does indicate that the value of that concession to BankWest is well in excess of $3m.

BankWest has received between $27m and $34m for a building which has a book value of $16m. That may be a good deal for the people of this State because BankWest is owned by the Government and is the property of the people of this State; but we in the 1990s are supposed to have open and accountable government and we are supposed to ensure that people understand the reasons that decisions are made. Clearly, the Government has found it appropriate to invest a certain amount of money in BankWest, which it is moving to privatise, but the Government should be up-front about what it is doing and not rush it through as part of the heritage scheme which is contained in this Bill. One hopes the Government is doing this for the benefit of this State and not to gain a political advantage where it can privatise BankWest and say, "What good fellows we are. We will get the maximum return for the State." We hope the Government will get the maximum return for the State, but that should be done in a way which everyone can understand.

I have asked a series of questions which have yet to be answered. They may refute the position which I have put or they may support it. The answers which I have received so far have led me to have some conviction in the point of view which I have put. The privatisation of BankWest is clearly a key platform of this Government. We have no problem with that and we hope the taxpayers and people of this State will benefit from that privatisation. However, the Government seems to be fattening the goose prior to selling it. The Government has come to a nice arrangement where it has bought a building which was not a great deal of use to the bank because of its age and the
problems of refurbishing it on that site and has given BankWest a plot ratio concession for a building which has now sold at a total value to BankWest of in the order of $30m, which will make BankWest a more attractive proposition when it is privatised. This deal should have been up-front and not one where money was slipped into the back pocket of BankWest in order to suit the political purposes of this Government.

MS WARNOCK (Perth) [10.28 pm]: I will make some comments about aspects of this Bill which concern my electorate of Perth. Clause 24 outlines the strategy for amalgamating Perth lots 792, 837 and 845 and setting them apart as one class A reserve for "historic precinct, public purposes, community use and ancillary and beneficial commercial purposes". The principle of this proposed land use is important. Some land has been removed from the previous use and restored to the status of an historic precinct.

The 15 metre lot, the subject of clause 24 of this Bill, will become part of an important site, remembered as the place on which the first Legislative Council once stood. As a member of the National Trust and one who has long had an enthusiastic amateur interest in the history of this city I am filled with regret, as are many people, that the original Legislative Council building was destroyed at some time in our relatively recent past and that its place should have been taken by a particularly unprepossessing example of modern city buildings. I refer here to the R & I Bank building. As some form of compensation at this time, that newer and much less interesting building is also to disappear. However, the space this building presently occupies will become part of a landscaped historic precinct, as far as we are able to tell. Perhaps it will also be marked by a plaque which will remind us about the passing of that first important building. It is very difficult in these more heritage conscious times to imagine that we would let such an important piece of built heritage disappear. I know it is very easy to be wise in hindsight, but most people will find it fairly remarkable that we had a rather cavalier attitude to our history in those days and that evidently we so easily allowed this important part of our heritage to disappear. Let us hope it would not happen today.

Too much of our historically valuable building heritage has already gone. We must not let such civic vandalism occur again. According to Government plans which we have read about in the newspapers and heard about in this Chamber, we are to see a precinct develop that will emphasise the old Town Hall, the Treasury building, St George’s Cathedral and the cathedral deanery. This idea, as I recall, was first floated by a member of CityVision a couple of years ago. I am very glad to see that the Government has decided to take it up. It is a good idea and any such plan that serves to make Perth a more interesting city to live in, work in and visit is worth pursuing.

Too much of Perth’s heritage has already gone. Those who are able to appreciate what we have left must endeavour to ensure it is preserved. The old St George’s hall, for example, which is further east along Hay Street from the area we are talking about this evening, should have been retained and restored. I believe it was Perth’s oldest remaining theatre until most of it was destroyed for a car park in the 1980s. Only the facade is standing and I am very pleased to note that it is part of this Government’s plan to at least endeavour to restore and retain it, thus preventing further damage.

It seems to me heritage is worth preserving not only for its own sake as a living record and a reminder of our past, but also because it enhances the city and makes it much more interesting to tourists. A city’s old buildings, bridges, squares and even trees for that matter form an attraction for those with an eye to such things. I can only applaud any attempt by a Government to make this city more interesting for residents, workers and visitors. I hope this enthusiasm for heritage includes a determination on the part of this Government to also retain Council House. That prize winning building was built -

Mr Bloffwitch: You were going all right up until then!

Ms WARNOCK: I thought the member for Geraldton might be a bit distressed, but while in a relaxed state at this stage of the evening I thought I would attempt to let that one go past the keeper. I will say it earlier in the day next time!

I would like to see that prize winning building, which was built especially to house the
then Perth City Council, restored to its former glory. It could well enhance the city precinct. The city precinct has buildings from several different decades. Most great cities which pride themselves on what they have to offer their visitors and residents have distinguished buildings side by side reflecting many different periods. There is no reason why Perth should not do the same thing. That is why I urge the Government to consider preserving that building, which is a relatively recent one, but less recent than the famous I.M. Pei Pyramid, which is side by side with the Louvre in Paris and which looks splendid. It by no means looks out of place. If this building were restored and surrounded by landscaping it would be very suitable for this heritage precinct in the middle of our city, a move the Government fortunately seems keen to encourage.

I believe heritage is a very important, emotional and personal issue. It ties us to our personal as well as to our communal past. It is what we believe is worth preserving and passing on to our children. Although in difficult times heritage may seem like something of a luxury, I am pleased to say that these days it is much higher on the agenda of government and community groups alike. I am very pleased to note that the National Trust is vigorously determined to preserve buildings such as Council House and is working hard in general in the city - the area that interests me particularly - to preserve so much of our heritage. We should certainly take it very seriously, not only for this generation but also for generations that come after us.

I very much applaud the Government for seeking to enhance the city by developing this historic precinct. I, like my colleague the member for Nollamara, would like to see the Law Chambers disappear at sometime or another; it is a fairly undistinguished building and prevents the square by St George’s Cathedral from being the attractive area it might be. However, that would be an expensive matter and should be seriously considered before anything such as that was done. Nonetheless, if one took heritage seriously and had a plan for enhancing the City of Perth and making it a much more handsome city, we should certainly consider that. I support the Government’s intention in this Bill.

MR OSBORNE (Bunbury) [10.37 pm]: Clause 20 concerns a location in the City of Bunbury. It provides for an excision from A class reserve No 9997, which is vested in the City of Bunbury for parklands and recreation. The excision will allow its addition to lot 757 for the purpose of allowing redevelopment and expansion of a restaurant called X-Tension Restaurant on Ocean Drive.

Mr D.L. Smith: It is long overdue and should have been done last year.

Mr OSBORNE: The delay is a result of some administrative oversights, not of the Government’s doing. The member for Mitchell is correct. This clause was not able to be included in a reserves Bill last year. We moved as quickly as possible to correct the administrative oversight and I am very pleased to see that at long last we are creating the opportunity for the proprietors, Roy and Christine Palmer, to undertake the expansion they want to the X-Tension Restaurant. The development of the restaurant has been constrained by two matters, the first being the very small size of the lot on which the restaurant stands. In fact, the building sits beyond lot 757 onto another piece of land. It has been impossible for the proprietors of the restaurant to clean or improve the toilets which are part of the same building but not part of the same business. Many of the customers who go to that restaurant must use the toilets which are in the same building and they are not of the same standard. That does not have a very good effect on the business. It also means that the restaurant has not been able to be expanded and that will now proceed.

The other matter that will be corrected by the Reserves Bill is that the vesting, which was recreation, will be changed. Under the previous vesting, it was not possible for the proprietors to do a lot of things which are necessary to run a good restaurant in the tourism industry today. The licensing laws designated the property as a kiosk and a number of odd things flowed from that restriction. It is not possible technically, for example, for orders to be taken at the table and it is not possible for wine to be served. All of those anomalies will be corrected now that the property will be leased to the proprietors under a public entertainment vesting and the business will be much more
popular than it is already. It has come along in leaps and bounds since it was first established some years ago. It is very popular with residents and visitors alike for breakfast, lunch and dinner. It has entertainment on Thursday nights and very enjoyable music evenings on Fridays. I see no reason for that not to increase when the restaurant is expanded.

Last week, 11 government backbenchers visited Bunbury and the south west region. The purpose of that visit was to acquaint members of the Government with the projects that are under way in the City of Bunbury and also with some of the issues which face us in developing the city. We went to the X-tension Restaurant and I know they were all impressed. I mention that for another reason.

I want to redress what I think was an ungracious comment made by the Leader of the Opposition in the local media. The member for Mitchell has sometimes commented on the biased nature of the media in Bunbury. I agree with him. In some respects it is biased, but it is 180 degrees biased in a different way to the bias he was complaining about. Last week, the Leader of the Opposition was given the opportunity to tag some comments onto a media release that I made about this backbenchers' tour. He said that the member for Bunbury would not be able to take the backbenchers to see anything that was not the result of the Labor Government in the 1980s. He was wrong on two counts. We saw the Inner Harbour development, which a conservative Government developed, and we saw the Bunbury Harbour City development. I do not think it is possible for any one Government, political party or group of people to claim exclusive ownership of that. It has been supported by all sectors of the Bunbury community. In the 1980s, the Labor Government packaged the concept of Bunbury Harbour City through a man called Baden Pratt who, although not a member of that Government, was an employee. The vision of that project came from the Bunbury community. That was documented in the official history of Bunbury. The book *Excellent Connections* said that the Labor Party did not know anything about it; it was part of a grab bag of ideas before the 1986 election and, when it took off, the Labor Party got on the bandwagon and packaged it, quite successfully. However, this Government is now well along the path of making the Bunbury Harbour City project a reality. That has been the case for many issues with which we have had to deal in Bunbury.

