Legislative Assembly

Tuesday, 16 May 1995

THE SPEAKER (Mr Clarko) took the Chair at 2.00 pm, and read prayers.

PETITION - CONVENTION AND EXHIBITION CENTRE

MR COURT (Nedlands - Premier) [2.03 pm]: 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 commend the Government of Premier Richard Court on their positive approach to the construction of a dedicated Convention and Exhibition Centre.
>
> In doing so we stress the economic importance of this Centre to our State and ask that funds be allocated without delay to enable the immediate commencement of this project.
>
> 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 454 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 58.]

PETITION - PARROT REDUCTION PROGRAM

DR TURNBULL (Collie) [2.05 pm]: 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 request that a parrot reduction program be immediately instigated by the relevant government agency, using the most effective method known, which appears to be poisoning, to protect our national heritage, the Blackboy (Xanthorrhoea Preissii) from extinction.
>
> 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 30 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 59.]

PETITION - ROADS, NORTHAM-MUNDARING, DUAL CARRIAGEWAY

MRS HALLAHAN (Armadale) [2.06 pm]: 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, request the Minister for Transport to upgrade Great Eastern Highway to become a dual carriage road system from Northam to Mundaring. This road is narrow and dangerous, it carries an abundance of heavy transport trucks, buses and commuters as well as every day traffic. This road carries a history of bad accidents and needs immediate attention.
>
> 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 154 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 60.]

MINISTERIAL STATEMENT - MINISTER FOR LABOUR RELATIONS

Fatalities and Special Investigations Branch; Workplace Casualties

MR KIERATH (Riverton - Minister for Labour Relations) [2.10 pm]: In 1993 the Government announced that it would take action over the unacceptably high level of workplace deaths due to falls from height, electrocution and tractor accidents. Today I am announcing the creation of a fatalities and special investigations branch in a toughening-up of prevention of work related deaths and injuries. A recent electrocution and a spate of serious injuries in workplaces has prompted this action, which also comes with a special warning from the State Government.

We intend to take a tougher line on breaches of the State's occupational health and safety laws, especially breaches which lead to death and serious injury. Changes to occupational safety and health laws being considered by Parliament at the moment include an increase in penalties from $50 000 to $200 000 in the event of a breach of the legislation leading to death or serious injury. The Department of Occupational Health, Safety and Welfare will be restructuring to establish the fatalities and special investigations branch in preparation for application of the new increased penalties. I have asked the DOHSWA inspectorate actively to seek out and make examples of serious breaches of the Act.

The latest list of casualties from Western Australian workplaces is unacceptable and terribly tragic. There is currently an investigation into the death of a 23 year old man electrocuted in Kalgoorlie this week. Other recent serious injuries included those to a 48 year old man whose leg was severed when another man ran over him with a forklift; a 19 year old man who sustained multiple leg fractures when his foot was caught in a grape press at a vineyard; a 36 year old man who also sustained multiple leg fractures when the end of a bundle of steel he was helping to lift buckled and fell onto his leg; a 40 year old roofing contractor who sustained a fractured pelvis and wrist, and severe bruising when he fell six metres through a ceiling; a 42 year old labourer who suffered a ruptured spleen, damaged kidney and fractured collarbone when a wall collapsed on a demolition site; a two and a half year old girl who is in critical condition with a fractured skull after falling from a community water tower being constructed on an Aboriginal mission; and a 16 year old apprentice electrician who was extremely lucky to escape serious injury when a two tonne brick wall collapsed on him.

The types of serious injuries which continue to occur should not be happening at all, and can be prevented through improved work procedures, better training and the use of guards on machinery. The Government has made a commitment to halve the rate of work related electrocutions over the period July 1993 to June 1997, yet there have been three so far. This, too, is unacceptable and for this reason I have asked DOHSWA to investigate the training of electricians to establish procedures to ensure greater attention to safe work in the electrical trade. This Government is serious about workplace safety, and those who flout the regulations will feel the full force of the law.

[Questions without notice taken.]

MATTER OF PUBLIC INTEREST - SODIUM CYANIDE SOLUTION, ROAD TRANSPORT

THE SPEAKER (Mr Clarko): Today, I received a letter from the member for Armadale seeking to debate as a matter of public interest the transportation of liquid sodium cyanide.

If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

The SPEAKER: In accordance with the Sessional Order, half an hour will be allocated to each side of the House and three minutes in total to the Independent members should they seek the call for the purpose of this debate.

MRS HALLAHAN (Armadale) [2.46 pm]: I move -

> That this House condemns the state Government for -
>
> (1) its reckless disregard for public safety in allowing both the transport of liquid cyanide by road and the extension of road trains in the metropolitan area; and
>
> (2) its destruction of the integrity of the Environmental Protection Authority which under new coalition government appointed management has reversed its long term opposition to the transport of sodium cyanide solution on metropolitan roads.

This is a matter of serious concern to communities across the State. It is of particular concern in the south east metropolitan corridor. Members may not be aware that in 1987 approval for the establishment of a plant to manufacture sodium cyanide solution was dependent on a form of transportation of the material at an acceptable level of risk to the community. For some time it appeared that the proposal to establish the plant was in doubt until some form of transportation could be agreed upon as being at an acceptable risk level. The decision was made that within 50 kilometres of the Perth GPO sodium cyanide solution should be carried by rail and from that point - once outside the area where ground water supplies were most at risk and having cleared the wetlands and water conservation areas - it could be carried by road. It was determined that in all instances it would be carried by rail as close as possible to the minesite, and a system of trucking from railheads to minesites was established. Transport by rail was regarded as not constituting an unacceptable level of risk to the community, and on that basis approval was given and the plant was built. Since then permission has been given for the material to be transported by road in the metropolitan area only in exceptional circumstances.

In 1994 the manufacturer proposed that liquid sodium cyanide be transported by road from the plant at Kwinana. Why did the Environmental Protection Authority change its mind in 1995 and grant approval on a matter it considered very thoroughly in 1987? That is a matter of great concern to the Opposition, which believes that the Court Government has seriously changed the level of care taken by the EPA, and that the change in government has resulted in a serious diminution in the level of responsibility to the Western Australian community. One of the reasons given for the change in the EPA's position is that overseas research indicates that road transportation is as safe as rail. However, all the research historically has put the case that rail is much safer than road. I refer to Bulletin 284 of July 1987, and quote a paragraph which appears on page 2 -

> The EPA believes that rail transport of sodium cyanide solution is safe because the likelihood of an accident leading to a major spill is approximately 5 000 times lower than for a road accident of similar dimensions. The likelihood of a spill incident has been estimated as once in 16 million years for rail, and once in 3030 years by road. Moreover, the iso-tainer would likely remain intact in the event of an accident.

That means that the transport of this dangerous material is an acceptable risk if it is carried by rail and is an unacceptable risk if it is carried by road. The risk is so unacceptable that the EPA would not give approval for the building of that manufacturing plant until the transport issue had been resolved.

In regard to the debate about whether road transport is as safe as rail - one member opposite has been rudely interrupting, even though he held a position which should have made him an informed commentator on this matter. Environmental Protection Authority Bulletin 772 of March 1995 refers to some of the concerns people have had about the

research from overseas which is claimed to be applicable to Western Australia. One example which is given in that bulletin is that the road route for chlorine transport bypassed towns but the rail line went through three large towns; therefore, road was as safe as rail in that instance. I am saying, and I said to the Premier today, and he did not choose to address it, that unless we have in this State a site specific route analysis of road and rail, we will be in no position to extrapolate from research which states that road is as safe as rail; and the example given in that EPA bulletin demonstrates that point. The research to which people are referring is flawed, and the Western Australian community deserves a more thorough approach than the Government simply saying that research has been done which applies to Western Australia, without examining the details of the proposed routes, the density of the traffic and the material carried in the cartage job.

The Opposition believes the risk is too high and that it is utterly unacceptable to the Western Australian community to cart sodium cyanide solution on metropolitan roads. The Opposition concedes that there is a problem because the rail line which serves Narngulu and the north eastern goldfields will close on 30 June and the company has indicated that there will be a significant additional cost per trip to rail its product to the north eastern goldfields. However, if the risk is unacceptable, it will have to take the next most acceptable course, which may be to truck its product from Northam or pay additional amounts for it to be transported by rail.

Mr C.J. Barnett: What would happen is that the product would be imported and Western Australian manufacturers would lose out.

Mrs HALLAHAN: A Western Australian manufacturing company is presently in an expansion program to gain new markets. It has expanded its plant at Kwinana, and apparently it used the sales it would get from the Boddington mine as part of its rationale for expanding that plant, so there is no doubt that this approval is extremely important to Australian Gold Reagents Pty Ltd. The expansion of the plant was in part justified by potential sales to the Boddington mine, which would necessarily have to go by road because it would be too difficult to rail and road the product around the countryside.

This puts the people of Armadale in a difficult position. Neerigen Brook runs alongside Albany Highway and down the Bedfordale Hill. People believe that if there was a spillage on that hill into Neerigen Brook, that material could flow down into Minnawarra Lake in Armadale before the company was able to get its unit from Kwinana to Armadale or before the fire brigade was able to get from Belmont or Kewdale. In my view, the response times that have been indicated are not possible, and if the driver was injured, there could be a very serious problem. The Minister for the Environment made an utter fool of himself when he said that if a whole iso-tainer were to be tipped into Serpentine Dam it would be diluted and there would be no problem. The problem is that a full iso-tainer is not likely to go into Serpentine Dam, Wungong Dam or Mundaring Weir. It is more likely to go into watercourses beside the road, where the dilution rate will not be so great and it will be impossible to control its permeation into the ground. Leach Highway is one of the proposed routes, and I am told that the drains off Leach Highway go directly into compensation basins which are now beautiful lakes in Booragoon for wildlife and particular plant species. That material will run unobstructed off Leach Highway and into those lakes and the destruction of those lakes will be horrendous, quite apart from any effect on people at or nearby an accidet site.

If the sodium cyanide solution were to come into contact with the acid component that would create hydrogen cyanide gas, which is unlikely but could happen, we would have a deadly gas. People would not be aware and we could have fatalities. As responsible people in this place, we must impose conditions which will lead to an acceptable level of risk. We do not believe the EPA has imposed conditions which will provide for the Western Australian community an acceptable level of risk in the transport of this product.

I turn now to the question of road trains in the metropolitan area and to the approval given by the Minister for Transport last Thursday to Giacci Bros to cart mineral sands from Bunbury to Geraldton. There was no consultation with anyone locally about that decision, and we would not have known about it had it not been for the informed

residents of Armadale who spotted road trains over the weekend. Main Roads Western Australia was caught off guard by calls asking why road trains were running through the heart of Kelmscott Village. It is an absolute disgrace that this Government has given approval without consulting the City of Armadale. Whether the Government consulted the member for Roleystone is another question. It certainly did not consult or advise me, the member for Armadale, or tell the Against Road Trains Action Group, which is very concerned about heavy transport issues. The residents who made inquiries at the City of Armadale received a copy of a Main Roads letter to Giacci Bros, which states -

> You recently wrote to the Hon Minister for Transport seeking agreement to the operation of 25 m short double road trains from Bunbury to Geraldton.

The Minister is trying now to say they are not road trains, when everyone knows they are road trains: The company which wants to cart the material from Bunbury to Geraldton knows they are road trains, and Main Roads knows they are road trains, yet we have this devious representation that they are just big trucks. People must know what size vehicle they are travelling behind if they are to interact safely on our roads with these very long and heavy vehicles. Road trains do not track as well as do B-doubles, which are already on our roads. The route through Kelmscott it is a very narrow four-lane highway and it is overtaxed now. People are very worried and they do not see the curfew hours that have been imposed being sufficient to provide safety in that community. The Opposition is very concerned about the safety of road users and we are condemnatory, I believe with good reason, of this Government.

DR EDWARDS (Maylands) [3.01 pm]: This motion is really like a very bad marriage. On the one hand, what is happening in the railways is used as the justification for Australian Gold Reagents Pty Ltd's seeking this change in its conditions, and on the other hand the Government is very keen to gut the Environmental Protection Act and is using section 46 of that Act under the guise of what is happening to the railways to bring about conditions that could potentially harm all of us and certainly cause great harm in that 50-kilometre radius from Perth that comprises city electorates. In the time that liquid sodium cyanide has been transported on railways we have had no accidents and we have had a very safe rail system. However, the problem is that the system is being wound down. Last week, in the middle of announcements about federal Budgets and royal commissions, we had the sneak announcement that yet more jobs are to go from the rail system. It is to be wound back even further.

