

**ADJOURNMENT OF THE HOUSE**

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [5.09 pm]: I move -

That the House do now adjourn.

*Port Kennedy Land Conservation District Committee - Adjournment Debate*

**HON J.A. SCOTT** (South Metropolitan) [5.09 pm]: I raise a matter that came to my attention recently and about which I asked a question in this House. It regarded the actions by the Ministry of Fair Trading, which had written to the Port Kennedy Land Conservation District Committee saying that the Commissioner for Fair Trading had reasonable cause to believe that the Port Kennedy LCDC had been inoperative for the preceding 12 months. I asked the basis of the reasonable cause. There is, of course, a background to that question. The answer to my question from the Ministry of Fair Trading was that the basis for a reasonable cause to believe that Port Kennedy LCDC had been inoperative for 12 months was contained in a letter dated 29 June received from the Ministry for Planning advising that it believed the association had been inoperative for the previous 12 months.

A range of correspondence was then entered into between the Ministry of Fair Trading, the Ministry for Planning and the Port Kennedy Land Conservation District Committee. It would be interesting to know who in the Ministry for Planning is so interested in the Port Kennedy LCDC that he or she would check whether the group was still operative after 12 months. In fact, the person who made the request was a Mr Don Brown, a consultant project manager employed by the Ministry for Planning. It just so happened that Mr Brown was anxious to have the matter looked at because he not only rang the department a number of times and wrote an initial letter with an attachment, which was provided as part of the answer, but he also sent a follow-up letter and made follow-up phone calls. That apparently concerned the Ministry of Fair Trading because it put a note on his second letter as follows -

Gordon could you please have a look at this complaint and advise Michael Eaton as a matter of urgency  
The Ministry of Fair Trading thought that was very urgent because it sent a letter the next day to the Port Kennedy LCDC stating -

The Ministry of Fair Trading has received advice that the above Incorporated Association is no longer active. Could you please confirm this or provide me with evidence to the contrary. The evidence should include all of the following details:

- Minutes of the Annual General Meeting
- Copy of the last bank account
- List of Members of the Committee

The letter stated that it required the information within 28 days of the letter's date. The ministry also sent a letter to Mr Brown which said -

I refer to your letters and telephone conversations with John Lucev of this office.

After receiving legal advice, I have written to the above Incorporated Association requesting that evidence be provided to The Ministry of Fair Trading that shows the Port Kennedy Land Conservation District Committee Inc. is operative.

The Port Kennedy LCDC's reply to that letter is interesting because it indicated that the Port Kennedy LCDC is engaged in a series of legal battles with the Ministry for Planning. As it turns out, the Ministry for Planning is trying to obtain the names of the members of the LCDC. It would be of great advantage to the Ministry for Planning to have those names because the Supreme Court ruled that the LCDC was under no obligation to provide them to the Ministry for Planning. Is that not an unfair use of ministerial power, for the Minister for Planning to try to receive that information by a back door means? The ministry knew the LCDC was operative and that the members were on a number of committees and boards doing work around the metropolitan area, of which I am fully aware. The Ministry for Planning was seeking to get hold of the names of these individuals so that it could take some counter legal action against the members of the LCDC.

That is a very inappropriate use of a ministerial office. I hope the Ministry of Fair Trading, which is already in a great deal of strife, would be rather more careful than to do something like that. It did very little to check the information that was given to it by the consultant from the Ministry for Planning. I have read the letter sent from Mr Brown from the Ministry for Planning. He was working for the ministry at the time of the letter, but I believe he is now a consultant. I am not sure what was his status in respect of the type of projects about which I am talking. In the letter he has made a number of questionable statements. The letter appears to be a hatchet job on the Port Kennedy Land Conservation District Committee. It states -

As early as mid 1996 Agriculture WA was concerned about the operation of this group and Mr Anderton's refusal to submit details of the LCDC's operations and expenditure.

I remember when the debate about this was raging. Mr Anderton showed me three fully audited statements of financial position that Agriculture Western Australia paid for and of which it got copies. It proves that what he is saying is not true.

Hon Kim Chance: Agriculture Western Australia was having its own problems at the time with its accounts.

Hon J.A. SCOTT: It was the time at which LandCorp had seized property from the Port Kennedy LCDC that was on loan from Agriculture Western Australia. It was placed in a compound and later disappeared. It reappeared on a property somewhere down south and there has never been a satisfactory explanation about what the machinery is doing on that property. The letter also contains references to the Port Kennedy Sea Rescue Group Inc. It states –

Both of the groups in question were illegally occupying a site in Port Kennedy owned by LandCorp. Notwithstanding that the LCDC Inc. and Rescue Group no longer enjoyed the recognition and support of Government, the Western Australian Planning Commission (WAPC) decided to assist LandCorp to move the groups by offering a 2 year lease of an alternative site at nearby Larkhill. The expectation was that, since neither of the groups was recognised by Government, and had seized to function in their original role, they would cease to exist within the 2 year term of the proposed lease.

He did not say that the Government of the time had promised to relocate the groups on the new development and had reneged on the promise. The LCDC was rightly outraged by that as it had spent a huge amount of time and effort in undertaking conservation work in the area. The letter continues –

However, Mr Anderton refused to move and the matter was heard by the Supreme Court in January 1998. The Court found that the two groups had no entitlement to occupy the land and ordered their relocation to the site proposed by the WAPC. Following a second Supreme Court hearing arising out of Mr Anderton's refusal to allow the relocation to occur, and a second order preventing Mr Anderton from interfering, the goods belonging to the two groups - including boats and sea rescue equipment, buildings, vehicles, and materials used in land conservation works - were moved to a compound established on WAPC land.

He has also failed to say that the Supreme Court decision was based on an agreement between the groups. They were not forced to anything; it was as a result of an agreement. The Ministry for Planning is obliged, under a ruling of the Supreme Court, to provide a compound for the LCDC. There is a big fight going on over that. The ministry does not want to pay out \$130 000 for a compound. This is a disgraceful way in which to try to get rid of the LCDC and have it destroyed as an organisation.

Question put and passed.

*House adjourned at 5.20 pm*

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