The member for Mitchell earlier today referred to the Dolphin Discovery Centre. The Labor Government only threw $500 000 at that before the 1993 election. It was left to this Government to find the resources to put into it; it was up to this Government to get it up and running; and, it was up to this Government to deal with the problems such as the feeding of the dolphins and the development of that dolphin attraction. It takes many people to make these things work. We have never denied that the previous Government funded that. However, for the member for Mitchell's part, he should acknowledge that this Government has coped with the responsibility of making it work.

That is some way from the matter about which I rose to speak. I am very pleased to see this clause in the Reserves Bill. I know that the proprietors of the X-tension Restaurant will also be pleased to see it in the Bill. It will allow them to get on with the task of providing a public and tourist facility on Ocean Drive which is the envy of many towns in country Western Australia.

**MRS HENDERSON** (Thornlie) [10.45 pm]: I want to make a few brief comments on clause 24 and add to the comments of my colleague. This clause allows for the establishment of a heritage precinct in the City of Perth and we strongly support that. There is no question that the opening up of that area to allow the public to enjoy and appreciate some of those very fine buildings will be a great asset to the city. However, I am concerned about the use of a heritage agreement to fix up what was a very controversial matter some years ago whereby the plot ratio on the site of the old Palace Hotel was exceeded by the developer in questionable circumstances. In the Bill before the Parliament tonight, an attempt is made to fix that problem. A heritage agreement has been struck which apparently provides for that excess plot ratio to be transferred from the existing site to the site of the BankWest Tower standing at the rear of the Palace Hotel in order to allow the floors of that building which exceeded the plot ratio at the time of
construction to be leased and tenanted in the normal manner. That is not what a heritage agreement should be about. It smacks of fixing up something that should never have occurred.

Mr Lewis: Be careful of how much you say on this. Do you know who allowed it to happen?

Mrs Henderson: Perth City Council allowed it to happen. The matter which is of greatest concern to me today is the way in which the calculations were done for the value of that additional plot ratio transferred to the site on the corner of William Street and St George’s Terrace and the payment that was made for the old R & I building that is to be demolished. How much additional value was allowed for in that purchase price for the value of those additional areas of tenanted floor space in the BankWest building in William Street which will now be legalised? I look forward to the Minister’s comments on that. I know that my colleague, the shadow Minister for Planning, has raised this issue and has talked about the calculations that should be done for the area we are talking about; that is, some 6,500 square metres worth of floor space compared with the total value of the building.

I will be interested to hear the Minister’s comments about how much allowance was made for the transfer of that plot ratio in the deal that was struck with BankWest for the purchase of its building. Other than that concern, I congratulate the Government for creating the heritage precinct. It is a step forward and something that all people of this city will enjoy.

Mr D.L. Smith (Mitchell) [10.49 pm]: I was going to leave my comments about this Bill until the Committee stage; however, I have been induced by the member for Bunbury to respond to some of the things he said. He commented on a change to a reserve in Bunbury to allow an addition to an area on which the Palmer family operates the X-Tension Restaurant. From his comments one might think that the member for Bunbury had always supported and done all that he could to achieve what the Palmers have sought to achieve by this amendment. I know that this family is most unhappy and wrote to the member for Bunbury in relation to what it thought was a failure on his part to advance their interests in this matter. It is a disgrace that the Palmers have had to wait for as long as they have for the process to be undertaken to bring about the required change to enable them to expand and improve their business and to resolve the issues relating to the toilets and other matters. The member for Bunbury may be doing what he can to get these people to change their attitude. He may be taking visiting delegations to their restaurant. However, initially he failed in his duty to a constituent and a business in Bunbury. One reason it has taken so long to bring the amendment to this place is the delay and the failure by the member for Bunbury to perform his duties as the local member. At the same time, he now seeks to take credit on behalf of the current Government for the Dolphin Centre and the Better Cities program.

The truth is that the Liberal Party did everything it could to thwart the development of Bunbury by the previous Government and to bring what the previous Government was trying to do into disrepute to win the last election. This Government, in opposition, made all sorts of promises: There would be a Minister for the south west - but it broke that promise; construction would continue on the Bunbury regional hospital - but it broke that promise.

Mr Lewis: We are supposed to be talking about a reserves Bill.

Mr D.L. Smith: I will be interested to see when a reserves Bill comes before this place that deals with the Bunbury hospital issues. The Bunbury hospital cannot proceed until there are some changes of vesting in the ownership for the existing site and the Edith Cowan University site. I have yet to see any special legislation before this place to deal with that issue. As a result the construction of that hospital, which should have been completed and in operation by now, will be just another promise by this Government on the eve of the next election.
In relation to the Bunbury Harbour City program and the Better Cities program, a substantial number of adjustments to reserves and the creation of new Transfer of Land Act titles need to be achieved so that property can be available for sale. However I have yet to see any Bill come before this place to deal with that.

Another example of delay relevant to a Reserves Bill is the closure of the railway line from the new Picton station into town which needs to be done urgently to enable the Bunbury City Council to get on with the development of the Blair Street Boulevard. It has yet to be done. These are but examples of the dereliction of the duty of this member. I know the sort of politics he plays as I have been subject to the sort of politics he plays. It is one thing for a person to promote one face in the public arena and another to identify whether he is doing the job that he was elected to do and whether he is ensuring some of the promises made by his party are implemented.

I refer to the construction of a new police station in Bunbury, yet another promise at the last election.

The ACTING SPEAKER (Mr Ainsworth): Order! I have been listening with some interest to the member's speech, but it has yet to address the matter before the Chair; that is, the Reserves Bill (No 2). At some stage in the member's speech he must refer to at least some matters in the Bill.

Mr D.L. SMITH: I am trying to emphasise that each of my examples relates to the reserves Bill. Missing from the Bill is that if this Government is ever to be serious about implementing some of its promises made at the last election, we need to see a reserves Bill which deals with these issues, in addition to those before us now. We need to see a reserves Bill that starts to indicate that the Government has some real intention of fulfilling some of its promises.

I was trying to explain that a promise was made that an entirely new Bunbury police station would be constructed near the roundabout on land currently occupied by the Bunbury Port Authority. If that promise is to be achieved, that piece of land must be divested from the port authority. It must have its current status changed and a new reserve will need to be created to enable the construction of the police station. There is absolutely no sign at all of this happening. The Minister for Police has made it very clear that, as far as he and the Commissioner of Police are concerned, the Government has no intention whatsoever of honouring that promise for the construction of a new police station in Bunbury.

The Bunbury Harbour City program requires a substantial number of alterations to existing reserves, the cancellation of some road reserves, the amalgamation of others and the creation of the appropriate titles, to say nothing of the rezoning and other things. Yet 21 months into the life of this Government nothing has happened. Similarly in relation to the development of a number of roads around Bunbury that should have been completed by now, we see no signs of the change in some of the Government's land holding or that which is in local government ownership.

I say again: This Government has not, and cannot, claim any credit for the Bunbury Harbour City program or the Better Cities program. The only things occurring in Bunbury at the moment are those which were initiated by the previous Government and which are being continued by this Government for no other reason than under the federal-state agreements it is bound to continue with the projects, otherwise the federal funding in some cases would be lost. In other cases the roads would not fall within the category for the money being made available by the Federal Government. I, like most people in Bunbury, am extremely disappointed with this Government.

Mr Tubby: What is the unemployment like in Bunbury now?

Mr D.L. SMITH: Unemployment is influenced by a number of things, including the great work by the Federal Government. As is the case around Australia, unemployment is reducing. Before we left office unemployment had hit 8.3 per cent or thereabouts. Since this Government has been in office the overall improvement in unemployment in this State is about 1.8 per cent, which does not compare with what has happened in some
of the other States. Most of the reduction has occurred as a result of the follow-through of many of the initiatives put in place by the previous State Government.

When the people of Bunbury are deciding for whom they will vote at the next election, they will remember that it has taken 21 months for this Government to pick up a very small adjustment on a reserve on a seafront so that a local business can expand and fix up its toilets. If it takes 21 months for this Government to achieve little projects such as that, I cannot see how it can in any way take the credit for any of the projects being undertaken around Bunbury.

As the Minister representing the Minister for Lands, the Minister for Planning knows the Government can bring Reserves Bills into this place at any time. They can be part of a consolidated Bill or they can be introduced as individual Bills as required to deal with matters expeditiously. We did that whenever it was required. It should have been done in relation to this restaurant problem. I am disappointed that it has taken almost 21 months to resolve that problem.

MR BLAIKIE (Vasse) [11.00 pm]: What a diatribe from the member for sour grapes. How bitterly disappointed he is that he cannot talk about clause 20 and claim credit for the Bunbury beach pavilion! It was a mealy-mouthed effort. Instead of giving credit to the member for Bunbury who has worked diligently -

Mr Kobelke: The one who is mealy-mouthed is the member for Vasse.

Mr BLAIKIE: The member can make those comments, but I may be around this place much longer than he will be.

The member for Mitchell is aware that a reserves Bill comes to Parliament each year. The last time such a Bill came to this place was 12 months ago. It is politicking in the extreme for the member for Mitchell to cast aspersions on the member for Bunbury. The member for Mitchell knows the rules. He knows how the functions of government work. His contribution was an exercise in sour grapes, and he has been caught out. I have a particular interest in clause 9 which extends reserve 21629 in the Shire of Busselton. The member for sour grapes should be careful about what he says because when he was the Minister he denied the community the opportunity to convert that reserve to class A. If he had his way he would have flogged off that land to the Japanese without telling the community about it.

Mr D.L. Smith: Tell the truth!

Mr BLAIKIE: The truth is that because it was a C class reserve the Government could have disposed of the land as it saw fit, without advising the community. I expressed my concern to the community about reserve 21629. My argument was that it should be a class A reserve which would provide some protection. I was aware of the activities of the former Government and its WA Inc deals. I was concerned about what would happen to the land if it did not have adequate parliamentary protection. Regardless of my comments, the local council was unimpressed. The council wrote to every member of State Parliament, and with the encouragement of the Government of the day a referendum was held. The end result was that about 92 per cent of the voters supported the suggestion that reserve 21629 should become an A class reserve and be protected by the Parliament.