Last week we had in this place an agreement Bill in which section 45 of the Environmental Protection Act was ignored in relation to noise. This week section 46 is being used to override the Act and previous decisions of the Environment Protection Authority and to override what I believe are very sound conclusions about safety. This week it is being used in relation to cyanide; what will it be next week? Will it be PCBs or organochlorines? Who knows? We are on a downward slope and the environment is suffering most.

I would like to comment on the decision. The first question I have to raise is: Why? Opposition members have had a briefing from the company. We understand the difficulty it is operating under and we are pleased that the product is being manufactured here, and we support that. But the argument about why it needs this permission to be on the roads to me rings hollow. I read the decision, I have thought about it and I have discussed it with people. I must admit that even at that very first building block I am unsure why we are doing it. I refer to the evaluation and the argument in bulletin 772, which forms the basis for the Minister's decision. It relies heavily on a 1991 United Kingdom Health and Safety Commission report. One reads it and it looks good, but as the member for Armadale pointed out, we are not comparing apples with apples; we are comparing apples and lemons, I think. As the member pointed out, the British study had rail transport going through towns and road transport bypassing towns.

Mr Minson: If rail were going around the towns, it would be too expensive to put it through the towns.

Dr EDWARDS: I am talking about the basis upon which the decision has been made. It

shows how clearly the Minister for Works has read this; he has totally misread it. I think that fits in with how this got there. It is also important to point out that the British study involved only four substances and it did not include cyanide. In fact, the British system is totally different. Its rail system is totally different - for a start it is much busier - and the road system is totally different. It is no wonder when one looks at the British system one sees that road and rail move much closer together. That seems to have been picked up and swallowed without any valuations about how one translates that to this scenario. That is a very serious flaw in this argument.

There is a second serious flaw that has not yet been mentioned. That appears in a throwaway line where it is stated that a UK study "excluded damage to the environment." The Environmental Protection Authority has made a decision on the basis of a UK report that excluded damage to the environment. Who cares about the environment? I doubt that the Government cares very much about it. Certainly, given what has happened since it has been in power - and I will go into this in a little more detail in a moment - there is not a lot of evidence to show its concern. I will reiterate the damage to the environment. The damage occurs when the liquid cyanide comes into contact with some sort of acid, which results in the release of hydrogen cyanide gas. I have been informed that in fact one truck here had acid and cyanide -

Mr C.J. Barnett: There were two.

Dr EDWARDS: There were two trucks carrying those two potentially lethal materials on our freeways. Do we want this? Is that what we are going to encourage. Another problem is that if an accident occurs and the cyanide escapes and comes in contact with our wetlands, which are very acidic, that product will slowly seep through the wetlands. However, we will also have the release of the noxious gas - the hydrogen cyanide. That does not sit too well with all the other work we are doing. We are building nutrient stripping ponds to try to protect our wetlands. We have had Ministers and people from the Government planting trees around wetlands on Sunday, on Mother's Day. They are doing that on one hand, but on the other hand they are taking this action which will degrade our environment.

Other government agencies had input into this bulletin. This report goes into some detail, listing all the key government agencies that have supported this decision. It quotes from the Swan River Trust submission that there is no problem with the routes proposed by AGR. However, this submission is a one-page, two-sentence handwritten fax. I ask members: What is the basis for doing that? What is the reasoning, argument and logic? CALM, which has the responsibility for managing conservation, advised that it would not make a submission to the EPA on this proposal as there were other agencies that covered the issue. That was a two-sentence, one-paragraph letter dated 21 February and obviously solicited by the chief executive officer of the Department of Environmental Protection. How seriously are government departments taking this extremely serious proposal? I am not blaming the departments. In fact, I was given information late this morning that in the Department of Environmental Protection the staff numbers are being cut back in the very division that does these assessments. I know that because of the complaints I get that the public servants who are committed to improving our environment are getting more work, and are under increased pressure to get the work through more quickly. They also have the uncertainty about what is happening to their department; for example; what is happening with the Swan River Trust. In addition, they have few people to do the work. No wonder they make handwritten fax responses to very important issues like this and they duck out of making any submissions.

However, perhaps the people who have most seriously ducked out are those in the Environmental Protection Authority. Under the heading "EPA's evaluation" it states that since the expertise and management of public risks associated with transport of dangerous goods lies with the Department of Minerals and Energy, the EPA accepts DOME's philosophy. It goes on to say that the EPA considers the rationale for the proposal acceptable and it will not do route specific quantitative analyses. The problem with all of that, while I do not doubt that DOME does a good job, is that the environment suffers. It is not DOME that cares for the environment and says what we should be doing

for the environment, and that this is the precautionary principle we should be using because we do not know all the risks involved. DOME has a whole set of other responsibilities that are much aligned to what the company wants. My argument is that it is the environment that suffers in the short term. However, more seriously, particularly if these products get into our wetlands and waterways, the environment will suffer in the long term as well.

In this bulletin there is I believe one quite well considered submission from the Health Department. It has made comments in relation to rail transport's being safer than road transport. It also points out, which I think is obvious and should have been considered, that railways have a much greater buffer zone than roads. Therefore, if an accident occurs and sodium cyanide is released, the 50 metres from the site of the accident is critical for the people involved because it is a natural buffer of the railway system. If road transportation is used and an accident occurs near a school and other vehicles are involved, people cannot move from the area quickly enough and unnecessary problems occur. If the Government had looked more carefully at the submission which contains argument and evidence we would have a better outcome.

One of the main principles is the Government's use of section 46 of the Environmental Protection Act which allows companies to appeal to the Minister for the Environment to have the conditions altered. That legislation was passed in 1986 and proclaimed in 1987. Obviously in 1987 section 46 was not used because there was no great need. Two appeals were made against that section in 1988, and three in 1989. One might think that because of the importance of the situation we would see a steady increase in appeals. However, in 1990, only one decision was published; in 1991 seven and in 1992, two. During the first six years of the Environmental Protection Act under the Labor Government, 21 decisions were made where conditions were changed. How many decisions were made in less than two years of this Government? In 1993, 10 decisions were made; by October 1994, 10 decisions were made, and 13 were in process. By December last year there were a total of 36 cases; so in less than two years 36 applications were made and most decisions arrived at under section 46 of the Environmental Protection Act. What message does that convey to business about the environment and the Government? The message is that if companies are unhappy about a decision of the EPA they should go to the Government. The message is that the Government is the good guy; it will allow companies to transport sodium cyanide wherever they want; the Government will allow the companies to manage the risks to the environment; the Government will overturn any decisions previously made by the nasty Environmental Protection Authority.

Who suffers? Certainly the environment suffers, but perhaps industry suffers as well. The message is that the Environmental Protection Act does not matter any more. It was the same situation with the failed planning Bill when the EPA was to be gutted. Fortunately that Bill was thrown out. We saw the same situation when the former Minister failed to carry out an assessment of proposals, the most glaring example being at Guilderton and Moore River. We saw what happened last week in this Chamber when the Minister for the Environment and the Environmental Protection Authority were written out in a matter to do with noise assessment. Today we see it with section 46 - a section which was used on appeal to deal with sodium cyanide and which was beyond all thought when the Act was brought in. This is an extremely serious motion. I urge the Government to listen carefully to our arguments and to address the situation immediately.

MR MINSON (Greenough - Minister for Works) [3.14 pm]: I have heard some unnecessary and silly debates in this place but this is one of the silliest debates ever -

Several members interjected.

Mr McGinty: You are a buffoon.

Withdrawal of Remark

The SPEAKER: Order! I ask the Leader of the Opposition to withdraw his remark.

Mr McGINTY: I withdraw.

Debate Resumed

Mr MINSON: This was one of the silliest recommendations made by the previous Environmental Protection Authority. The EPA of the day did not analyse the study carried out in New Zealand which led to the absurd conclusion that road over rail carried a risk factor of 5 000:1. I remember that argument very well. I was not in Parliament, but I read the debate with interest. It seemed to me that the company importing granulated cyanide did a real job on the Government of the day and on the company that was trying to manufacture sodium cyanide in Western Australia.

The second paragraph of the motion insults the integrity of the board of the EPA.

Mr McGinty: You insulted people when you sacked Barry Carbon and the board and put in your own people so that they could deliver decisions like this.

The SPEAKER: Order!

Mr MINSON: The Leader of the Opposition can draw his own conclusions.

Several members interjected.

The SPEAKER: Order! I cannot fathom this behaviour. The members for Armadale and Maylands suffered very few interjections. Certainly there were not enough interjections to put them off their stride - not that I am suggesting that the Minister is being put off his stride. However, the quantity of interjections is unacceptable. If they continue I will do something about it. It is only fair that we hear both sides of the argument in this place.

Mr MINSON: I do not mind, Mr Speaker. Members can interject all they like - on the proviso that I have extra time to speak.

Three important points about this discussion are: The risk of something happening, the risk if something happens, and whether we could cope if something were to happen. The interesting point is that the study carried out in New Zealand - and upon which the 1987 decision was made - has been discredited to the point where it has been updated by the people who did it. Those people have reworked the data and their suppositions, and have identified exactly the same risk levels as were identified by other countries where similar studies were undertaken. The study in the United Kingdom, known as the multi-million study, was referred to by members as not comparing apples with apples because the roads went around the town and the rail system went through town, and so on. A number of studies on this matter have been undertaken in the United States. Those studies concur with the United Kingdom studies. Canada has undertaken a similar study which reached the same conclusion as those in the United States and the United Kingdom. The Canadian results are probably the best comparison one can make with Western Australia. It covers similar population areas and terrain, as well as road conditions. Europe experiences some difficult road situations but it has very good rail systems. Studies carried out in Europe have reached the same conclusions. It is strange that, according to the Opposition, the whole world is wrong except for the New Zealand study which has since been reworked by the same people who arrived at the same conclusion as the rest of the world. Perhaps the Australian Labor Party in Western Australia is a few years out of date.

Certainly, there are greater risks of rupture if an accident occurs while the solution is transported by rail because, depending on where the railway line is located - the lines tend to go through steep cuttings - and bearing in mind that the rail car carrying the solution can be subjected to huge pressures because of the weight of the remainder of the train, that can offset the greater traffic factor faced on roads.

Mr McGinty: Did the EPA say that that occurs often? You're making it up now.

Mr MINSON: I am not.

Mr McGinty: You tell porkies and expect to get away with it. Which page is that on?

The SPEAKER: Order!

Mr MINSON: Not all matters addressed by the EPA are contained in the document in the possession of the Opposition. I am sure that if the Leader of the Opposition went to the Minister and sought permission to approach the EPA in order to receive a full briefing he would become aware of the remainder of the data. Certainly, if I were the Minister, I would say yes. As the member will know, I always allowed the Opposition full access. It would find all the rest of the things that the Environmental Protection Authority considered with this matter. We have already heard some mention of the risk if something were to happen. This substance is dangerous only under certain circumstances. In fact, one could fall in the stuff without creating a huge problem, as happened to Bill Grayden.

Mr McGinty: Do us all a favour - go for a big dive; that is how stupid you are.

Mr MINSON: An acid must be present to convert it into a gas, which is dangerous.

Mr McGinty: If you believe that, you are as stupid as you look.

Withdrawal of Remark

The SPEAKER: Order! I call on the Leader of the Opposition to withdraw that remark. He has been making similar comments for some time. I also advise the Leader of the Opposition that he is interrupting debate in an incredible way which is not acceptable. I call on him to withdraw those words.

Mr Ripper: Point of order, Mr Speaker.

The SPEAKER: Order! The member for Belmont will resume his seat and I will come to him later. I call on the Leader of the Opposition to withdraw the word "stupid". He has used the word in several ways. I did not stop him on some occasions, but I have on this occasion because it seemed particularly inappropriate.

Mr McGINTY: A point of order was taken in respect of your ruling and it is inappropriate for you not to take it.

The SPEAKER: I am calling on the member to withdraw forthwith and if he does not, I will have to take action against him, which I do not want to do.

Mr McGINTY: I withdraw.

Point of Order

Mr McGINTY: I am asking you to look at what was said. You will find your ruling is completely out of order.

The SPEAKER: The Leader of the Opposition cannot debate the issue.