Mr D.L. Smith: The Minister of the day accepted that.

Mr BLAIKIE: He was bludgeoned into accepting the verdict because he had no alternative. Democracy reigned. Ninety-two per cent of the voters supported the change.

Mr D.L. Smith: The Minister had the power to do anything. He chose to accept the verdict.

Mr BLAIKIE: The tide was running out on that Government, and to its credit in its dying days it converted reserve 21629 from an unprotected C class to a protected A class reserve.

Clause 9 adds another dimension to this reserve. It will bring together several reserves
for other purposes, such as fish processing, recreation and camping and foreshore reserves. They will all come under the umbrella of reserve 21629. The area includes the Dunsborough townsite and expands to the Bunkers Bay area. I commend the Government for this important decision.

I have always said that reserve 21629 has the potential to be the Kings Park of the south west. This area of class A reserve adjoins the Dunsborough townsite. Recently the State Planning Commission called for planning guidelines to be put in place for the year 2040, or thereabouts. The recently released south west planning guidelines state that the greater Bunbury area has a population of 150,000, and the greater Dunsborough area will have a population of 150,000 within that time scale. Therefore, the extension of this reserve will become an important recreation area.

I take this opportunity to canvass another matter that I have raised in this place on a number of occasions. I refer here to the creation of marine reserves. A report has been commissioned and submissions currently are being received. The creation of a marine reserve in the Busselton and Margaret River areas will be another important dimension to add to the management of our marine areas. That is an important aspect.

I congratulate the Government for bringing forward this legislation, particularly as it relates to the areas I have mentioned. Similar legislation relating to marine areas will be brought to Parliament for approval. Although reserve 21629 is located in the Shire of Busselton it is so important that it needs a management program and funding to ensure that the necessary management programs are put in place and implemented. Unlike the member for Mitchell, I strongly support the Bill.

Mr Lewis: I will comment on matters raised by the Opposition relating to clause 24. It provides for the R & I Bank building purchase, the amalgamation and consolidation of the land and reserves, and the removal of Crown grants. I am pleased that without equivocation the Opposition has recognised the Government's initiatives relating to the heritage precinct, and the Government's desire to return that part of the City of Perth to its former glory. This provision will change the ambience of the area generally as the heritage precinct progresses.

What upset me a little was the cynicism of the member for Nollamara about the ways and means the Government accomplished the purchase of the bank and how it brought into place a heritage agreement to allow the transfer in the plot ratios and remove an impediment that existed with the old R & I Bank building on the corner of William Street and St George's Terrace. The member for Nollamara founded much of his argument on the basis that a conservation plan had not been done. He is a long way off the mark in making that statement. A conservation and management plan has been carried out for the Treasury and Titles Office buildings.

Mr Kobelke: For the whole precinct, not just the buildings?

Mr Lewis: Let me finish. A conservation plan has also been carried out for the Stirling Gardens part of the Supreme Court precinct. I requested the Heritage Council of Western Australia to bring forward at a cost of around $50,000 or $60,000 - please do not hold me to that figure - a conservation plan which brought together those two plans and considered the entire precinct, incorporating the area from Barrack Street to King Street, and from Hay Street to the Supreme Court. I cannot say whether that work has been completed. It was commenced six or nine months ago when the Treasurer and I originally had discussions with the R & I Bank to acquire that building to use as the first key to put in place the heritage plan for which the Government has rightly been applauded.

Mr Kobelke: Are you confirming that the heritage study was not completed prior to the time the purchase was made?

Mr Lewis: It may well have been completed; I do not know.

Mr Kobelke: The purchase was completed by 30 June.
Mr LEWIS: I know that because I was involved in the process.

Mr Kobelke: Surely as the Minister for Heritage you can tell us whether the study was completed at that time.

Mr LEWIS: I have nothing to hide. I do not carry all these details around in my brain. I asked my adviser but he could not tell me either. The fact is that I requested a plan to be done. Plans were done for the Titles Office, and the Supreme Court, Stirling Gardens and Government House precinct. The request I made was for the work to draw the two plans together. I do not know whether it has been completed. I would rather not comment any further because I am not sure. It was recognised that there was a need for a study. The advice to the Government was that the key to that precinct - where we needed to start - was the R & I Bank building.

The Treasurer and I had negotiations with the bank. From those negotiations ensued the acquisition, which was settled by 30 June. It was intended that the settlement be completed well before that time; however, the Government ran into some problems with the drafting of the landmark heritage agreement. I do not know whether the member for Nollamara is aware that it was the first time a heritage agreement of that type had been drafted under the heritage legislation in Western Australia. Alex Salvaris from Freemantle Hollingdale and Page was considered to be someone conversant with heritage legislation. He was commissioned to consider how the Government could incorporate the removal of the trust; the obligations of the bank; in the demolition; the transference of the plot ratio; and government undertakings on the transfer of that plot ratio. Contrary to what the member for Thornlie said, it has been done in accordance with heritage legislation, and contrary to what the member for Nollamara said, on my instruction the value of that plot ratio that was to be transferred was effected. That became the basis of the discounting of the value of the R & I Bank site.

Mr Kobelke: How was that value arrived at?

Mr LEWIS: I am not a valuer.

Mr Kobelke: Was it contracted out?

Mr LEWIS: Yes, it was. However, an instruction was given and a private group, one of the most reputable companies - I am not sure which but it was one of the big four -

Mr Kobelke: Are you able to provide us with that information tomorrow?

Mr LEWIS: If the member likes, but I will have to get out the files. It was done on my instruction and that value was used for the dealings that ensued. It was far from being a dodgy deal, as the member for Nollamara may imply. I assure him that in the negotiation and its eventual settlement I did not want to be involved in anything that was untoward.

Mr Kobelke: Given the price the building has now been sold for, do you question the valuation on which you based your arrangement?

Mr LEWIS: I am not a valuer, although the member for Nollamara may consider himself one since he has done some smart figures. I can go only on professional advice that has been requested. I assure the member for Nollamara that professional advice was sought and used. The Government did not do what members opposite did when they were in government and send someone down for a kerbside valuation.

Mr Kobelke: It certainly looks as though you did.

Mr LEWIS: The member for Nollamara may think that; however, it was done in accordance with the requirements, and with all probity. The member for Nollamara also suggested the Government was fattening up the goose before the sale. I assure the member that in no way was that in my mode of operation when talking through the matter with the bank. I considered that the need of the Government was to do a deal that was considered to be fair, and at the end of the day it can be considered fair. Notwithstanding that, I would not in any way shrink from the fact that if the values were considered to be a little on the high side - I am not for a moment suggesting they were -
the Government would see that as a benefit to the public of Western Australia, and no-one would suffer. In that regard, could it ever be considered wrong if the Treasurer, on behalf of the citizens of Western Australia, who own the R & I Bank, happens to gain by a few hundred thousand dollars, or lose by a few hundred thousand dollars? It is from the same pocket to the same pocket. That is how the matter was viewed at the end of the day. It is fair to say that the negotiations ended on the basis of that.

The transference of the plot ratios was a landmark decision. Although I cannot recall the exact plot ratio benefits that were accredited to the Barrack Street R & I Bank building, it should be understood that the Heritage Council on behalf of the State now has a heritage bank. Not all the plot ratios were transferred across - only the plot ratio that was required to sort out a very dodgy deal that was done by the then developers of the R & I Bank in consort with the Perth City Council and with the support of the Burke Government.

Mr Kobelke: The Minister has uttered so many untruths today that no-one will take any notice of further statements that he makes.

Mr LEWIS: Everyone knew that R & I Bank deal smelt to high heaven. The Burke Government was in the middle of it. The member for Nollamara knows it, and he cannot deny it.

Mr Kobelke: The plot ratio was set by the City of Perth.

Mr LEWIS: I can assure the member for Nollamara that I know the Premier of the day was in the middle of it. I was not in the Parliament at the time.

Mr Kobelke: Can the Minister get back to the substance of the Bill? When I hit the mark the Minister's defence is to attack in an outlandish way.

Mr LEWIS: I can assure the member for Nollamara that the negotiations were carried out with absolute propriety. I am a little saddened by and disappointed with the cynicism of members opposite. Even when the Government's negotiations obtain such a satisfactory result for the citizens of Western Australia in the preservation of our heritage, they still cannot be gracious enough to say, "Well done."

Mr Kobelke: I will take the Minister back to the comment he made a moment ago about the plot ratio in Barrack Street, which is the subject of this clause. What area will be retained as part of that plot ratio?

Mr LEWIS: If the member for Nollamara would like to put his question on notice, I would be happy to answer it.

Mr Kobelke: The Minister is defensive again.

Mr LEWIS: I have nothing to hide. The member for Nollamara can put his question on notice and I will provide an answer. I am pleased with the negotiations that saw the Government acquire that parcel of land, which allowed the Government to get on with its initiative that everyone has applauded, apart from the Opposition. It was not rushed through. I readily concede that it was intended to have the whole thing resolved by 30 June for balance dates and things like that, not only for the Government but also for the bank, which was keen to have it finalised. The negotiations happened over four or five months. I was a bit annoyed that we reached virtually the eleventh hour. It was a unique heritage agreement. It took a lot of negotiation between the Government Property Office, the Heritage Council of Western Australia, the R & I Bank and a couple of other agencies that were involved. We tried to solve those problems, and that basically is why the whole thing came up to the deadline.

The member for Perth commented on Council House. That has nothing to do with the current Reserves Bill. Although I would not mind getting involved in that debate, it is not appropriate at this time. I recognise that the member for Thornlie was gracious enough to congratulate the Government on its initiatives on the heritage precinct centred around the Town Hall.

Mr D.L. Smith: The member for Mitchell congratulated you a number of times, but that does not mean the transaction achieved the objective and cannot be questioned. It is a
Mr LEWIS: The Opposition wants to take credit for that too.

Mr D.L. Smith: I do not take credit for it, but it was mooted under the previous Government.

Mr LEWIS: I am advised that the previous Government was thinking of buying it for $20m. We got off our backsides and did something. When the bank eventually is demolished and we clean up that site, it will result in a profound change to that area. The member for Nollamara mentioned the Public Trust Office building which is owned by the Anglican archdiocese and the Government. It is easy to say, "Let's knock the building down", but when it is owned by a third party that is difficult to achieve. I do not think anybody would deny that that building probably is out of place there. It blocks sunlight from that whole precinct, and has contributed to some of that degradation.

Mr D.L. Smith interjected.

Mr LEWIS: The member for Nollamara made a point about providing $20mn in the budget to try to effect some worthwhile heritage project. That would not scratch the surface, because heritage work is very expensive. We have made a very positive commitment. Members opposite never got anywhere near providing $20m for heritage. We have made a pretty good start. We have a determination to pursue the matter, and at the end of day people will reflect that it took a Liberal coalition Government to get on with the task of heritage in this State - a task that members opposite did not do very well.

Mr D.L. Smith: The Minister knows we are more concerned about heritage than is the Government.

Mr LEWIS: If the member for Mitchell wants me to go on about what eventually induced the former Government to introduce heritage legislation I will draw his attention to the member for South Perth, who was so frustrated with the Government's shillyshallying around that he introduced heritage legislation into the Legislative Council on behalf of the Opposition at the time. It was only at that time that the then Government realised what we have since found - that the legislation is flawed. When in Opposition we put in place a select committee to try to sort out some of those flaws.

Mr D.L. Smith: I will not criticise the member for South Perth, but the Minister should not question the genuineness of members on this side.

Mr LEWIS: Members opposite were found wanting. It would be more appropriate if I addressed specific items members may wish to bring forward during Committee.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Mr Johnson) in the Chair; Mr Lewis (Minister for Planning) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Reserve No. 19464 in the Town of Albany -

Mr KOBELKE: I support this clause because it is part of a bigger picture. Clearly, it was initiated by the previous Government as the member for Mitchell indicated with respect to another clause during the second reading debate. According to the notes provided by the Albany Town Council the building was established in the first decade of this century as a shelter for cab men and it was of social and historical significance. The building is classified by the National Trust and is listed in the schedule of places of historical value under the council's town planning scheme. The main part of the building is leased to the Albany Women's Institute and Rest House Association and a room is occupied by the local taxi company. The building is easily accessible and is situated near the Albany harbour foreshore. The council emphasised its heritage value and indicated
that the 24 hour occupation by the taxi company provides security for the premises. In considering the foreshore in Albany, and the area near Stirling Terrace, one gains an understanding of the significance of this building and its relevance to the plan for the foreshore development. Albany is a gem in this State which is yet to have its value realised. The people in that town want that to occur because it is a lovely place in which to live and they value it as their home. Of course, they do not want too much development taking place. In a short time a great deal of development could occur in Albany and in the early stages it will be centred on tourism. Development has been occurring on the foreshore for some time and the Government has changed the rail access to the port to open up the valuable land which can be used as an historical precinct. Albany is rich in historical buildings as it was the major town of this State in its early days and was founded before the Swan River colony.

If the tourism industry is to be developed advantage must be taken of the foreshore, and it will involve a range of projects. I congratulate the Government for continuing with the previous Government’s plans and I hope it will continue to allocate funds to that development so that its potential can be realised. This clause is one aspect of a mosaic that will be put in place on the Albany foreshore. While this building is not of architectural significance, it is part of the foreshore. Many of the buildings in Albany, including the old post office and court house, which are now restaurants, should be preserved because their architecture is striking.

Mr LEWIS: I understand the member is supporting the clause and I thank him for his support.

Clause put and passed.

Clauses 6 and 7 put and passed.

Clause 8: Reserve No. 40250 in the Shire of Busselton

Dr EDWARDS: The reserve the subject of this clause is in Wonnerup, which is in the member for Vasse’s electorate. This clause excises land from reserve 40250 and I ask the Minister to indicate when it will be included in reserve 33895. Will the Minister give an assurance that it does not slip off the list?

Mr LEWIS: I am advised that as soon as the Bill is assented to the area will become vacant Crown land and it will go to Executive Council for that to occur.

Mr D.L. SMITH: I support this clause. The reserve from which the area is being excised is part of the tuart forest area at Wonnerup. It is an area which, generally speaking, the people of the south west want to preserve and protect. However, the area being excised has few or no trees of any significance on it, but it is adjacent to Wonnerup House, which was the historic home of the Brockman family. The gate at the front of that property is a memorial to a member of that family who was speared by Aborigines in the early days of settlement. Across the road from that home is a small school and the whole area is an historical precinct which needs to be held together. This excision and the subsequent addition to the other reserve is an important part of not only establishing and protecting that precinct but also, with the support of the caretaker and others, enabling it to be developed to its full potential, not in a commercial sense but in its role as a tourist attraction which will readily bring home to people what life was like for the earlier settlers.

Mr BLAIKIE: I thank the member for Mitchell for his support of this clause, which deals with an area of which I am very much aware. However, I advise him that it was not the Brockman family’s home but the Layman family’s home. George Layman was speared by Aborigines on that site.

Mr D.L. Smith: I acknowledge that is correct.

Mr BLAIKIE: In addition to the reserve which is being sought there is a proposal for an Aboriginal heritage information area, which is to be set up in conjunction with the National Trust on the site of the Layman house and the old Wonnerup school. This precinct will be important because it is adjacent to the tuart forest and an historical home.
I commend the Government for bringing the Bill to the Chamber. I suggest to all members that if they have the opportunity they visit this historic area of the State.

Clause put and passed.

Clause 9: Reserve No 21629 in the Shire of Busselton

Mr D.L. SMITH: This clause has already been mentioned tonight. I just want briefly to correct some of the history in relation to it. Meelup reserve's A class classification under previous Governments was a much smaller area. It is well known in the south west that we were looking for a marina development to be part of a chain of marine developments bringing craft down from Perth via Mandurah, Bunbury and Dunsborough, and hopefully their travelling progressively further down the coast. That marina development and an associated five-star hotel would not have occupied a very large area. The area behind them would have been developed for residential purposes. That combination would not in any way have occupied the whole area but a substantial part of the area which was outside the A class reserve. I have no reservations about saying that while that project was alive I pressed it as hard as I could. However, in the end in a referendum of local residents on the proposal, as the member for Vasse has said, a very large majority voted in favour of the project being abandoned and the area being permanently protected.

Mr Blaikie: They voted in favour of the area being an A class reserve.

Mr D.L. SMITH: They voted in favour of the project being abandoned and the area being converted to an A class reserve.

Mr Blaikie: They voted for an A class reserve.

Mr D.L. SMITH: I will not argue about it.

Mr Blaikie: You will not argue about it because you are on thin ice.

Mr D.L. SMITH: It is not because I am on thin ice but because I do not think the issue is important. After that referendum I made it very clear that I would accept its outcome. I informed the Parliament at the time that the area would be brought under an A class reserve to guarantee its future protection. I regret that it took some time for that to be achieved. However, some other small areas within the reserve which are not part of it are inconsistent with the object of the Meelup reserve in general. In due course I hope that we will progressively ensure that the whole area is acquired if necessary and brought into a single A class reserve. Can the Minister refresh my memory as to the purpose of what appears to be reserve 834894 at the bottom of the plan attached to the clause? I cannot recall whether it is the golf course.

Mr Lewis: It is the golf course.

Mr D.L. SMITH: I do not want to get rid of the golf course at this stage, although at one stage a suggestion was that it should be surrendered and made part of the A class reserve and that a new golf course should be built somewhere else.

Mr Blaikie: They have two golf courses.

Mr D.L. SMITH: They have two golf courses. Whether that is a luxury and whether at some stage in the future we should consider looking at that area and trying to include it in the reserve are issues that should be considered. In the end we have probably come to the right conclusion. Although the golf course appears to encroach it does not intrude very much visually. It cannot be seen at all from the ocean and certainly does not intrude very much on the public access to the area. As with the referendum, I am quite happy to stick with what the local community wants in that regard. Meelup is just part of the area that needs to be protected on the cape. We all know about the Griffin holding and other private holdings between Meelup, Eagle Bay and the cape. The Minister for Planning is under pressure to consider some large scale developments in that area, which would be an absolute disaster. That land also needs to be acquired and added either to Meelup or to the other reserves around the lighthouse area. We need development in the south west and whatever economic benefits we can gain, but from Dunsborough through to the cape is an area where it is regrettable there is any private land at all and we should be ensuring
it comes into public ownership and made into an A class reserve as early as possible. The only exception I will consider is the type we were looking at when we were in government; that is, if we cannot afford to acquire the whole of it we should be looking at some very small changes in zoning which would allow the current owners to recapture the current rural value of the land on the condition that they surrender the remainder to the public estate. Those developments would have to be unobtrusive and not too close to the coast itself and so designed that they could not be seen from Geographe Bay and did not interfere unduly with the natural aspect that I would like to recapture throughout the cape area.

I caution the Minister in his review of the regional planning scheme that he initiated and the pressures that are coming from the member for Vasse and others to allow development in that region. I have learned my lesson. I made the mistake of thinking that we needed more development in that area. I learned from the referendum that it was not the wish of the people. In the course of defending myself and listening to what people were saying they convinced me it should not happen. It is regrettable that we have some developments in Eagle Bay and elsewhere. We should be working at making the whole of that northern aspect of the cape an A class reserve.

Mr BLAIKIE: This clause is very important. It follows what has been done in creating the A class reserve, as has been indicated by the member for Mitchell. I want to put a series of facts on the record. This piece of land was quite historic and the future use of the land will also be historic. I have no doubt that people in many years to come will look at the parliamentary debates. The Government had a proposal for a five-star hotel, a marina and a residential development on an area of land known as 21629, which is what the reserve is now. It was a C class reserve.

Mr D.L. Smith: It was a small part of the reserve.