Mr McGINTY: It was not something which was appropriate for you to rule on.

The SPEAKER: I ask that when I call the Leader of the Opposition to order, he comes to order. In addition, to call people "stupid" in a completely assertive way -

Mr McGinty: That is the point I am making to you.

The SPEAKER: Order! The member should not interject while I am on my feet. He should look carefully at the types of remarks he makes, and that last remark is singularly inappropriate.

Debate Resumed

Mr MINSON: Many dangerous substances are carried by rail and road which are in the same category of danger, as far as the law is concerned, as cyanide. Which poses the more danger, a cloud of chlorine gas slowly drifting around in a suburb in the small hours of the morning or an LPG fireball? The risk factors involved in transporting chlorine and LPG, which are transported by road and rail all the time, probably are greater than in transporting cyanide. The question that arises is whether we can cope if there is a spill. We believe we can. The EPA has done a worst-case study, and claims that no studies were made are wrong. The cyanide can be neutralised by ferrous sulphate. The EPA has put in place a number of things along the routes which will go into train immediately in the event of a spill. It believes it can control the situation in the event of a spill.

Accidents will occur on either road or rail. Members opposite are a few years behind in their analysis of the data and in the design of containers and trucks that are used. It is interesting that the current Leader of the Opposition, who has been so vociferous this afternoon on several occasions, authorised the transport of sodium cyanide by road in the metropolitan area. When he was leaned on by companies because of a rail strike, he authorised the transport of sodium cyanide by road. It is hypocritical for the Leader of the Opposition to carry on in the way that he has. There will not be a wholesale shift to the use of road transport.

Mr McGinty: What a stupid thing you have said.

The SPEAKER: Order! Leader of the Opposition.

Mr MINSON: Western Australia has had considerable experience of transporting cyanide by road, partly because of the actions of the Leader of the Opposition, who was good enough to authorise its transport by road on a number of occasions. Transport by road is only an option when rail transport is not available or where it is not sensible to do that. Geraldton and Boddington are two examples. People ignore the risk that is taken when the cyanide is unloaded from a railroad onto a truck to continue its journey. We had the ridiculous situation in my electorate where sodium cyanide, because of the stupidity of the previous Government, had to be transported by rail to Geraldton. For those members who know their geography, it was transported to Geraldton and then loaded into trucks and driven parallel to the railway line all the way back to Mingenew, which is about 120 kilometres, through Morawa and out to the goldfields and the Murchison. That is a complete and utter nonsense.

Mr Marlborough: That is minimising the risk.

Mr MINSON: How can it be minimising the risk when it is carted up by rail and carted back by road? That is doubling the risk. I have never heard anything so stupid in my life. The transport will be only on major routes and at low traffic periods. The measures that will be taken in the transport of this substance include: Neutralising substances will be stored along the route; hugely strong double walled containers will be an integral part of the trucks; speed measures; coordinated exercises with local emergency response groups; and radio reporting procedures by drivers. These are only a few that have been proposed. Actual movements, as with all hazardous goods, will be controlled by the Department of Minerals and Energy and the restrictions are very tight. The second part of this motion is a terrible insult to the integrity of the people in the Environmental Protection Authority, which the Opposition was lauding a short while ago.

Mrs Hallahan: Not under your Government.

Mr MINSON: Yes, the member for Armadale did.

Mr McGinty: What about the integrity of the people that you sacked and then defamed in this place? You are the Minister representing the Minister for the Environment.

Mr MINSON: Mr Speaker, you can draw your own conclusions from that, but I am happy to stand by the new board of the Environmental Protection Authority as indeed was the Leader of the Opposition when the EPA said it did not agree with the Government on a particular piece of legislation. Members opposite said that we had lost control of the EPA and all that sort of nonsense. I am proud to have put in place one of the best qualified, strongest and most independent Environmental Protection Authority boards this country has ever since. Ray Steedman is a man of enormous ability, who was good enough to head up the Australian Industries Management Services, a commonwealth government instrumentality, internationally and nationally renowned. He was appointed by a Labor Government. I was happy to appoint him as chairman of the EPA , and would do so again. Where would we get a better conservationist than Bernard Bowen, a man of great integrity and strength and who has a proven track record? Who is responsible for the good health of the crayfish industry in this State? It is Bernard Bowen. Professor Brian Logan has worked for Governments of all colours over many years. Once again, he is a man of great ability and integrity. Mr Chris Rowe is another person of great integrity.

Dr Edwards: Who is the new man?

Mr MINSON: I just spoke in favour of the four. I am not sure who is the fifth member, but for the purposes of this discussion it is irrelevant.

Dr Edwards: Why did Dr Sharp leave?

Mr MINSON: I was happy to have Dr Sharp there. I have read her resignation letter; she was quite happy on the EPA board and cited reasons of personal business for her leaving.

This Opposition owes an apology to the Environmental Protection Authority board. I am quite happy to defend myself, but these slurs on the integrity and strength of the EPA board are an absolute disgrace.

Mr McGinty: Why were you dumped?

The SPEAKER: Order! It is highly out of order for the Leader of the Opposition to make interjections at will. He has decided to comment about calling a Government stupid. There is a huge difference between calling a Government stupid and calling a member stupid. I bring members' attention to Standing Order 132. Imputations of improper motives are not covered there, but it provides that all personal reflections on members shall be considered highly disorderly. It is essential that this, and all our debates in this Parliament, be carried on in a reasonable and reputable manner. They should not be opportunities for people to indulge in abusive comments.

MR C.J. BARNETT (Cottesloe - Minister for Resources Development) [3.32 pm]: When Australian Gold Reagents developed its plan for Kwinana to produce initially 15 000 tonnes of sodium cyanide, the environmental condition was placed on it that it could not use road transport within 50 kilometres of the GPO. At that stage, various scientific evidence was used and the point made that the company did not have a track record. It was true; it was a new company. Since then however, over six years, a total of 335 000 tonnes of sodium cyanide has been transported, involving 16 700 truck trips without incident. AGR has established a good record of management and safety practices. That should be taken into account.

The situation is now different; with the growth of mining in the gold industry in this State, the company has decided to expand production from 15 000 to 35 000 tonnes, which will cost about $14.8m. However, it is limited in its access to the market. As a result of the lack of a direct rail route it cannot get access to the Boddington gold mine, now the largest gold producing mine in Western Australia. The great irony is that the only way it could get access would be to double handle the product, which would raise more issues of safety than the use of an exclusive road transport route all the way through. The other irony is that - I am not suggesting we compromise on safety - if we do not allow this procedure to continue, Boddington will be supplied with imported solid form sodium cyanide in place of the local product.

Mr Marlborough interjected.

Mr C.J. BARNETT: That is what will happen. Boddington mine is now supplied by cyanide imported in solid form through the port of Fremantle, and transported by road to Boddington. I am not in any way dismissing the issues that should be discussed. However, AGR is a local company, producing a local product for local industry. We say a considerable amount in this Chamber about the importance of adding value to our resource industries. It is equally important that we enhance the amount of local input. This company is doing exactly that. It is of course important to consider the ways in which it can be done safely. Another point, already referred to by members from both sides, is that Westrail has cut the service to Narngaloo. As a result, not only will the local manufacturer be denied access to Boddington but also, with the rapid growth of the Murchison goldfield, it will be effectively denied access to that. We would be cutting out the local producer and allowing the imported material an increased market share.

Mr Marlborough: You would not be doing that.

Mr C.J. BARNETT: It would be effectively doing that. The local producer could transport it into the sticks somewhere, but on the economics of transport, it would not be

able to compete with the imported product which comes direct to Fremantle and goes straight onto the truck and direct to the mine. Although in theory it could be done, in practice it will not happen because it is not commercially viable. The imported product will win every time.

Mr Marlborough: The problem with the industry is that the Americans can undermine it at any time regardless of the EPA. That was the problem faced by CSBP and Farmers Ltd when it first tried to get off the ground.

Mr C.J. BARNETT: The member for Marlborough can have the last couple of minutes.

Under, I think, section 46 of the Act the EPA has amended the environmental condition. However, the company will still transport only up to 30 per cent of its product directly from the plant by road. It must be understood that the majority of the product will still go by rail.

Mrs Hallahan interjected.

Mr C.J. BARNETT: The company's preference is to use rail, but in these circumstances if it is to supply the market, in commercial terms it has no option.

The Minister representing the Minister for the Environment referred to some of the properties of cyanide, which is a dangerous good. He referred to the common garden variety of chlorine used in pools in domestic backyards, which is comparably a dangerous good. Ironically, chlorine will neutralise cyanide. Comments were made in media reports about the possible effects a spillage might have on our water resources. I know that the Western Australian Water Authority has reviewed the proposed plans, and agrees with them. An assessment has been made by an agency which is quite rightly extremely protective of our water resources. Nothing has been skipped. The point must be made that although the chemical is being transported in trucks, that happens only in 8 millimetre thick, steel containers in a special cradle in line with international standards.

The point was made about gas generation. The Minister representing the Minister for the Environment said that if the chemical spills, it does not generate gas, although it does if it is combined with acid. Media reports also referred to some sort of cover-up. Admittedly incidents have occurred during the transport of cyanide and acid in trucks. Two accidents occurred, one in 1986 and one in 1989; but there was no cover-up. No-one was hurt and there was no spillage of cyanide, although I will concede that could have happened. Fortunately, because of the packing, it did not happen. The transport operators and the companies were prosecuted, found guilty and fined.

Mrs Hallahan: Guilty of what?

Mr C.J. BARNETT: They were found guilty of a breach of the regulations. That transgression was also reported in the Department of Minerals and Energy summary of accidents report. At no time was there any indication of a cover-up. There was prosecution and public naming. The issue is being treated seriously by the Government and the EPA. It is appropriate to raise it here because it is emotive within the community.

Our economy is based on mineral and resources development. By its very nature, we will be required to transport dangerous goods within this State. However, that does not mean we should compromise our safety measures. All sorts of chemicals and materials are transported in Western Australia. We must accept the reality of that and that we can do it safely. After six years, this company has established a record of excellence in the transport of material. Although the material has dangerous properties, we should not forget the monitoring that takes place and the company's safety and management program, together with its record.

DR TURNBULL (Collie) [3.40 pm]: I strongly oppose the motion before the House. The transporting of sodium cyanide by road will be of great benefit to an industry in my electorate - the Boddington and Alcoa gold mines - and this will be of great assistance to the economy of Western Australia. The two previous speakers for the Government have presented detailed and exact facts. Those are the facts on which the House must focus

itself today. The Opposition's presentation comprised mainly facts which were produced in 1986. Since then time has passed and technology has advanced.

Mrs Hallahan: And research is research.

Dr TURNBULL: Research is research, and a lot has been done throughout the world. I have inspected the containers and considered the rail situation. It is my opinion that it is just as safe to transport sodium cyanide by road as by rail. A valid point was made by the last speaker; that is, the more transfers that must be made with these containers, the more likely that there will be an accident. Members must remember that the distance to Boddington is about only 150 kilometres. If the sodium cyanide were transported by rail, the distance would almost double. It would still have to travel by road to get to Boddington. The economies of using liquid cyanide are important to this industry at Boddington. The technology which has been developed is sufficient to give us assurance that the safety of road transport can be relied on.

MR LEWIS (Applecross - Minister for Planning) [3.42 pm]: I have listened to the debate with some interest. The crux of the Opposition's argument in this debate is based on the past. Opposition members put a lot of weight on a determination of the Environmental Protection Authority in its bulletin of 1987. If this Government - and I believe any Government - accepted edicts of the past and never had the ability to review and reconsider matters, taking into account advancing technology and the like, nothing would ever happen. The reason the Opposition has adopted its position gets back to dogma. This Government has been prepared to make decisions on heavy road transport on roads as well as the transportation of liquid cyanide.

The Opposition's motion is a reflection on the integrity of the Environmental Protection Authority. The EPA has reworked its decision, re-evaluated the matter and, with other appropriate authorities, resolved that it is reasonable and safe with the prevailing conditions and procedures to transport sodium cyanide by road. The Opposition now stands up against what the EPA has recommended to this Government. Is the Opposition saying that the EPA is incompetent? Is it saying that the EPA has not had due diligence in the consideration of its determination?

Mrs Hallahan: That is right.