Mr BLAIKIE: On 21629, which was a C class reserve, under the authority that the Minister for Lands had, he could make whatever decision he wanted and he was not required to make it publicly known. The community's concern was that if anything happened to that parcel of Crown land the public needed to be made fully aware of what was happening. That was never the case. When the referendum was held -

Mr D.L. Smith: You are simply not telling the truth. It was more than adequately publicised.

Mr BLAIKIE: At 10 minutes to 12 I will still go on and make my comments. If people check the referendum they can see that it was simply a question of whether the community wanted an A class reserve or otherwise. Two questions were asked, the principal one of which related to an A class reserve. People overwhelmingly voted that the land become an A class reserve which was subject to parliamentary protection, so that any development that might take place needed the full approval of Parliament. I make no apologies for the role I played in that. The Shire of Busselton, having written to every member of Parliament in the State questioning my birthright and my actions on the Sunday evening after the declaration of the referendum, resolved to write to the Government and every member of Parliament stating that the shire had reversed its decision and wanted it to be made an A class reserve. The Minister subsequently took action to make it an A class reserve. I draw to the attention of the Committee my philosophical view in relation to Crown land and private land. Crown land should not be developed without very good reason. It should be developed only if no other land is available. If other land is available, Crown land should be held in reserve for use at some future date. At the time to which I referred, other privately owned land was available. It could have been developed, and today it is still available for development. It is not for me to decide whether land will be developed, but I believe private land should be developed before Crown land. Future Parliaments will determine the use of reserve No 21629. That is the protection for this land.

Mr D.L. Smith: I hope that this land has no development on it of any description and that it remains a class A reserve in perpetuity.
Mr BLAIKIE: The member for Mitchell had better remain in Parliament for the next 10 to 20 years. I do not support the Government blackmailing private landowners, and I strongly defend the basic fundamental rights of private property owners. I want to be assured that the Government will meet its obligations to all landowners, whether they be large companies such as Griffin or individual landowners. People should not be intimidated by the Government simply because they own land in a prime and pristine area. I will strongly and forcefully defend those rights against the Minister and the Government taking away those rights. The member for Mitchell would ensure the land was taken from those people, using any rezoning opportunity available. I totally disagree with that premise. Private property owners have fundamental rights, and I support the proposition in this clause.

Clause put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr Lewis (Minister for Planning).

House adjourned at 11.55 pm
QUESTIONS ON NOTICE

HOMESWEST - RENTAL STOCK IN LOCAL AUTHORITIES

1290. Mr D.L. SMITH to the Minister for Housing:

(1) How many tenancy properties did Homeswest have in each local authority in the south west for each of the years -

(a) 1991-92;
(b) 1992-93;
(c) 1993-94;
(d) 1994-95?

(2) What was the building programming for Homeswest in each of these local authorities and towns for each of these years in terms of the numbers and total cost?

(3) How many properties has Homeswest sold to tenants in each of these local authorities in each of these years including 1994-95 to date?

(4) What was the amount payable to Homeswest pursuant to these sales in each of these years; that is, the total of the purchase prices for each of these years?

Mr PRINCE replied:

Amended answer:

(1) (a)-(b) Due to the structure of Homeswest's databases, I am unable to provide the number of rental stock by local authority for 1991-92 and 1992-93.

(c)-(d) The numbers provided below are the total number of Homeswest's rental stock as at 30 June 1994 and 9 September 1994.

<table>
<thead>
<tr>
<th>Local Authority</th>
<th>30.6.94</th>
<th>9.9.94</th>
</tr>
</thead>
<tbody>
<tr>
<td>Augusta-Margaret River Shire</td>
<td>46</td>
<td>46</td>
</tr>
<tr>
<td>Bridgetown-Greenbushes Shire</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>City of Bunbury</td>
<td>1 093</td>
<td>1 103</td>
</tr>
<tr>
<td>Busselton Shire</td>
<td>360</td>
<td>368</td>
</tr>
<tr>
<td>Capel Shire</td>
<td>45</td>
<td>45</td>
</tr>
<tr>
<td>Collie Shire</td>
<td>381</td>
<td>359</td>
</tr>
<tr>
<td>Dardanup Shire</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Waroona Shire</td>
<td>57</td>
<td>57</td>
</tr>
<tr>
<td>Harvey Shire</td>
<td>172</td>
<td>173</td>
</tr>
<tr>
<td>Mandurah Shire</td>
<td>489</td>
<td>538</td>
</tr>
<tr>
<td>Manjimup Shire</td>
<td>173</td>
<td>171</td>
</tr>
<tr>
<td>Boddington Shire</td>
<td>12</td>
<td>11</td>
</tr>
<tr>
<td>Murray Shire</td>
<td>96</td>
<td>95</td>
</tr>
<tr>
<td>Nannup Shire</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>Donnybrook-Balingup Shire</td>
<td>29</td>
<td>29</td>
</tr>
<tr>
<td>Boyup Brook Shire</td>
<td>35</td>
<td>36</td>
</tr>
<tr>
<td>Town of Albany</td>
<td>620</td>
<td>614</td>
</tr>
<tr>
<td>Cranbrook Shire</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Denmark Shire</td>
<td>31</td>
<td>31</td>
</tr>
<tr>
<td>Plantagenet Shire</td>
<td>49</td>
<td>49</td>
</tr>
<tr>
<td>Tambellup Shire</td>
<td>19</td>
<td>18</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>3 771</td>
<td>3 807</td>
</tr>
</tbody>
</table>

(2) The answer was tabled. [See paper No 521.]

(3) Due to the structure of the Homeswest databases, I am unable to provide
the number of properties sold to tenants by local authority area in 1991-92 and 1992-93. The number of properties sold in 1993-94 and up to the current point in the 1994-95 financial year is listed below -

<table>
<thead>
<tr>
<th>Area</th>
<th>1993-94</th>
<th>1994-95</th>
</tr>
</thead>
<tbody>
<tr>
<td>Augusta-Margaret River Shire</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Bridgetown-Greenbushes</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Bunbury City Council</td>
<td>5</td>
<td>11</td>
</tr>
<tr>
<td>Busselton</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Capel</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Collie</td>
<td>6</td>
<td>11</td>
</tr>
<tr>
<td>Dardanup</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Waroona</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Harvey</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Mandurah</td>
<td>9</td>
<td>2</td>
</tr>
<tr>
<td>Manjimup</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>Boddington</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Murray</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Nannup</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Donnybrook-Balingup</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Boyup Brook</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Albany Town Council</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>Cranbrook</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Denmark</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Plantagenet</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Tambellup</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>58</td>
<td>42</td>
</tr>
</tbody>
</table>

*Sold has been interpreted as properties settled.

(4) The funds received for the sale of the properties in the 1993-94 and 1994-95 financial years is -

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993-94</td>
<td>$3,046,350</td>
</tr>
<tr>
<td>1994-95</td>
<td>$2,426,300</td>
</tr>
</tbody>
</table>

SENIORS INTERESTS, OFFICE OF - RESTRUCTURE

1474. Ms WARNOCK to the Minister for Seniors:

(1) Was a restructure of the Office of Seniors Interests completed by 30 June of this year?
(2) If so, why has a private consultant involved in the restructuring been retained on a Level 8 salary until the present time?
(3) What was the cost of engaging a consultant to advertise and interview applicants to fill the position of Director of the Office of Seniors Interests?
(4) Has the Minister been provided with the name of a recommended candidate for the position?
(5) When will this appointment be announced?
(6) Has the current Acting Director of the Office of Seniors Interests had her contract renewed for a further six months?
(7) If so, why?

Mr NICHOLLS replied:

(1) Not completely.
(2) Not applicable.
(3) Nil to date.
(4) Yes, but no longer an option.
(5) At a date to be advised.
(6) The Acting Director is a permanent public servant and therefore this question is not relevant.
(7) Not applicable.

LANGUAGE SERVICES POLICY - GOVERNMENT DEPARTMENTS AND AGENCIES, IMPLEMENTATION

1521. Mr BROWN to the Minister for Aboriginal Affairs; Housing:

(1) Has the language services policy of the Government been fully implemented in each of the departments and agencies in the Minister's portfolio?

(2) What funds have been specifically allocated for the implementation of the policy in each department and agency?

(3) Have funds for the effective implementation of the language services policy been increased in the 1994-95 budget and if so, by what amount?

(4) What funds and resources were allocated to the implementation of the language services policy in the -
   (a) 1992-93 financial year;
   (b) 1993-94 financial year?

Mr PRINCE replied:

(1) To ensure that government services and programs are accessible to all Western Australians the language services policy was introduced. This requires that all public sector agencies develop and implement a language service strategy which is appropriate to their needs and those of their clients. Agencies' operational and budgetary responses to the language services policy are tailored to suit their particular responsibilities and vary according to clientele or whether they are involved in service delivery or policy advice.

Aboriginal Affairs

(2) As a large proportion of the Department of Aboriginal Affairs' staff is Aboriginal, the department adequately meets the language service needs of its client group through existing resources. Separate funding and resource allocation has not been necessary.

(3) Not applicable.

(4) Nil.

Housing

(2) Funding is allocated within the standard budgetary process.

(3) Funds have increased for 1994-95 by approximately $2,000.

(4) (a) Approximately $42,500;
   (b) approximately $44,500.

SHENTON PARK BUSHLAND - A CLASS RESERVE 43161

Payment to LandCorp

1741. Mr KOBELKE to the Minister representing the Minister for Lands:

Further to the answer provided to question on notice 1422, under which budget item or from which trust account was the $5.674m payment to LandCorp made for the Shenton Park bushland, now class A reserve 43161?
Mr LEWIS replied:

The Minister for Lands has provided the following response -

Supplementary funding of $2.346m was provided to the Department of Land Administration in the 1993-94 financial year to enable payment prior to 30 June 1994. The balance of the $5.674m was covered by deferrals of expenditure from DOLA's capital allocation for 1993-94.

CALLANDER, DIANA - ABORIGINAL AFFAIRS PLANNING AUTHORITY EMPLOYMENT

1783. Mr McGINTY to the Minister for Aboriginal Affairs:

(1) What is the position, salary, terms and conditions of Aboriginal Affairs Planning Authority employee Diana Callander?
(2) Was Ms Callander appointed to an advertised position?
(3) Was there a selection process for the position?
(4) If so, who were the members of the selection panel?

Mr PRINCE replied:

(1) The Aboriginal Affairs Planning Authority ceased to exist as of 1 November 1994. Ms Callander, however, has never been an employee of the Aboriginal Affairs Planning Authority.
(2)-(4) Not applicable.

DISABILITY SERVICES COMMISSION - BALLAJURA SERVICES

1785. Dr WATSON to the Minister for Disability Services:

(1) Further to question on notice 1335 of 1994 when will people in Ballajura have access to the services of a local area coordinator?
(2) How many children and adults with disabilities in this area require the individual services that a local area coordinator can provide?

Mr MINSON replied:

(1) The appointment of a local area coordinator to the locality of Ballajura is not yet determined and will depend on resource availability.
(2) There are 24 people with intellectual disabilities registered for services with the Disability Services Commission in Ballajura. There is an unknown, but probably lesser, number of people with physical and sensory disabilities living in Ballajura who would be eligible for local area coordination services.

DISABLED - THERAPY SERVICES, PRIVATE MEDICAL INSURANCE PAYMENTS

1786. Dr WATSON to the Minister for Disability Services:

How many people with disabilities are known to use their private medical insurance to pay for therapy which should be available through the Disability Services Commission?

Mr MINSON replied:

The Disability Services Commission is aware of 56 people with disabilities who use private medical insurance to purchase therapy services.

ARTS, DEPARTMENT FOR THE - MULTICULTURAL ARTS Officer Appointment

1829. Ms WARNOCK to the Minister representing the Minister for the Arts:

(1) Why is there no multicultural arts officer in Western Australia?
(2) Will the Government appoint (or support the appointment of) a multicultural arts officer in this State?
(3) When will such a position be filled?
(4) How long is it since such a position was filled?
(5) Is Western Australia the only State that does not have such an officer?
(6) Given the Government's professed interest in cultural tourism what is the Government's commitment to this position?

Mr NICHOLLS replied:

The Minister for the Arts has provided the following reply -

(1) The September 1993 meeting of the Community Arts Assessment Panel recommended that funding for the position of Multicultural Arts Officer at the Ethnic Communities Council be discontinued. The position had been jointly funded by the Department for the Arts and the Australia Council. The Community Cultural Development Board of the Australia Council also discontinued funding the position for 1994. In both cases there was insufficient evidence that the position had achieved program objectives.

In February 1994 the Department for the Arts and the Australia Council hosted a multicultural arts forum attended by the Ethnic Communities Council and other key players to discuss an alternative to the multicultural arts officer strategy for developing multicultural arts in Western Australia. The forum endorsed a joint project proposal from the Multicultural Arts Centre of WA and the Ethnic Communities Council for the Multicultural Community Enterprise Development project to be based at MACWA. MACWA’s proposal was recommended at the April 1994 community arts panel meeting.

(2) The Government supports multicultural arts through an investment in MACWA and a number of multicultural projects and artists. Government priority is to support the development of arts projects rather than arts officer positions and administration.

(3) The MACWA project will commence in 1995. The Government continues to provide support for the development of multicultural arts through an investment in MACWA.

(4) The previous multicultural arts officer position ceased in February 1994.

(5) All other States have multicultural arts officer positions except the ACT.

(6) The multicultural arts officer position did not have a cultural tourism brief.

The Government is addressing a range of information and marketing needs in promoting cultural tourism in WA through partnerships with the Department for the Arts, the WA Tourism Commission and the Australian Tourism Commission.

ARTS, DEPARTMENT FOR THE - MULTICULTURAL ARTS

Funding

1830. Ms WARNOCK to the Minister representing the Minister for the Arts:

What funding has the Government made available to multicultural arts in this State, either to individual ethnic artists, to non-English speaking background groups, or to ethnic arts projects in -
Mr NICHOLLS replied:

The Minister for the Arts has provided the following reply -

(a) $264,710 is shown in Department for the Arts records as having been approved by assessment panels during the 1993-94 financial year for arts projects considered to be of a multicultural or ethnic nature.

(b) $274,663 is shown in departmental records as having been approved by assessment panels so far in the 1994-95 financial year for arts projects considered to be of a multicultural or ethnic nature.

Neither of the amounts shown includes recommendations made by the Aboriginal Arts Assessment Panel.

HOMESWEST - EVICTIONS

Narkle Family, York

1831. Mr BRIDGE to the Minister for Housing:

(1) Under the Housing Agreement (Commonwealth and State) Act 1990, has the State undertaken to provide Homeswest rental housing accommodation to citizens of Western Australia based upon their need and upon the principle of security of tenure?

(2) Were the Narkle family in York evicted from their Homeswest rental house using a procedure which avoids the need to allege or prove any breach of their tenancy agreement?

(3) What steps will the Minister take personally to -

(a) urgently rehouse the Narkle family;

(b) assure this House that in the future the Government will abide by its statutory duties under the Act to which I have referred, and treat its tenants in accordance with principles of natural justice and decency?

Mr PRINCE replied:

(1) Yes.

(2) Section 64 of the Residential Tenancies Act was used; however, Homeswest complied with the principles of natural justice which require notice of breach and a reasonable opportunity to remedy the breach be given.

(3) (a) Homeswest and the Aboriginal Housing Board are considering rehousing the family in due course on the strict understanding that -
the family will cease all antisocial behaviour;
the family will accept assistance from the Department for Community Development.

(b) The Government is committed to the wellbeing of Homeswest tenants and the community.

SWAN BARRACKS - FRANCIS STREET, FUTURE

1836. Ms WARNock to the Minister representing the Minister for the Arts:

(1) What does the Government intend to do with the old Swan Barracks in Francis Street?

(2) Does it intend it to be an Aboriginal Culture Centre?
(3) If so, what groups will be using it?
(4) When will a decision be made?
(5) Who are the members of the steering committee?

Mr NICHOLLS replied:

The Minister for the Arts has provided the following reply -

(1) The Swan Barracks building is Commonwealth Government property owned by the Department of Defence.

(2)-(3) The State Government is negotiating with the Commonwealth Government to acquire the Swan Barracks site and considering a range of possibilities for its use should these negotiations be successful. One of the possibilities that is being explored is the establishment of an Aboriginal Cultural Centre.

(4) It is anticipated that these matters will be resolved by the beginning of the new year.

(5) A feasibility study into the establishment of a National Institute of Aboriginal Culture in Western Australia is currently taking place. A steering committee has been appointed to monitor the progress of the consultants commissioned to undertake the study. Members of this steering committee are -

Jim Morrison Chair, Karlkarniny Regional Council, (Chair)
Andrew Reeves Executive Director, WA Museum (Deputy Chair)
Yvette Alger Aboriginal Arts Development Officer, Department for the Arts
Brian Wyatt Executive Officer, Aboriginal Affairs Planning Authority
Chris Coggin Director, State Archives, Library and Information Service of WA
Michael O'Farrell Curator of Aboriginal Art, Art Gallery of WA

THEATRE - REVIEW
Arts Agencies, New Guidelines

1845. Ms WARNOCK to the Minister representing the Minister for the Arts:

(1) Have the new guidelines for arts agencies been drawn up following the Western Australian theatre review?

(2) Are they available?

(3) Do they include triennial and incentive funding?

Mr NICHOLLS replied:

The Minister for the Arts has provided the following reply -

(1) A committee comprising representatives of Arts Voice, theatre companies and the Department for the Arts is finalising guidelines and procedures for triennial funding contracts. The Opera Company has already been offered triennial funding and it is currently being discussed with some other arts agencies. I expect these guidelines to be implemented in 1995.

(2) These will be available when finalised.

(3) Yes.
1853. Dr WATSON to the Minister for Environment:

(1) When will the recommendations of the Porter inquiry be implemented?

(2) Will the Minister impose a time limit on implementation?

(3) Because of the unresolved issue of location, will the Government assist Mr Stephenson to relocate his business well away from housing or planned housing and well away from water tables likely to be readily contaminated?

Mr MINSON replied:

(1) All the Porter report’s recommendations have been implemented or are in the process of being implemented.

(2) Those recommendations directly under my portfolio responsibilities have been implemented.

(3) The Government has not received any request for assistance from Mr Stephenson to relocate. Implementation of the recommendations of the Porter inquiry will ensure that the incinerator can operate at its present location without degrading local air quality.

1854. Dr WATSON to the Minister for Disability Services:

(1) Were local area coordinators advised not to apply for teachers’ aides for government schools?

(2) If so, on what grounds?

Mr MINSON replied:

(1) No.

(2) Not applicable.

1855. Dr WATSON to the Minister for Disability Services:

(1) Is land owned by or gifted to the Disability Services Commission or its predecessor/s being sold anywhere in the metropolitan area?

(2) If so, why?

(3) If so, where?

Mr MINSON replied:

(1)-(3)

The Disability Services Commission’s property portfolio is currently being reviewed to identify surplus properties with a view to potential rationalisation of these assets. During 1994, one block of vacant land was declared surplus by the Disability Services Commission and has been sold through the Government Property Office. This block of land was located at lot 14 Bettles Street, Marmion. Properties identified as vacant and owned by the Disability Services Commission include Cromane Hostel, 44 Halliday Street, Bayswater, and the Elwyn Morey Centre, corner of Bolton and Wordsworth Streets, Dianella.