Mr LEWIS: Why do members opposite not get up and say that they do not have confidence in the EPA, rather than going on with a lot of drivel for half an hour about the transportation of cyanide? Let it go on the record that the Opposition has no confidence in the EPA, because that is the nub of its argument. The Government should be applauded for moving to reform road transport in this State because it has taken on difficult decisions and done things which should have been done a long time ago. The mineral sands trucks which travel through the Kelmscott village are no longer in length than the trucks which have gone through that area for some years, transporting the same product - they are just of different configurations: The length is the same and there is a little more tonnage, but there is no more danger. In fact, state of the art technology has gone into those vehicles. Members opposite must get into the twentieth century. They cannot keep thinking horse and cart. That is why they are in opposition - all they do is go back to the past and think about horses and carts.

MR McGINTY (Fremantle - Leader of the Opposition) [3.45 pm]: Goodness, gracious me! What an amazing non-contribution to this debate by the member for Applecross. The member's Government was the one which sacked Barry Carbon because it had no confidence in him. It was his Government which sacked the members of the board of the Environmental Protection Authority because it did not like the decisions they were making. The former Minister for the Environment put on a disgusting performance in this House. He wanted to nobble the EPA to get the sorts of decisions from the EPA that he wanted.

Mr Lewis interjected.

The DEPUTY SPEAKER: Order! This afternoon on more than one occasion, whoever was in the Chair had to stand and remind members that we can have debates without

interjections from both sides of the House simultaneously, not allowing the speaker to be heard properly. In addition, if members direct their comments to the Chair rather than across the Chamber at each other, we may get some more sense in the debate.

Mr McGINTY: In 1987 the Environmental Protection Authority gave three reasons sodium cyanide should not be transported by rail in the metropolitan area: The environmental consequences; the concern about the effect of a spill on the coastal water supply; and the effect of a spill on wetlands and public safety. The only argument for now overturning the first concern of the EPA in 1987 has been put by the Minister for Resources Development; that is, the company has a track record since 1987. No argument has been advanced for the transport by road by the Minister for the Environment or by the now sacked Minister for the Environment - sacked because of his absolute incompetence. I am glad he is no longer Minister for the Environment.

The second argument advanced by the EPA in 1987 was that rail was 5 000 times safer than road for transporting those goods.

Mr Minson: It was wrong then, and it is wrong now.

Mr McGINTY: Where in this report does it say that? It does not. The member for Greenough comes here with fabrications and distortions and tries to con people by not telling the truth. If it is such a sound argument, why is it not in the bulletin? The member for Greenough knows damn well why that is the case. He is trying to defend the indefensible.

Far from it being the case that the Opposition needs to get into the twentieth century, the Government needs to come out of the nineteenth century, because the days when people accepted exposure to road trains carrying chemicals of this nature are gone. It will be to the Government's enormous cost if it allows that to occur. The former Minister for the Environment has already paid the price: He has been sacked. The Premier has no confidence in him. He booted him out because of his incompetent handling of this portfolio, and this is part of the fruit of his time as Environment Minister. He nobbled the board; he sacked Carbon; he threw out all the board members; and he amended the Act in order to get a quiet EPA that would deliver to him exactly the sort of decision that he wanted which would overturn the decisions that were made in 1987 which provided the people of Perth with safety and addressed the public health concerns. The Health Department completely disagrees with him.

[The member's time expired.]

Question put and a division taken with the following result -

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Ayes (21)

Mr M. Barnett	Mrs Hallahan	Mrs Roberts
Mr Brown	Mrs Henderson	Mr D.L. Smith
Mr Catania	Mr Kobelke	Mr Taylor
Mr Cunningham	Mr Marlborough	Mr Thomas
Dr Gallop	Mr McGinty	Ms Warnock
Mr Graham	Mr Riebeling	Dr Watson
Mr Grill	Mr Ripper	Mr Leahy *(Teller)*

Noes (29)

Mr Ainsworth	Mr Johnson	Mr Prince
Mr C.J. Barnett	Mr Kierath	Mr Shave
Mr Blaikie	Mr Lewis	Mr W. Smith
Mr Board	Mr Marshall	Mr Trenorden
Mr Court	Mr McNee	Mr Tubby
Mr Cowan	Mr Minson	Dr Turnbull
Mr Day	Mr Omodei	Mrs van de Klashorst
Mrs Edwardes	Mr Osborne	Mr Wiese
Dr Hames	Mrs Parker	Mr Bloffwitch *(Teller)*
Mr House	Mr Pendal	

Pairs

Dr Edwards	Mr Bradshaw
Mr Bridge	Mr Nicholls

Question thus negatived.

MOTION - TIME MANAGEMENT SESSIONAL ORDER (GUILLOTINE)

MR C.J. BARNETT (Cottesloe - Leader of the House) [3.53 pm]: I move -

> That the following items of business be completed up to and including the stages specified at 5.30 pm on Thursday, 18 May 1995 -
>
> Security and Related Activities (Control) Bill - all remaining stages
>
> Swan Valley Planning Bill - all remaining stages
>
> Financial Transaction Reports Bill - all remaining stages

The second reading stage of the Security and Related Activities (Control) Bill has been completed and I hope that it will be concluded either this afternoon or early this evening which will allow the House to proceed with the second reading debate on the Swan Valley Planning Bill. I previously advised the Opposition Leader of the House that the Acts Amendment (Betting Tax) Bill would be subject to this sessional order, but I have been advised that the Minister responsible for the Bill, who is in the other place, wishes to make minor amendments to it. I have not seen the amendments, but I did not think it appropriate that the Bill be subject to this sessional order; nonetheless, I would like to deal with it this week. I hope that on Thursday the House will be in a position to deal with the Mineral Sands (Beenup) Agreement Bill and, if time permits, the Prisons Amendment Bill and the Veterinary Surgeons Amendment Bill. Most of these Bills are, I think, relatively minor Bills.

MR BROWN (Morley) [3.55 pm]: The Opposition opposes this guillotine motion, which is euphemistically known as a sessional order. It has become common practice for the Government to move this motion, irrespective of whether it is required. It would be stretching the imagination if one were of the view that the three Bills nominated in the motion would not be dealt with before the specified time on Thursday. I understand the Opposition primarily agrees to the Security and Related Activities (Control) Bill. Although it will require some debate in Committee, it is not one of those highly contentious Bills that have come before this House requiring lengthy debate in Committee. I understand from the shadow spokesperson responsible for handling the debate on the Swan Valley Planning Bill that the Opposition agrees to it, but will move some minor amendments in Committee. While it will take some time to debate, it is not a highly contentious Bill and will not take a full day or days to debate. Likewise, the Financial Transaction Reports Bill, which seeks to complement federal legislation dealing with money laundering and will put in place the appropriate arrangements to link state and commonwealth law enforcement agencies, is also agreed to by the Opposition. Given that the Opposition agrees with these three Bills, I am at a loss to understand why the Government finds it necessary to move this sessional order.

The Leader of the House indicated that he would like the House to debate the Acts Amendment (Betting Tax) Bill, the Mineral Sands (Beenup) Agreement Bill and the Prisons Amendment Bill this week. I do not know about the first two Bills, but the third falls within my responsibility and it is not the highly contentious Bill which it was claimed to be in the other place. It is possible that these three Bills which are not subject to the sessional order will be debated this week. Therefore, I do not see the point in this motion. It has simply been put as a matter of form to try to convince the Opposition that, irrespective of the merit of its argument and whether Bills which come before this place are dealt with effectively and efficiently within a certain time, the Government will simply plough on and each Tuesday, as a matter of form, it will move a sessional order. If that is the honest view, it indicates the unhealthy way in which the Government chooses to treat this Chamber. In effect, the Government is saying that it will install a method of operation which, on some occasions, it may need to fall back on, but on other

occasions it is being moved as a matter of government policy. This motion cannot be justified on the ground that it is necessary for the speed of Bills through this place. I understand that later this week an announcement will be made about the contracting out of school cleaners and gardeners and the privatisation of this and other work. If that is the case, the Government will need time management because the Opposition will have a lot to say on the issue.

[The member's time expired.]

MR CATANIA (Balcatta) [3.59 pm]: I strongly support the comments made by the member for Morley.

Mr Tubby: Do you want to talk about the police Bill which you wanted to discuss four weeks ago?

Mr CATANIA: The member for Roleystone should not joke about that Bill. It is a very important Bill and I suggest that it be brought on for debate fairly quickly because the people in his electorate have been affected by the Government's lack of action.

The member for Morley outlined the reason that the Leader of the House wants to impose this form of sessional order on the House. The three Bills which are the subject of this motion have not been disputed by the Opposition, and there has been a great deal of cooperation about them. I am concerned particularly about the Security and Related Activities (Control) Bill 1994. The Opposition has said both in this House and privately to the Minister that it agrees with that Bill, although we have some reservations about some of the clauses in the Bill, which we will discuss at the Committee stage. To impose the guillotine on a Bill with which the Opposition basically agrees demonstrates the attitude of this Government to this Chamber and to the parliamentary process. The Opposition will endeavour to convince the Government that the security Bill should be changed in some respects in order to strengthen it, but there is no need to impose on this House a sessional order when the Opposition has agreed to most of the provisions of the Bill. The attitude of the Leader of the House in imposing this sessional order at the beginning of each week, when the Opposition has gone out of its way to ensure that when it agrees with legislation, it gives a commitment to the Government to support it, although it does reserve its right to debate it, is totally wrong.

Mr Tubby: You are a very astute person.

Mr CATANIA: If we are talking about stupidity -

Mr Tubby: I said you are very astute.

Mr CATANIA: I was about to make a comment because the member for Roleystone was talking about stupidity, but he has corrected himself. I suggest the member choose his words carefully.

Mr Tubby: I did; I said you were astute.

Mr CATANIA: There is no necessity for this sessional order. We need more explanation from Ministers in regard to the Bills that are the subject of this motion, and the Opposition will seek to convince the Government that certain changes are required. There is no need to impose a heavy-handed limit on the discussion and on the obligation of the Opposition to put its point of view. The Opposition objects to the Leader of the House moving this motion every Tuesday and will continue to object to it in any way possible to ensure that we can put our point of view, and perhaps sometime down the track we can convince the Leader of the House to approach the processes of this Chamber in a more conciliatory manner rather than impose this sessional order, as the Leader of the House has done on many occasions during the past year and a half.

MR COWAN (Merredin - Deputy Premier) [4.05 pm]: I am pleased to hear from the Opposition that those Bills which are the subject of this time management motion are in its view noncontroversial and there is, therefore, no need for a motion of this type. However, while that may be the case, and I hope it is, I hope the Opposition does not think we are issuing it with a challenge to use all the time that is available under the sessional order to debate the Bills which are the subject of this motion. I am sure that

both of the opposition speakers will know that when the Leader of the House spoke about the introduction of time management into this Parliament, he had two choices. The first choice was to set up a system which would allow a Bill to be declared urgent at any time, and for it then to be the subject of a time management motion. The other choice was to nominate at the beginning of each week of the session those Bills which the Leader of the House wanted to have completed before the end of that week. As much as we would like to concur with the Opposition about the time that will be taken to debate these Bills, the Opposition wants to debate some of the issues and to make some changes, and although the Opposition agrees in principle with the direction which this legislation is taking, effectively we are setting about putting some system into time management, and the Leader of the House is complying with that system.

Although we recognise that these Bills are not as controversial as are some that have been the subject of time management, the Leader of the House believes it is appropriate to maintain the system which he has previously applied. Rather than have the Opposition oppose this motion as a matter of course, we would appreciate it if the Opposition would accept that time management is a good thing and support it.

Question put and a division taken with the following result -

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Ayes (29)

Mr Ainsworth	Mr Kierath	Mr Prince
Mr C.J. Barnett	Mr Lewis	Mr Shave
Mr Blaikie	Mr Marshall	Mr W. Smith
Mr Board	Mr McNee	Mr Trenorden
Mr Court	Mr Minson	Mr Tubby
Mr Cowan	Mr Nicholls	Dr Turnbull
Mr Day	Mr Omodei	Mrs van de Klashorst
Dr Hames	Mr Osborne	Mr Wiese
Mr House	Mrs Parker	Mr Bloffwitch *(Teller)*
Mr Johnson	Mr Pendal	

Noes (22)

Mr M. Barnett	Mrs Hallahan	Mr D.L. Smith
Mr Brown	Mrs Henderson	Mr Taylor
Dr Constable	Mr Kobelke	Mr Thomas
Mr Catania	Mr Marlborough	Ms Warnock
Mr Cunningham	Mr McGinty	Dr Watson
Dr Gallop	Mr Riebeling	Mr Leahy *(Teller)*
Mr Graham	Mr Ripper	
Mr Grill	Mrs Roberts	

Pairs

Mr Bradshaw	Mr Bridge
Mrs Edwardes	Dr Edwards

Question thus passed.

SECURITY AND RELATED ACTIVITIES (CONTROL) BILL

Committee

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

Clauses 1 and 2 put and passed.

Clause 3: Interpretation -

Mr CATANIA: What is the difference between an agent's licence, a crowd control agent's licence, and a crowd controller's licence? Some confusion exists in this regard. What is the difference between an inquiry agent's licence and a security agent's licence? The confusion has been generated by the thought that an agent's licence pertains more to

a body than an individual; that is, an individual will obtain a crowd controller's licence or an inquiry agent's licence.

Mr TAYLOR: I have similar concerns. People who run a business such as a hotel or a nightclub may not want to have a crowd controller's licence or a crowd control agent's licence. They may wish to employ someone with the appropriate licence. Will the provisions of this clause be wide enough to allow businesses to employ people without going through the process of obtaining a licence?

Also I seek an explanation of the definition of "supplies". This is more a technical matter. I refer specifically to paragraph (d), "supplying in conjunction with some other business or activity." Is this definition necessary?

Mr WIESE: All licences are handled in the same way. Initially, a person applying for a crowd controller's licence or a security officer's licence will be the person who will perform the task, whether it be the control of a crowd or an inquiry. An agent is a person who runs a business; that is, a person who undertakes or supplies a service - say, crowd control - or undertakes to supply the service of a security agent, and so on. A crowd controller - not an agent - will perform the service. As explained at the completion of the second reading debate, the Bill provides for a single operator to do both tasks. Therefore, a single operator can operate as a crowd controller on his own; however, to do so, he must possess a crowd control agent's licence as well. The cost of the licences has not been determined, but that will not be an extra cost. It will be a double licence which will enable a person both to supply and carry out a service as a single operator.

A crowd control agent who employs other people will be involved in the multiple operations. If a crowd control agent employs people and provides services, that agent must have a crowd controller's licence. We will be making provision by way of regulation to ensure that those persons running the smaller hotel operation - for example, a single owner-operator hotel - will provide the services that are currently expected under the Liquor Licensing Act; that is, the duty to ensure the proper running of the hotel and that people are not misbehaving or excessively affected by alcohol on the premises. That obligation already is contained under the Liquor Licensing Act and those persons will not need a crowd control agent's licence to perform the job they must now perform of removing undesirable persons from their premises. We will require that the person who runs the bigger hotel establishment either has a licence or employs an agent to perform the role of crowd controller on the premises

Mr CATANIA: Can a hotelier, who may have a nightclub on the premises that requires the use of a crowd controller, obtain a crowd control agent's licence? If he does not have a licence, must he employ a crowd controller?

Mr Wiese: Yes.

Mr CATANIA: Does that hotelier need to go through the process specified under the legislation to obtain that licence, over and above the responsibilities outlined in the Liquor Licensing Act?

Mr WIESE: Yes, he does. If a person who owns a hotel - he may not necessarily have to own a cabaret or other business - wants to employ people to act as crowd controllers, he can seek to get a crowd control agent's licence and employ crowd controllers. He would then be employing them. Another alternative is to employ someone else to provide those services. If he wants to do that job, he would need a licence and he would have the responsibilities under the licence and would be expected to perform that role in exactly the same way as would any other crowd control agent.

Mr RIEBELING: I cannot see where small hotels, not having to comply with the legislation to control unruly people within the hotel, are exempted. Can the Minister tell me how it is planned to allow these hoteliers to operate contrary to the legislation?

Mr WIESE: I point the member to clause 6(2)(a) where regulations may provide for exemptions. I move -

Page 2, after line 24 - To insert the following -

"**firearm**" has the meaning given by section 4 of the *Firearms Act 1973;*

That amendment is included to make it clear that where there is talk of firearms in other clauses of the Bill, the definition of "firearm" is as it stands under the Firearms Act.

Amendment put and passed.

Mr TAYLOR: I refer to the definition of "supplies". Can the Minister indicate why paragraph (d) of the definition is required?

Mr WIESE: The word "supplies" occurs in many places throughout the Bill; for example, in relation to agents supplying services and crowd controllers supplying services. We wanted to make clear that the definition picks up all the things that are envisaged to happen when the word is used in all the clauses. In some cases supplying means undertaking to supply; or advertising; or people in any way holding out that they are willing to supply; or supplying part time or from time to time. It clarifies exactly what is meant within the legislation when the word "supplies" is used, irrespective of whether it is picked up in clause 11, 27 or 34. It is merely to make very clear what is envisaged by the use of the word "supplies" in the Bill.

Clause, as amended, put and passed.

Clause 4 put and passed.

Clause 5: Police officers etc. not required to be licensed etc. -

Mr CATANIA: This clause refers to a member of the Commonwealth Defence Forces or an officer of the Police Force not needing a licence during the performance of official duties. I ask the Minister what is meant by this clause.

Mr WIESE: The explanation is quite simple. On many occasions police officers or members of the Commonwealth Defence Forces performing their duties are required to perform acts which may be encompassed within what we are picking up in this legislation. They may be required to manhandle or deal with a person to get him or her out of a premise or to take that person into security. Because police officers are already performing these duties as part of their commission, we do not mean that they should be required to be licensed under the legislation. That is only while they are performing their duties in an official capacity. Police officers have performed duties as crowd control officers in the past, although it is currently frowned on and not allowed to occur. If police officers who were not on official duties were performing duties as crowd control officers, they would be required to be licensed. A police officer performing official duties would be exempt from the legislation.

Mr RIEBELING: Can the Minister explain why "police" is there? A police officer acting as a police officer is not being employed as a crowd controller or security agent. The Minister is surely not suggesting that in some instances police officers on duty will be employed by agents. Will the Minister explain why the clause is in the Bill?

Mr WIESE: I assure the member that under the current management of the police and certainly while I am in any way associated with the Police Force, police officers will not be able to perform duties paid for by some other agent. They are not allowed to do so under standing orders. We are trying to ensure there is no ambiguity or uncertainty about the situation, so we are spelling it out very clearly in the legislation.

Mr Taylor: What about Bob Jones' group?

Mr WIESE: That is exactly the situation we are talking about. Police officers who were members of the Bob Jones' organisation were performing duties as crowd control officers. Under the previous commissioner a very strongly and specifically worded order was issued to tell those officers they were not to perform those duties. My memory is that they were not to be members of the organisation.

Mr BLOFFWITCH: The Minister referred to police being members of an organisation. When police act as bouncers at the blue light discos we have in Geraldton, will the legislation have any effect on them?

Mr WIESE: No, it will not.

Mr RIEBELING: I understand the Minister is trying to make it clear but the clause does the opposite. The title of "Police officers etc. not required to be licensed etc." implies that they could possibly act in that manner and, if they did, they would not have to have a licence. Police officers have powers to fulfil their duties in regard to this part of the Bill. To insert that clause creates a problem which did not exist. Police officers' duties need not be defined. No-one in the community thinks so. This creates a problem we can do without.

Mr MARLBOROUGH: I share the concerns of the member for Ashburton. Clause 5(2) is even more confusing. If we are talking about professional defence personnel and members of the Police Force, I thought that when on active duty the regulations apply to defence forces, as do those of the Police Force to its members. The Minister has referred to a letter from the previous Commissioner of Police who issued strong instructions that serving police officers should not be part of a particular organisation. Is the Minister recognising in this Bill that he has no concern about police being members of security companies and moonlighting? Is he suggesting that where police officers or members of the SAS moonlight, they must be licensed? I wonder what he is aiming to do here. I understand a number of police officers moonlight as security agents. From my trade union background I am aware of many occasions where picket lines have been broken up by members of the defence establishment, getting out of their uniforms, putting on civilian clothes and legitimising their thuggery when going into a picket line and pushing people around. Is the Minister recognising that it is legitimate for police and defence personnel to be involved in that function outside their normal duties? I have always been amazed that defence personnel can operate in this way. As an ex-member of the Army, my understanding is that I was on duty for 24 hours a day.

Mr Lewis: Were you a sergeant?

Mr MARLBOROUGH: No, but I have seen more action in the NAAFI canteen than the Minister has. It is not a state matter. However, it may be when defence personnel cause injuries to people and are liable under the laws of the State. Clause 5(2) tries to accommodate a situation where a member of a Police Force from a Territory or other State can come here and act as a crowd controller under certain circumstances and will not be subject to the rules of this legislation. In what circumstances would the Minister expect a police officer from another Territory or State to come to this State and want to be covered by this Bill? I can think of no situation where it would apply. I understand that if officers came from another State or Territory to carry out duties in this State, it would be on the basis of some other piece of legislation. Crowd control is a euphemism which I find difficult to swallow. In reality these people are bouncers. If we take away "security guards", we are left with "bouncers", with a big question mark.

The legislation heads in the right direction by trying to license them, but they are bouncers, and this should be called the bouncers' legislation. Why we allow the Minister to give it a pretty name staggers me. In my electorate half of them play rugby on Saturday and use the same tactics in the community for the rest of the week. That is the reality of it. People come to my electorate office and complain about being done over by the rugby team and by members of other teams that wear the sorts of uniforms that are usually worn by the Japanese to denote manhood. Often they have been to the police and obtained little satisfaction because, somehow or other, the police identify with those people.

Legitimate security guards are well covered by other legislation. They must go through a process, including a police check, to obtain a licence. Security guards who work for Wormald Security and other companies must go through that process. I know there are fly-by-nighters. I have driven down the old Mandurah road and seen parked on the side of the road a white panel van that, even from 20 feet away, is meant to be taken for a police van because it has the blue and white checked stripes down the side. I am not being disparaging of the person running that company. However, he would be scratching to put a good security proposition together and make a quid. This legislation attempts to

legitimise that role. I agree with the member for Ashburton. I cannot understand why these two clauses are in the Bill unless the Minister recognises that defence personnel and police officers can moonlight as bouncers. I do not think the Minister has thought about it and I am not satisfied with the explanations he has given so far. I am still waiting for a clear explanation of what this clause is about and why he should not remove it from the Bill.

Mr WIESE: Under the present legislation, police offers are able to moonlight even though they are specifically prohibited from moonlighting by an order in the *Police Gazette* and by police standing orders. If they are moonlighting, they are operating outside the orders under which they are employed. This legislation will require anyone operating as a security agent to have a licence to operate as a crowd controller and, in that sense, a police officer would not be given a licence to operate as a crowd controller or bouncer. The licence will be issued by the Commissioner of Police.

Mr Marlborough: What about defence personnel?

Mr WIESE: I am not able to speak about them because I am not aware of the details under which they are employed.

Mr Marlborough: Why don't you put in the legislation that they cannot have a licence? They are employed 24 hours a day as members of the Defence Forces.

Mr WIESE: I will not get into an argument about Defence Force personnel because I am not aware of the conditions under which they are employed. Police officers operate for 24 hours a day. Their powers do not disappear at 5.00 pm or at the end of a shift. They are commissioned as police officers for 24 hours a day and are not able to take on other employment and be paid by somebody else. They have not been able to do it previously and they will not be able to do it under this legislation because they will not be given a licence.

The member for Peel referred to police officers coming into this State from other States. If a police officer comes to this State for a holiday, for example, he is not able to operate as a police officer because he is not commissioned in Western Australia. If he comes here as a member of the South Australian Police Force, perhaps to carry out inquiries or to take somebody back to South Australia, that officer is able to exercise his general powers as a police officer. Members of the National Crime Commission are in the same situation.

Mr Marlborough: I think they are covered already by present legislation. They do not need to be covered in this Bill.

Mr WIESE: At the moment, there is no legislation controlling people operating as crowd controllers. This legislation introduces those controls.

The provisions of this legislation are not new. They exist already in the inquiry agents legislation and in the Security Agents Act. Therefore, the Government is not changing anything in this legislation. However, this legislation includes provisions relating to crowd controllers because no previous legislation has dealt with them.

The member for Geraldton referred to police officers at Blue Light Discos and police and citizens youth clubs. Those officers are performing duties as police officers and will not be affected in any way by this legislation.