Other properties included in the review to determine if benefits are available through relocation of the services provided by these assets include Disability Services House, 53 Ord Street, West Perth; North Metropolitan Region, 124 Dundas Road, Inglewood; East Metropolitan Region, 60 Lord Street, Eden Hill; and Nulsen Haven Association, 462 Great Eastern Highway, Belmont.
HOMESWEST - BRIXTON STREET, KENWICK LAND
Firebreaks

1858. Dr WATSON to the Minister for Housing:

(1) What company or contractor made firebreaks recently on Homeswest owned land off Brixton Street in Kenwick?
(2) What information or instructions were given about the conservation value of the land?
(3) Has any inspection been made of the land since the firebreaks were done?
(4) Is the Minister or the executive director aware that the firebreaks have possibly damaged bushland beyond that which was necessary?
(5) What steps will be taken to prevent this damage occurring in the future?

Mr PRINCE replied:

(1) A1 Vintage Earthmoving Contractors were awarded the contract to firebreak Homeswest broadhectare holdings, which include lot 37 Brixton Road, Kenwick.
(2) There were 149 broadhectare parcels of land allocated under the contract. There were no specific instructions given for lot 37. Firebreaking of this land has been completed in the same manner for the past 15 years.
(3) No. The contractor has not advised Homeswest of the completion of works. Inspections are carried out prior to payment of account.
(4) No.
(5) Not applicable.

QUESTIONS WITHOUT NOTICE

WANNEROO CITY COUNCIL INQUIRY - CHANNEL NINE NEWS REPORT
Attorney General’s Briefing

588. Mr McGINTY to the Attorney General:

With reference to a Channel Nine News report last night on matters concerning the member for Wanneroo, his spouse and the former Mayor of Wanneroo -

(1) Has the Attorney General been briefed or received advice on the matter, either formally or informally, through the office of the Director of Public Prosecutions or any other party; and, if so, what was the information?
(2) Has the Attorney General communicated this information to any other person?

Mrs EDWARDDES replied:

(1)-(2) No, regarding the specifics. I can provide the Leader of the Opposition with a copy of last night’s Radio National news report outlining the DPP’s comment.

Mr McGinty: Has the Attorney General spoken to anyone from the DPP’s office on this matter?

Mrs EDWARDDES: No.

TRANSPORT WORKERS UNION - STRIKE THREAT, DAMAGE TO ECONOMY

589. Mr BLOFFWITCH to the Premier:

Will the Premier inform the House of the potential damage to the Western
Australian economy if the threatened strike by the Transport Workers Union goes ahead?

Mr COURT replied:

The TWU has threatened that it is prepared to take industrial action and, using its words, said that as there is only one road in and out of Perth, Western Australia could be quickly isolated in the event of a dispute. None of us can take that threat lightly, because it goes back to the tactics of old, where unions start threatening industrial action coming up to Christmas. It would be easy to isolate the State with that sort of industrial action, but it is the leadership of that union who will be isolated by making that sort of threat. I certainly hope the Leader of the Opposition will condemn the proposed actions. The tourism industry is worth in excess of $6m a day to this State. The Government's advice is that if an industrial stoppage resulted from a strike by fuel workers, that figure would be cut in half. It is wrong for a union leader to be using that sort of threat in this State and I hope members opposite condemn his actions as much as the Government does.

WANNEROO CITY COUNCIL INQUIRY - CHANNEL NINE NEWS REPORT

Police, Matters Referred to Director of Public Prosecutions

590. Mr McGINTY to the Minister for Police:

Some notice of this question has been given. I refer to serious allegations made by the Channel Nine news report last night relating to the member for Wanneroo, his spouse and the former mayor of the City of Wanneroo.

(1) Is it true that the police have formally or informally approached the Director of Public Prosecutions about possible charges against these individuals?

(2) What is the nature of the charges under discussion?

(3) Is it true that the police refer matters to the DPP only if they constitute an indictable offence, and any member of Parliament convicted of such an offence is automatically disqualified from office?

Mr WIESE replied:

(1) I thank the Leader of the Opposition for notice of the question. The Commissioner of Police advised me that some aspects relating to the Wanneroo City Council inquiry have been referred to the DPP for legal opinion.

(2) It is not appropriate to discuss the content of the material or the status of the investigation at this time. This is necessary in the interests of the integrity of both the inquiry and those under investigation.

(3) I am flattered that the Leader of the Opposition, with his legal qualifications, would seek an opinion from someone who does not have any skills in that area. I inform him that if he were to refer to section 32(b) of the Constitution Acts Amendment Act he would find his answer.

POLICE - INNALOO STATION

Closure Plans

591. Mr STRICKLAND to the Minister for Police:

Some notice of this question has been given.

(1) Is the Minister aware of the article in the Stirling Times of 15 November 1994 titled "Innaloo Fears Loss of Police Unit"?

(2) Has any decision been made to close the Innaloo Police Station?
(3) Will the Minister indicate to the House what police presence will be maintained, and how, during the phase-in of the new Scarborough Police Station?

(4) Has any decision been made to preclude the use of the Innaloo Police Station after 1995?

Mr WIESE replied:

(1)-(4) I am certainly very much aware of the article in the Stirling Times. I was disappointed that this article appeared in the local media when accurate information is readily available from me. I can give the answer which I have previously given to the member for Scarborough. He and I have had substantial discussions on both the Scarborough Police Station and the future of the Innaloo Police Station. I have certainly followed through on those discussions with the member for Scarborough. I am aware of the article in the Stirling Times.

Let me assure both the member for Scarborough and the House that no decision has been made to close the Innaloo Police Station. I remind both the member for Scarborough and the public that this Government gave a commitment before it went to the election that it would not close any of the one-man police stations. As one who has two one-man police stations in his constituency, I can assure the member for Scarborough that I certainly intend to ensure that the commitment given during the election is maintained.

Several members interjected.

The SPEAKER: Order! The member for Balcatta, this is the last warning.

Mr WIESE: I can assure the member that during the construction phase the general duties officers from the Scarborough Police Station will be situated in the Innaloo Police Station and will conduct operations from there. The criminal investigation branch will be accommodated in leased premises close to the existing Scarborough Police Station while the new police station is being constructed on the existing site of the old Scarborough Police Station. There will be no reduction in the level of policing during the construction phase. No decision has been made on the future of the Innaloo Police Station after 1995. I reiterate the commitment we went to the election on: No one-man police station will be closed by this Government unless a suitable alternative can be put in place which the community is prepared to accept.

DIRECTOR OF PUBLIC PROSECUTIONS - ATTORNEY GENERAL, CONFLICT OF INTERESTS

592. Mr McGINTY to the Attorney General:

I refer to reports confirmed today that police have approached the Director of Public Prosecutions over matters concerning the member for Wanneroo, his spouse and the former Mayor of Wanneroo -

(1) Given that in February this year the Attorney General improperly tried to compel the Director of Public Prosecutions to hand over the secret appendix of the royal commission report for the most implausible of reasons - and kept her copy - what steps has the Attorney General taken to separate her political interests from her public duty on this occasion?

(2) In the interests of public confidence in the administration of justice, will the Attorney General do the honourable thing and stand aside from her portfolio while the DPP considers the Police Department’s recommendation?
Mrs EDWARDDES replied:
(1)-(2) This type of question has been asked on numerous occasions over the past 12 months. The premise is totally incorrect.

Several members interjected.

The SPEAKER: Order!

Mrs EDWARDDES: There is no difficulty with conflicts of interest. The Director of Public Prosecutions is totally independent.

Several members interjected.

The SPEAKER: Order!

Mrs EDWARDDES: As the DPP, he is quite capable of dealing with his position in the way he sees fit.

COMMUNITY DEVELOPMENT, DEPARTMENT FOR - YOUNG HOMELESS ALLOWANCE

New Protocols, Bans

593. Mr BOARD to the Minister for Community Development and The Family:

(1) Is it true that the Community Public Sector Union/Civil Service Association has imposed bans on the implementation of the new protocols concerning the young homeless allowance?

(2) If so, is it true that these bans were initiated by Department for Community Development staff?

Mr NICHOLLS replied:

(1)-(2) It is true that the CPSU/CSA union has called for bans to prevent the Department for Community Development staff from responding to referrals from both the Department of Social Security and the Department of Employment and Training when those referrals are part of the protocol for young people who are applying for the young homeless allowance. This prank by the union calls on workers in DCD to reject young people at their time of greatest need, when they are vulnerable, and to deny them support. It is contemptible for the union to suggest that DCD workers should reject those young people so that the union can use them as pawns in its pathetic and callous plan. This campaign was not initiated by DCD staff; it was initiated by the executive of the union at a meeting on 4 November at which it was recommended -

That Federal Executive co-ordinate a program of industrial action...

It was further stated with regard to that meeting -

This means in practical terms that officers will still assess and deal with children using procedures in place prior to the introduction of the protocols. However, they will not take up the case of a youth who prior to the introduction of the protocols was not a case they would have normally dealt with.

The protocols in question relate to young people who make allegations to a federal agency of physical or sexual abuse, who are wards of the State or who are under the age of 15 years. These people will be referred to the local DCD office to be assessed so that the department can investigate the matters and assist the young people. The union is part of the Labor bureaucracy, and it wants the workers within DCD to reject these young people. The union should be roundly condemned by everyone in this House and by the community. In addition, the union should immediately withdraw its call for work bans, and members of the union should reassess who is leading the union. Quite frankly, the remarks of members opposite
indicate that the Labor Party is happy to stand behind the union in its call for DCD workers to reject the young people in our community in their hour of dire need.

WANNEROO CITY COUNCIL INQUIRY - NATIONAL NINE NEWS REPORT
Police, Matters Referred to Director of Public Prosecutions

594. Mr McGINTY to the Minister for Police:

I refer to the Minister's admission to this House in question time today that the police have sought advice of a legal nature from the office of the Director of Public Prosecutions. Does this advice relate to the member for Wanneroo, his wife, and the former Mayor of Wanneroo, in relation to allegations of criminal behaviour by them?

Mr WIESE replied:

I have said time and time again in this Parliament in connection with such matters, that when a police investigation is ongoing, it is not appropriate for me to comment on that investigation in this Parliament. Even if I were in a position to verify the member's statement and reply to the questions asked, I would not do so because I do not believe it would be appropriate. I have said time and time again in this Parliament that I will never comment on any ongoing investigation, where there is potential to disadvantage, obstruct or have an effect on the result of that investigation. It would be totally inappropriate for me or any other Minister for Police to do so.