The member for Peel referred to security agents being in vehicles which are fitted out to look like police vehicles. The Police Department currently does not have any power to control that situation. However, clause 62(2)(b) of this legislation will impose a condition on a licence that the vehicle cannot be fitted out so that it can be confused with a police vehicle.

Mr CATANIA: The member for Peel said that this legislation should mirror the fact that we frown upon police moonlighting as bouncers. If they were involved in some physical contact while moonlighting that could compromise their position and bring police personnel into disrepute. This matter can perhaps be considered and the Bill amended in another place. Although the previous commissioner said police regulations do not allow

police officers to moonlight as bouncers, a new commissioner might disagree with that. It would be wise if this clause specifically prohibited police officers from working as bouncers. It should apply also to other service personnel.

I also ask the Minister to explain clause 5(3). I am not sure what the definition means but it appears that a public officer is not required to be licensed and is virtually exempt. If exemptions are provided for in this clause and the next clause, that will compromise the Bill.

Mr RIEBELING: I note with interest that the Minister said this clause is included to make sure that police personnel are not licensed. The wording in this clause is unclear. Why not include a provision that members of the Police Force shall not be licensed? That would be clear and succinct. This clause will cause more problems than it tries to solve. If the intention is to make sure that police officers are not employed in this industry, that should be clearly stated.

Mr WIESE: I do not know what more to say to assure members opposite that there is no way in the world a police officer could moonlight in this industry under the provisions of the legislation. Any person seeking employment would be required to go to the commercial agents squad, which is the authority to which the power will be devolved, and seek a licence effectively from the Commissioner of Police. No police officer will be given a licence in this industry. It goes further. A police officer who wants to engage in external employment must seek permission from the Commissioner of Police. In some cases persons are given permission to take a second job, do other work or be involved in another business. If there is any conflict between that business and their role as police officers, the Commissioner of Police will not give that permission.

Mr Riebeling: How does clause 5 help that situation?

Mr WIESE: It makes it very clear that those persons do not need a licence while performing their role as police officers. All other rules in the police system, such as the regulations and the working orders, make it absolutely clear that it is an offence for a police officer to perform outside work. I assure members opposite that should a change be required to the regulations, as Minister, I could not initiate changes to or draw up regulations. That can be done only by the Commissioner of Police with the approval of the Minister. Certainly, while I am Minister for Police no permission will be given to decrease the powers the commissioner already has in relation to preventing police officers from taking a second job. I would be surprised if any police officers supported proposals to weaken the current regulations.

Mr Riebeling: Clause 5 does nothing to enhance that position.

Mr WIESE: I do not believe that is the case.

Mr CATANIA: In order to clarify the position, I ask the Minister to provide a definition of "crowd control". This definition is of great significance. Could crowd control be used in the industrial relations area? Could crowd controllers be used as strike breakers if people were exercising their right to withdraw their labour? Crowd control is generally understood to cover bouncers in entertainment areas and door personnel controlling stroppy patrons, and the Opposition seeks clarification of whether employers could obtain licences through their companies to provide the muscle they require to break strikes.

Mr WIESE: I refer members to clause 35, which very clearly gives the definition of a crowd controller. One would be pushing to extend crowd controllers into strike busting. The only area in which strike busting could be picked up is under the public or private event or function definition, and one would be stretching one's luck to extend the definition to there. Clause 12 spells out the definition of "security officer". Security agents and officers, and more particularly security officers, may be employed by a business to provide security or protection to that property. The situation could arise where security officers become involved in a conflict between an employer and his employees, where for example the employees wanted to gain access to the business and were confronted by security agents employed by the owner to provide security around the

perimeter of that business. I will seek some advice on this matter. However, we are stretching the definition of crowd controller to suggest that they could be used to eject people from a premises during an industrial dispute.

Clause put and passed.

Clause 6: Regulations may provide for exemptions -

Mr TAYLOR: The clause provides that the regulations may exempt from the provisions of the legislation certain specified classes of persons. I cannot find in the Bill any requirement that the Minister who has carriage of this legislation shall ensure that we know who is exempt or which particular functions may be exempt. The exemptions would be provided and that would be the beginning and the end of it.

Secondly, I do not believe that this provision will be the answer that the hotel or nightclub industry may require in terms of their not being forced to use crowd control agents in order to take on those people who will effectively be their bouncers. In effect, the Government is adding to the cost of running these businesses by saying to people that they must use a middle man; that they must use someone who will employ the bouncers in order for them to work in the hotel. That may not be the case with the small hotels to which the Minister referred earlier, and it may not be the case with the tavern at Mukinbudin or wherever. However, it certainly will be the case with the larger premises. Under the Liquor Act, those proprietors are required to control their patrons and occasionally they must put people out of their hotels, for which task they employ people. This legislation will require them to employ a middle person who employs other people on their behalf to carry out this function.

The legislation will add to the costs of the people who are running these sorts of premises. Many publicans are more than capable of undertaking these sorts of duties but do not necessarily want to go through the process of applying for a licence and then having to take on the bouncers. Publicans should not be forced to apply for licences to employ the people they would normally employ in the general day-to-day running of their businesses. We must find a way of allowing people to deal with this situation, other than by providing exemptions. Exemptions aimed purely at very small hotels are not what the industry is looking for. Industry wants the Minister to go much further and allow the people running these places to employ crowd control staff without necessarily suffering all of the rather dire consequences that go with this legislation.

Mr RIEBELING: The method of determining who is and who is not exempt must be consistent. This clause is very vague. What type of exemptions other than to small hotels is it envisaged will be granted and in what circumstances will the police grant or refuse exemptions? Will the decision be made purely on the size of the establishment or will it be determined by the size of the crowd that is anticipated? How will the industry, particularly the liquor trades find out about the exemption criteria in order that perhaps they can regulate their activities so they do or do not require licences? The Government's actions and the operations of the Police Department under the legislation must be as open and as forthright as possible. Does the Minister intend to advertise the decisions made under this Bill and will exemptions operate in any area other than the hotel industry?

Mr CATANIA: I express deep concern about this clause. Why have a Bill if regulations may provide for exemptions? The Minister gave as an example police regulations which prohibit police officers from moonlighting as bouncers. Ninety per cent of members in this Chamber and perhaps 99 per cent of the population would not know about that regulation. If this Bill allows the Minister, the Commissioner of Police or any other person involved in the administration of this legislation to draw up regulations that override this provision it is weak legislation. Are police personnel included in the classes of people able to be exempted by the regulations? That would weaken the Bill tremendously. Scrutiny of the regulations is not possible, because they can be made privately without coming to this place. How will people not only in the industry, but also in the general public seeking licences know the regulations?

Mr MARLBOROUGH: I will put my question in parlance the Minister may understand: Having corralled the sheep in the pen, why has he opened the gate?

Mr Wiese: We have an operator on the drafting gate.

Mr MARLBOROUGH: If I had an operator like the Minister's I would change him because he is a dud. The regulations may exempt a specified class of persons from any provision of the Bill. That is an open gate policy. I have concerns about police officers and private defence forces. The Minister gave me his understanding of how they are presently regulated and how he sees that position being regulated under this Bill, but this clause provides that the regulations may exempt people who are carrying out specified duties. This is a catch-all clause. It looks after security agents, bouncers and inquiry agents and persons carrying out specified duties. Who is responsible for the specified duties? We have three entirely different sectors of the work force.

The importance of these sectors of the work force is that in the main they impact on the ability of people to go about their normal day to day activities. It may be argued that society does not like some of those activities, and that brings me to the question of who specifies the duties. A private detective can spy on me as I am going about my day to day activities - one presumes without my knowledge. An infamous situation aired in the Royal Commission into Commercial Activities of Government and Other Matters concerned the use of private agents so that people did not know that they were being investigated. We know as a result of the royal commission that an agent was used. A great debate occurred about who gave the agent the instructions to carry out that investigation.

Mr Wiese: Do you know the answer to that question?

Mr MARLBOROUGH: Does the Minister? If he does not know, that is all the more reason to delete this clause because he is not allowing anything to change. According to this legislation, a private investigator, a bouncer - now to be wrapped in cottonwool and called a crowd controller - and a security agent are three different animals with different functions; yet we have a one line statement that persons carrying out specified duties will be granted an exemption.

Who is responsible for these specified duties? Who tells the private detective what is his specified duty? Is it specified only if it comes from a government agency or from a Minister of the Crown? Is a bouncer's duty a specified duty only if the agent who is employing that person issues the instruction about his role, therefore that is the specified agreement, or is it the person paying the agent's bill? What are these specified duties? The Minister cannot have wide open legislation like this going through the Parliament and expect it to retain any credibility. Those agents who may be sitting in the gallery thinking that this legislation may protect them should think again, because lawyers will have a birthday with it. With the first complaint that is brought to them they will drag those officers screaming before the courts. They will ask about the specified instructions and who instructed them to carry out those actions.

Paragraph (c) will exempt from the provisions of the Bill any person carrying out duties under all sorts of specified circumstances. We may as well throw the Bill away; it is not worth the paper it is written on. Unless the Minister can convince this side of the Chamber and the legal fraternity otherwise, the people who will be disadvantaged by the Bill will be the security agents. They will be in the front line carrying out duties such as stopping somebody from getting into a building and protecting property.

This legislation is a minefield. I cannot understand how such a clause can stand unless the Minister intends it to be broad enough to cover all circumstances concerning these private people. We should not forget that is what they are. They are not a police force or a military force; they are private companies out to make a quid. They happen to provide a service which, in some instances, provides some sort of protection and/or security. Other people will argue that in some instances they are nothing but licensed thugs. That is certainly the traditional view of many members of the public concerning the operation of bouncers in certain areas. It is amazing that a regulation designed to cover those three

areas of industry - security officers, private detectives and crowd controllers/bouncers - will exempt from all the provisions of this Act, each individual, any specified class of place, any duty and any duty carried out at any place.

Clause 6(2) further impacts on the problems resulting from subclauses (a), (b) and (c). The only hint of a safeguard is in clause 2(b). How will we know about the safeguard? We will not have the regulations before us. Who will be observing this? Where will it be determined that someone has broken the regulations? This is a goldmine for lawyers. The Minister for Labour Relations changed legislation partly on the basis of legal firms making a fortune from workers' compensation claims. We have not finished debating clause 6 and already I think this piece of legislation will see in this State the creation of a new industry based around lawyers rolling over agents representing bouncers and security guards. Private detectives, while well preserved in the main, must look after themselves. The lawyers will have a field day. Who will set those specifications? Who will be responsible for determining the specified class of persons, duties or places described in subclauses (1)(a), (b) and (c)? If this legislation is to have any credibility, those questions must be answered. They are pertinent to my attitude to this Bill and, more importantly, the public's attitude.

Mr WIESE: The question has been asked by two or three speakers as to who is exempt and how we will know they are exempt. Those people who are exempt are detailed in the regulations which will be published in the *Government Gazette*, which is tabled in this Parliament and which is subject to the scrutiny of this Parliament and to that of the Joint Standing Committee on Delegated Legislation. I am amazed that my fellow ex-member of the Joint Standing Committee on Delegated Legislation, the member for Balcatta, said there will be no scrutiny of the regulations and queried how they will be scrutinised. Surely, as an ex-member of the Joint Standing Committee on Delegated Legislation, he is totally aware of the scrutiny to which regulations are subjected by that committee. On many occasions regulations have been subject to the scrutiny of this Parliament.

Mr Marlborough: Why are you seeking to exempt people from the Act?

Mr WIESE: The member for Kalgoorlie said that this legislation is not the answer to the nightclub industry's problems. It is not the answer to that industry because it seeks to be exempted from the requirements of the legislation.

Mr Taylor: Hotels seek to be exempt.

Mr WIESE: That is right; they do not wish to be caught up in this legislation. If we do not pick up the nightclubs - some of the licensed establishments scattered throughout Northbridge and Leederville - we will defeat the purpose of the legislation. It has its genesis in the enormous public concern over the manner in which persons employed as bouncers in those establishments were carrying out their roles. It is not possible to exempt those establishments from this legislation. They are the ones we are trying to pick up. However, we want to see small hotels, such as the Mukinbudin Hotel, excluded from the requirements of the legislation. The licensee or the licensed manager will have already been subject to scrutiny before obtaining their licence to operate under the liquor licensing legislation. We will be able to exempt those small hotels by regulation. However, bigger hotels where employees do not have to prove whether they are fit and proper persons assigned to remove other persons from the premises, should be, and are, picked up within this legislation.

Mr Marlborough: That has covered bouncers. What about security guards and private detectives?

Mr WIESE: The member for Ashburton asked why we need to exclude specific classes of persons. Obviously we do not require gate attendants at football matches or similar public functions to be licensed. We will therefore have the ability to exclude them by regulation, which will be printed in the *Government Gazette*, tabled in this House, and subject to the scrutiny of this House and the Standing Committee on Delegated Legislation.

Mr Taylor: That will happen after the event.

Mr WIESE: With some occasional, specific events that will happen; but in relation to classes of events, or specified places where something happens on a regular basis they will be published in the *Government Gazette* and subject to scrutiny.

Mr Taylor: After the event.

Mr WIESE: If the member can give me a better way of doing it, I will consider that. It is not possible to detail all the situations that could arise relating to either specific events, classes or individual occasions. The legislation refers to specified places, events or functions.

Mr Marlborough: Why do it simply on the basis of events? Why not look at the numbers of people in a crowd, or at locations, if that is your concern?

Mr WIESE: It will not necessarily have to do with a large number of people. A function qualifying for exemption may be attended by only 40 or 50 people; another might be attended by 10 000 or 15 000 people and may still need an exemption. The Government does not want to include the people who have been performing the crowd control role for that type of event. It wants to have the flexibility which will be provided by the regulations. Exemption could be as specific as for a particular event. The event could be the Commonwealth Games or an Olympic Games. The recent scout jamboree is a classic example of a specific event where volunteers provided security. The Government does not want to include under this legislation people who act as volunteers. We need to be able to exclude those persons by way of regulation published in the *Government Gazette*. That could be used for the duration of a specific event. Regulations are able to be used to control events that could never be identified in legislation, because other events will come up that one could never envisage.

The member for Peel asked about specified duties. An example is accountants who as part of their job may perform an inquiring role. This legislation will enable us to exclude them when performing that type of role. Local government rangers who are required to inspect swimming pools are another example of people whom the Government does not want to include within the provisions of the legislation. Also addressed in the legislation are matters closely related to the industrial arena. I had discussions with the Minister for Labour Relations to ensure that those people were not picked up by the legislation.

The member for Peel commented on people carrying out the type of investigation which was highlighted in the royal commission - telephone tapping. Under the existing legislation those people may have their inquiry agent's licence withdrawn. For example, if a person with an inquiry agent's licence was detected illegally tapping a telephone, that would be a prima facie example of why that person's licence would not be renewed and, in fact, should be removed immediately. The legislation will enable the Government during the licence period to withdraw the licences of persons who have offended against this legislation, and at the end of the licence period to not renew their licence.

The qualifications initially will be set by the Commissioner of Police who will work with the Minister of the day. The Commissioner of Police is the only person who can initiate the regulations. He will submit them to the Minister of the day. The Minister does not have to accept his recommendations.

Mr Marlborough: Will those recommendations be tabled?

Mr WIESE: When regulations come into Parliament they are first tabled here and are then scrutinised by the Joint Standing Committee on Delegated Legislation. That committee requires detailed explanations of legislation. It is aware of all the circumstances required to justify the initiating of the regulation. If it is not satisfied, it is able to require more information from the Minister initiating the regulation, and to bring persons before that committee and question them at length about the regulation. Ultimately, even if the committee is happy with the regulations, members in this Parliament still are able to move for their disallowance and for that to be debated in the House. Regulations should be subjected to enormous scrutiny, and rightly so. I have always said that the Joint Standing Committee on Delegated Legislation and the Parliament should have the ability to consider notices, rules and a range of other

subsidiary legislation under which government imposes regulations on the public. At the moment the only subsidiary legislation that is looked at are regulations and by-laws. Often instrumentalities utilise other methods of introducing subsidiary legislation because they know they will not be subject to scrutiny by the Parliament. That is why this clause exists and why the Government is providing the exemptions.

Mr TAYLOR: People from the cabaret owners' association or the Australian Hotels Association have made it clear in discussions with me, as I am sure they would have made it clear to the Minister, that they welcome this legislation; that this sort of legislation gives them the support they need to clean up some aspects of their industry, particularly the role of bouncers. They think that is important and the legislation clearly has their support. Rather than not wanting to be caught up in the legislation, as suggested by the Minister, they support the legislation. Their principal concern is that clause 6 provides for the granting of exemptions to some people to ensure that they will not be required to use crowd control licensees to employ bouncers. That might be fine, and I am sure the Minister will agree, for the Mukinbudin Hotel. However, I am sure there are organisations in Western Australia which are owned by more than one person and that those organisations are attended by more than the number of people who attend the Mukinbudin Hotel. Some people will be more than capable of employing bouncers under the provisions of this legislation without having to go through the nuts and bolts of getting a licence to do that. The Minister is imposing additional costs on the industry by requiring it to employ a middle group of people who will rake off a commission by putting bouncers into a hotel or nightclub. If the Minister is talking about exemptions for one-owner establishments, of which the Mukinbudin Hotel is typical, the concerns of the industry have not been addressed.

The regulations provide for an extraordinary range of exemptions, as the member for Peel said. People must know what exemptions have been provided. The Minister said that people will find out what exemptions have been granted because they will be published in the *Government Gazette* and tabled in the Parliament for scrutiny. In most circumstances the notice of exemption in the *Government Gazette* and its scrutiny in the Parliament will be after the event. The Minister gave the scout jamboree as an example. It might be possible for well organised groups like the scouts to apply for an exemption in plenty of time for it to be published in the *Government Gazette* and, if necessary, scrutinised by the Parliament.

People should have ready access to the sorts of exemptions that can be provided under this legislation. A way around it is to provide for the exemptions to be published in the local newspaper. For example, the commissioner could publish exemptions which relate to the metropolitan area in *The West Australian* and those exemptions relating to my electorate of Kalgoorlie could be published in the *Kalgoorlie Miner*. The notices should be published immediately the exemptions have been granted so that the local people know what is going on. In a way, it is already done because I regularly see advertisements in the *Kalgoorlie Miner* from people giving due notice that they will apply for a security agent's licence. The notice gives the public the ability to object to the licence being granted. The public must know what exemptions are proposed. If the commissioner is about to grant a firm total exemption under this legislation for security of its premises or providing security for a particular event, people should have the opportunity to take up the matter if they question the commissioner's action. For example, a security firm may ask why another firm will be granted an exemption for an event when it tried for an exemption for a similar event three years ago and it was denied. There are a range of possibilities because of the wide-ranging provisions for granting of exemptions under this clause. The simple way around it is to ensure that exemptions are publicised in the local newspaper so that people know what is going on, wherever possible, before the exemption is granted. In some cases that may not be possible and legislation should be flexible to provide for an incredibly urgent situation so that people cannot use the excuse that it is not possible because it must go before Parliament. A greater ability to deal with urgent exemptions will be provided for by making it a requirement that the application be published in a newspaper instead of granting exemptions by way of regulation. It is a fairer way of dealing with this issue.

My understanding of the situation is that the cabaret owners and hotels associations do not believe they should not be caught by this legislation and left to their own devices. They want their position in relation to security-related activities made much clearer than is currently the case.

Mr RIEBELING: Unfortunately when the Minister was speaking I became a little more confused than I was when I first read this clause. I understood the Minister to say that, for example, the Mukinbudin Hotel would be exempt because the Police Department investigated the licensee of that hotel when he applied for the licence. I presume that the exemptions which will be published will be for individuals rather than establishments. The difficulty I have is that it is very rare that only one person is employed in the operation of a liquor outlet. Normally, two or three people would be employed to manage a licensed premises. How will the exemption work in reference to the other people who are likely to be employed in small hotels?

The Minister referred to the commissioner's ability to exempt accountants. It did not cross my mind that an accountant who was inquiring into the way someone was doing business would breach the provisions of that part of this legislation which deals with inquiry agents. What professions will be included on the exemption list and will it include doctors and those people at inquiry desks at supermarkets?

Ms WARNOCK: I will make a couple of brief remarks in support of my colleague the member for Kalgoorlie. I have an interest in this Bill because many of my constituents are from Northbridge, which is the main nightclub and entertainment area in the metropolitan area. Resulting from the consultation I had with members of the industry, I will make various points during this debate. I know the Minister has had discussions with hoteliers and cabaret owners. Today, I have spoken to several members of those groups, and they tell me they are still not satisfied with aspects of the legislation. I join my colleague the member for Kalgoorlie in saying that I am certain they do not object to being caught by this legislation and are pleased to have regulation of this industry and see the benefit of it, but they still disagree with a number of areas, and they have asked me to draw the Minister's attention to these matters during the course of this Committee debate. I am told that they are concerned that the changes to the legislation which they suggested have not been taken up by the Minister. About half an hour ago, I received a note from one of that group, which states they believe the Minister is on the wrong track in seeking to deal with certain matters by regulation. I will not go any further with that; my colleagues have outlined clearly our objections to that issue, and my colleague the member for Peel made something of a meal of it.

Mr MARLBOROUGH: I thank the Minister for outlining the areas that will be exempt, but for the record I would like the Minister's views on other areas that concern me. In regard to exemption, I will draw a picture for the Minister. There is an angry scene on the docks in Carnarvon about a major company that is producing salt. As a result of the industrial activity that is taking place some thousand kilometres north of Perth, the company sees fit to bring in a private security company rather than the police to implement security arrangements, and it brings in a mixture of people who are non-residents of Carnarvon and of the State; namely, people from interstate, and also people from New Zealand, because of the relatively easy movement of people between New Zealand and Australia. I and many other Western Australians would be concerned if such a circumstance were exempt under this legislation.

Mr Wiese: That will not be the case.

Mr MARLBOROUGH: That is on record. I am concerned that in this hypothetical dispute in Carnarvon which relates to a major producer of salt and where there has been some hefty industrial disputation and infighting, the Minister could be faced with the legitimate arguments that Carnarvon is distant from the metropolitan area, personnel are difficult to get, and appropriate accommodation must be found for them under certain award conditions, etc.

Let us take the Murchison region, where because of the increase in the mining industry, a company might see the need to put in place a security system to protect its property

because of what it envisages could be a problem down the track if it entered into protracted industrial disputation where agreement could not be reached on either side about wages and conditions or where a member of the management decided that the company would take a hard line and give the unions nothing. That company might be in the middle of the Murchison and well away from Mt Magnet, and request the Minister that appropriately licensed people would not necessarily be applicable and that it would be appropriate for it to bypass the legislation.

The Minister has indicated that the intention of this clause is not that companies will be able to employ persons in that way and thereby bypass the legislation, but it is important for that to be clear. The Minister has explained his position to me, and I have some understanding of and sympathy for it, but I am not convinced that this Bill will regulate activities in the circumstances which I have raised because I can envisage a situation where companies and individuals could argue the need for such protection. It was not that many years ago that we were faced with the Noonkanbah dispute, and some of us will be aware of the circumstances surrounding that dispute and that could prevail today, where vehicles - property that was mobile - needed to be protected. Could such a company argue under this clause that it was not appropriate for it to comply with this legislation when all it wanted was someone to look after its rigs or trucks on the highway between Perth and Fitzroy Crossing? Could a pastoralist in the Kimberley argue that it was not appropriate for him to comply with this legislation because he was concerned that action might be taken against him and/or his property in an attempt to acquire his land under the Mabo legislation? I ask those questions not to cast doubt on anybody or raise fears but because we should have on record the Minister's response about how the regulations will be used in those circumstances.

Sitting suspended from 6.00 to 7.30 pm

Mr CATANIA: This clause will weaken the provisions of the Bill because it will allow the regulations to control the legislation. The clause should be more specific in its intent rather than referring to "any specified class of persons, persons carrying out specified duties, or persons carrying out duties at any specified place" and so on. The wording is too open-ended. I sympathise with the need for regulations to allow certain areas of exemption. However, the exemption should be specific. The provisions will be open to rort by people making applications and being notified afterwards. I am aware that in many instances urgent applications require a prompt decision. However, more specific provisions would strengthen the legislation.

Mr WIESE: The member for Kalgoorlie indicated that the nightclub industry and the cabaret owners were happy with the legislation and did not want changes -

Mr Taylor: I did not say that. I responded to the Minister's comment that they did not want the legislation. I said that the Minister was not right, and that some aspects of the legislation cause concern.