NORTH PERTH MIGRANT RESOURCE CENTRE - CLOSURE

595. Dr HAMES to the Minister for Multicultural and Ethnic Affairs:

(1) Is the Minister aware of any further developments concerning the North Perth Migrant Resource Centre?

(2) What will it mean for the users of the current facility in Angove Street?

Mr KIERATH replied:

(1)-(2) Yesterday the member for Dianella asked a question on this subject. No sooner had I sat down from answering that question, I managed to obtain a fax from Senator Bolkus. It is unfortunate that I must announce to this House that the North Perth Migrant Resource Centre yesterday felt the cold steel of Canberra in the swift axe that has fallen on it. Senator Bolkus has decided to axe the North Perth Migrant Resource Centre - to refuse it funding and to close it down. This centre helps migrants with housing, training -

Mrs Henderson interjected.

Mr KIERATH: That shows the member's ignorance, because the member knows that the Federal Government has exclusive control over many of those issues. Were it to give us legislative control of the funding, we would fund it. It is sad that this centre, which has helped 18,000 migrants and refugees over the past 15 years, will be axed by the Federal Labor Government in 90 days. This centre provides most of the services which migrants need. The member for Morley demonstrated the ultimate hypocrisy when he moved a matter of public importance recently which stated that this Government was attacking the rights and living standards of the most vulnerable people. There are no people more vulnerable than those who have just arrived in this country and do not speak English, do not know the social or legal systems, and do not have a roof over their heads. Those people need help from the migrant resource centres, yet the Federal Labor Government has decided to help those people in the worst possible way by axing a centre which has been successful! As I said
yesterday, we see here the true Labor Party colours: The Labor Party seeks votes from people in marginal federal Labor seats but does not worry about helping people on the ground.

Mr Brown interjected.

Mr KIERATH: It is interesting that the number of migrants in the area serviced by that centre has trebled from 7,641 in 1986 to 25,770 in 1991. There is clearly a demand for the North Perth Migrant Resource Centre. The member for Dianella will acknowledge that there may well be a need for such a centre in the northern suburbs, but we should not take away from people in a centre which they desperately need now and replace it with a centre somewhere else.

Dr Gallop: Where were you when the multicultural centre was closed?

Mr KIERATH: We want to establish a centre in the northern suburbs and leave the North Perth Migrant Resource Centre where it is so that it can service the people of that area.

Mr Brown interjected.

The SPEAKER: Order! I formally call to order the member for Morley.

WATER AUTHORITY OF WESTERN AUSTRALIA - CONTROLLED MARKETING CONTRACTS

596. Mrs ROBERTS to the Minister for Water Resources:

I refer to the Minister's pattern of breaching tender processes in regard to contracts given to firms associated with prominent Liberals, and I draw the Minister's attention to his 21 September statement which warned of water restrictions several weeks before they were imposed.

(1) Does the Minister now expect the community to believe that water restrictions were an overnight inspiration and that the Water Authority did not have time to take the relatively simple course of action of obtaining three quotes before letting a contract to Controlled Marketing?

(2) Does the Minister expect the Parliament to believe that neither he nor his office approved the communications strategies for either the sewerage infill program or the announcement of water restrictions?

(3) Is it not the case that the Minister and his department have bungled so badly in their planning of water restrictions that tougher restrictions are now a certainty rather than a possibility?

Mr OMODEI replied:

(1)-(3) The member for Glendalough is very good at bending the truth. In regard to water restrictions and the price of water, the member has already been shown to have told downright untruths in the public arena. In regard to the contract to answer public inquiries about water restrictions, yes, the Water Authority was wrong in that it was not prepared for the final announcement, nor for the number of calls that came forward. Let me make it clear that it was the Water Authority which went to Controlled Marketing -

Mr Ripper interjected.

Mr OMODEI: I am not aware of every contract which the Water Authority lets in this State. As I said yesterday, the Water Authority lets approximately $230m in contracts each year.

Mrs Roberts interjected.
The SPEAKER: Order! The member for Glendalough has asked her question.

Mr OMODEI: I do not ask the authority whether it has checked that a contractor has connections with parties which are Liberal, Labor or Communist.

Mrs Roberts interjected.

The SPEAKER: Order!

Mr OMODEI: I listened in silence to the member for Glendalough. The fact that Controlled Marketing has some connection with the Liberal Party should not preclude it from winning government contracts.

Mr Marlborough interjected.

The SPEAKER: The member for Peel, Order!

Mr OMODEI: The deception of people opposite is absolutely galling.

Mr Marlborough interjected.

The SPEAKER: Order! I will resist from formally calling to order the member for Peel, but I ask him to cooperate with the Chair.

Mr OMODEI: Members opposite should cast their minds back to contracts and tenders that were let for the Burswood Casino and the Swan Brewery and ask how many members opposite benefited from the leader's fund which was accumulated from corrupt dealings over the 10 years the Labor Party was in office.

Several members interjected.

The SPEAKER: Order!

Mr OMODEI: Let me put the record straight: The Water Authority went to Controlled Marketing on the recommendation of Telecom. I have been told by the Managing Director of the Water Authority that Controlled Marketing has undertaken the wishes of the Water Authority in a very professional manner. The fact that somebody has a connection to the Liberal Party and should therefore be precluded from contracts let by any Government is a load of rubbish coming from members opposite. The only straw they have to hold on to is that the Water Authority failed to put out those three tenders in time. I have acknowledged that was a shortcoming in the process. I have berated the authority and said I was very angry they were not prepared. However, had the Water Authority not acted quickly - it did act with the proper authority - 700 calls a day would not have received the correct responses.

AIR POLLUTION - HAZE OVER METROPOLITAN AREA, CAUSE

597. Mr DAY to the Minister for the Environment:

(1) Will the Minister advise the House of the cause of the atmospheric haze which has been present recently over the metropolitan area?

(2) Does the presence of the haze cause any significant or serious problems and is it likely to result in any attenuation of the important controlled burning program undertaken by the Department of Conservation and Land Management and other authorities in either the hills areas or other parts of the south west of the State.

Mr MINSON replied:

(1)-(2) For members who suffer from respiratory problems, I guess today is a very appropriate day to ask about that problem. Several incidents have occurred in the past couple of months in Perth. In late spring, early summer and sometimes during the autumn months, still conditions and temperature inversions occur which lead to the entrapment of smoke, in particular. We had a particularly bad run of it on 10 and 11 October and
2 and 3 November. Today is another such day. The effects tend to be very temporary but certainly cause discomfort for some people.

Mrs Hallahan: It is no excuse for running down the public transport system. Motor vehicles are the major cause of this haze.

Mr Kierath: Do you catch a bus to work?

Mrs Hallahan: I drive a car, as do many other people.

The SPEAKER: The member for Armadale should come to order.

Mr MINSON: That was rather a strange interjection.

The effects are constantly monitored by the Environmental Protection Authority. To date it is not a serious problem. The EPA works very closely with the Department of Environmental Protection, the meteorologists and CALM to determine the weather conditions under which it is best to light up various areas of the State. Sometimes the conditions are such that smoke from fires a long way away, quite deep in the south west, finds its way to the metropolitan area. More usually, localised conditions are the cause of the problem and fires in the hills to which the member referred and to the south of Perth tend to be the culprits. However, they tend to be more short-lived.

There is a price if we are to avoid the situation that occurred in Sydney and in New South Wales before Christmas last year. That price is well worth paying. However, I do not think we should drop our guard. I have asked CALM to redouble its efforts to work with meteorologists and with the DEP to make sure that we do not light up at inappropriate times. It is interesting that in the report on the inquiry into burning practices by CALM, the head of research into fire practices at the Commonwealth Scientific and Industrial Research Organisation in Canberra and a professor of botany from the University of Western Australia concluded that CALM's practices were very good and should be continued. No, there will be no attenuation of the burning practices of CALM.

ORD RIVER - HYDRO-ELECTRIC PROJECT

598. Mr THOMAS to the Minister for Energy:

I refer to the Ord River hydroelectricity scheme and ask the Minister three very fundamental questions -

(1) Were expressions of interest or tenders called before the Government signed an agreement with the Ord hydro consortium and if not, why not?

(2) What price will the consortium pay for the supply of water?

(3) What price will SECWA pay for the electricity generated by the scheme?

Mr C.J. BARNETT replied:

(1)-(3) The consortium, Pacific Hydro, approached me about this time last year. I said I was happy for it to negotiate with SECWA and the Water Authority, which it did. It then came back with a proposal which is reflected in the state agreement. It did not go out to tender. It was an initiative taken by a private group that negotiated a commercial arrangement, totally independent -

Dr Gallop: I have heard all this before.

Mr C.J. BARNETT: We on this side of the House happen to tell the truth.

Several members interjected.

Mr C.J. BARNETT: This is the group that could not get 600 megawatts up and
running at Collie in four years! We have got Collie under way, gas for the goldfields is about to happen and hydro power is under way. How members opposite must hate it! Within a year, a private sector company, which negotiated a power deal with the Government, has got that project under way. It is a terrific project. It is the biggest application of renewable energy in this State. It will provide electricity at a saving of $2.5m to $3m a year in fuel costs. It provides the Water Authority with $1m worth of revenue from royalty income on water usage and members opposite criticise it. It is a brilliant project. It is a classic example of the private sector taking the initiative and taking a proposal to the Government and, under a private enterprise, free enterprise Government, it works. The project is under construction this week and the Ord River will have an assured power supply. Members opposite would still be talking about 600 MW at Collie. They cannot put a straight deal together; that is their problem. It is a great project and I am proud to have played some small part in its happening. It happened through negotiations between the consortium, SECWA, the Water Authority and Argyle Diamonds. It is a novel and brilliant project for the State.