Mr WIESE: The member commented that the nightclub and cabaret owners did not wish to employ agents or work through a third party. Under the provisions of this clause if cabaret owners do not wish to employ agents or work through a third party they can seek an agent's licence.

In discussion with members of the industry I was told that it would be onerous for nightclub owners to act as an agent; that it would expose them to civil liability; that the scrutiny to which the industry would be exposed - either as partners or as directors of a body corporate - was not an area in which they wanted to be involved. They did not want to take on the responsibility of being an agent. They were concerned about criminal culpability under clauses 87 and 88 and civil culpability under clause 89. The industry recommended amendments to clause 36. That is, a person must not act as a crowd control agent except under the authority of a crowd control agent's licence - and that is already part of this legislation - or when that person is a licensee under the Liquor Licensing Act. Secondly, the person employs crowd controllers only in relation to the premises for which the person is a licensee; and the police have not objected to the licensee acting as an employer of licensed crowd controllers. We cannot accept those

suggested amendments because to do so would defeat the whole purpose of this legislation; that is, to ensure that people acting as crowd controllers are fit and proper persons to perform the task. The amendments would allow no scrutiny of the persons that the industry wishes to employ as crowd controllers in those premises. We have problems currently because people employed in those premises are not subject to scrutiny, and we cannot ascertain whether they are fit and proper persons. That is the reason for this legislation. If we accept those recommendations the loophole will remain. Therefore, we cannot take that course.

I am pleased that the member for Kalgoorlie referred to the gazettal of regulations to notify the public that changes are being made. I take the point raised by the member for Kalgoorlie. It could be made a condition of the exemption that the person getting the exemption be required to publish in a newspaper circulating in the local town, district or in Western Australia the fact that he had sought and received an exemption. That is quite a reasonable proposition. In that way, the general public would be notified of the nature of the exemption that had been granted. I am not prepared to look at the Government doing that advertising. If it is to be done, it should be a condition of the exemption so that the responsibility rests with the person seeking the exemption. If he did not advertise, the exemption would not operate. It is a very good suggestion and it could be incorporated without any change to the legislation.

The member for Ashburton raised other issues about licensees who could be exempt. He talked about the number of persons who make up the teams who run the licensed hotels in the Mukinbudins, the Highburys or Woodanillings - I have plenty of these places in my electorate. Usually a husband and wife or a manager and his wife run these hotels. We do not need to give them an exemption individually. We could do it by exempting a class of hotel. It would be quite feasible and simple, and far better than dealing with each one on an individual basis.

If crowd control is not one of the employees' regular duties, those employees are not picked up by this legislation. The word "regular" in the legislation has been a bone of contention between ourselves and the Australian Hotels Association, in particular, and to some degree the cabaret owners. They have put forward suggestions for words other than "regular", that would be more acceptable to them, such as "where it is not normally or principally part of the duties". Whenever we looked at alternative wording, we had problems and we kept coming back to the word "regular" to try to get away from the one-off situation.

If people act as crowd controllers, removing persons as they are required to do under the current liquor licensing regulations on an occasional situation and not a regular one, they need not be licensed as crowd controllers. The word "regular" will differentiate whether a licensed crowd controller should work with the owner of the hotel. If the police, in exercising their responsibilities under the legislation, must look at the operation of persons in those hotels and make a judgment that the person should be licensed to carry out crowd control, the police must prove in court that it is part of the person's regular duties. If the bar person is regularly used to remove people, acting as a crowd controller, he must be licensed. If it does not happen regularly, the bar staff would not be required to be licensed and the publican would not be required to employ an agent or become one.

[Leave granted for the member's time to be extended.]

I have dealt with the matters raised by the member for Perth. As to the matters raised by the member for Peel, I had some difficulty thinking of an industrial area in which we do not require a person to be licensed who we did not want to be picked up in this legislation. That related to inspectors acting under the occupational safety and health legislation. The legislation has been specifically drafted to ensure that those people are exempted from the requirement to be licensed if they are performing an inspection role in the normal course of their duties.

In relation to the Carnarvon salt industry, a mining company or a pastoralist, anybody operating as a security agent would be required to get an exemption. The member for Peel drew on whether people from interstate or New Zealand could be brought in to

perform that security role for the Carnarvon salt industry or for a mining company up north. They would not be able to do that. Those persons would not be licensed. If they tried to provide security for the salt or mining industries or the pastoralist, they would be working as security officers and would be required to get a licence. They would not have that licence if they came from interstate or New Zealand and, therefore, would not be able to operate in that capacity here. The fears in relation to this clause - it is one of the most important clauses - are ill-founded. We are trying to ensure that the legislation picks up the normal operations of these organisations; but situations may arise which require exemptions. This is what this clause does.

Clause put and passed.

Clause 7: Licensing officers -

Mr RIEBELING: I touched upon this clause in my speech during the second reading debate. I see a problem with the total control of the industry being in the hands of the Police Department. That, in itself, may well please the Police Department. However, where licences are involved, people are likely to be aggrieved by what the Police Department says about them. There is no opportunity for persons who are aggrieved by such a decision to go to a court of law and to air their problems with the Police Department. As a matter of course the licensing of people, such as security guards and crowd controllers, should remain with the Police Department. I have no problem with that. It allows quick action. When it comes to the licensing of agents who are employing people who are carrying out the hands-on work, I can see no reason why a court should not take an active role in scrutinising that industry. I cannot see any reason why the clause is drafted to omit the court. I would like the Minister to explain why that is.

The Minister mentioned in answer to the previous question that if agents were convicted of using illegal tactics, the police would revoke the licence. That is fine, but that we should assume what the police say is the case seems to me to be a denial of natural justice. It would worry me greatly if we continued along those lines and gave the police absolute power over an industry such as this. It also worries me that subclause (3) appears to exonerate any action of a licensing officer, who is presumably a police officer or an employee of the Police Department, from having to prove to anyone else that what he is doing is authorised. I cannot understand the reason. Is it envisaged that a tribunal will be set up to which this person must go to explain his actions or is it there just to fill the page? It seems to me to be a clause which does not take us anywhere, unless we envisage some sort of report procedure being set up. We are moving in the wrong direction of allowing police absolute power. I urge the Minister to consider putting back into the court system the control of the agents, the main people involved in this action. A corrupt police officer could work as a licensing officer. There are no checks to make sure that criminal elements do not get into the industry. I assume the main reason the Minister has put forward this Bill is the concern that arose in August last year. The Minister should use the known impartiality of our court system.

Mr CATANIA: I stated in the second reading debate that I had no objection generally to the police handling the licensing of the three types of security agents. However, I also stated in regard to the handling of this Bill and the issuing of those licences that I was concerned that a separate department set up to overview areas of policing might not be resourced properly and have the appropriate staff. This would mean that we would have a backlog with applications that were not processed in time. There would again be pressure on the police service to perform those duties. I would like the Minister to assure us that in the administration of the legislation and this clause, which covers the responsibility of issuing a licence, he will give us and the Police Force some comfort by ensuring proper resources and staff. Will he assure us that a separate department, which is able to handle the administration in this area, is put into operation and, thereby, it will be under no pressure and in turn will not apply extra pressure on what is already an understaffed, undermanned and under-resourced police service?

Mr WIESE: Dealing first with the comments from the member for Ashburton, the reality is that licensing of security agents and marine collectors is already handled through the

commercial agents squad. The only section of the industry not currently handled by the commercial agents squad is that of inquiry agents. My information is that only 200-odd have to come before the Court of Petty Sessions to obtain licences or renew them. Under this legislation we are dealing with about 2 500 security guards and 700 security agents. These are only best estimates. We do not have any way of knowing how many crowd controllers there are, but the best estimates are 1 500 crowd controllers and agents and whatever coming in to seek licences. If about 5 000 extra people were to go through the Court of Petty Sessions to obtain licences in the first place, and have them renewed, we would be putting an enormous burden on the court system. Quite frankly, I understand it is already swamped. Therefore, it is totally impracticable to require all these to be handled by the court system. To the best of my knowledge there has never been any problem with the handling of licences by the commercial agents squad. If the licensing officer gets it wrong, or a person believes he has been inappropriately dealt with by the licensing officer, there is an avenue of appeal to the Court of Petty Sessions.

Mr Riebeling: Where is that set out?

Mr WIESE: It is in clause 71. A couple of areas in this legislation deal with avenues of appeal. If a person believes he has been inappropriately dealt with by a licensing officer, clause 71 covers an appeal to petty sessions. We have coped as best as can be done with that. The member for Ashburton also queried what is being done under subclause (3). All that does is to provide an assurance that a proper process has been followed; that the licensing officer has been properly authorised to do the job, and that sort of thing. That clause really provides an assurance within the legislation.

The member for Balcatta had no problems with police licensing applicants. He wants an assurance that resources will be no problem and that provision will be made by the Commissioner for Police. We have had no communication that the commercial agents squad will not be able to handle that within the resources currently available. If problems arise as the squad works its way into handling this, for whatever reasons, resources will have to be provided. At this stage there have been no indications that it does not have the resources to handle it.

Mr RIEBELING: I issued licences under the Inquiry Agents Licensing Act. Most of the licensing is not done in open court. Usually the biggest hold-up in the processing of licences is waiting for the police report to be done. The court's time involved in the issuing of licences of this type is minimal. The only time the court will be tied up with a hearing will be when the Police Department raises something adverse about the applicant for a licence and that will be heard, as the Minister pointed out, in an appeal court. I cannot understand why the licensing of a person under this Bill cannot be dealt with by the court. That is the correct place to proceed when the Police Department does a report on a person's suitability. If there is a dispute about that person's suitability, it should be dealt with openly and as quickly as possible. The court system is set up now to do that and has been dealing with them ever since we have had courts. Removing from the courts the responsibility for licensing the inquiry agents is a backward step. The inclusion of another 1 000 or 2 000 licences would not involve a huge amount of work for the courts. The work would be mainly administrative and not judicial as is the Police Department role at the moment.

Mr WIESE: The member answered the question himself. The court will act only on advice provided by the Police Department and that information would come from the commercial agents squad. This Bill removes a process from the issuing of licences because the application will not have to go through the investigating officers to the commercial agents squad and then to the court. It will go from the investigating officer to the commercial agents squad, which will make the decision. We cannot write off the fact that we could potentially put somewhere between 4 700 to 5 000 extra licensing applications into the court system if the courts are allowed to continue considering applicants. The member underestimates the magnitude of the cost. Currently the courts handle 200 inquiry agents' applications. I do not think the court system could handle a further 4 700.

Mr RIEBELING: The resources required by the Police Department to issue these licences would be the same as the resources required by the courts.

Mr Wiese: Not at all.

Mr RIEBELING: How does the Minister explain that the police would be able to do it with fewer resources than the courts? It does not make sense to say that. The court has been structured to deal with licences of this nature and the licensing of commercial agents should remain with judicial officers. It does not make sense to say that, because the Police Department will do it, it will need fewer resources.

Mr WIESE: A magistrate is paid approximately three times that of a poor old police officer. The process of an appeal against a decision of the police being handled by a magistrate and an appeal against a magistrate's decision being heard by a superior court will magnify the costs enormously. If an appeal goes to the court, the time and cost of an officer from the commercial agents squad attending that court is expensive. The member does not make sense.

Clause put and passed.

Clause 8: Secrecy -

Mr RIEBELING: Security of information falls into this clause. The proper place for confidential information to be dealt with is in the courts. I listened with interest to the Minister say that the cost of issuing licences involves the cost of police from various squads attending the courts. The Minister does not understand how the licences are processed. Very rarely are these licences dealt with in open court. They are done in chambers. Rarely have I seen a police officer go into a magistrate's chamber to chat about the issuing of a licence. The involvement of the police in the issuing of licences is written information, and that will continue. I am not really worried about the Minister's suggestion that the courts will have to hear applications for 5 000 licences in open court because that does not happen. It is silly to suggest it does. I ask the Minister again to consider seriously the courts' controlling the system. We do not want to live in a police state. We want the ability to scrutinise properly that which the police say about an individual. The people of this State demand that our agencies be open and that justice be done to everybody in the community.

Mr CATANIA: Clause 8(1) is reasonable. Does subclause (2) allow "a person" to divulge the information obtained during that investigation under certain circumstances? What are those circumstances? Subclause (3) relates to private detectives and refers to the identification of any person to whom the information relates. Under what circumstances and to whom is that person allowed to divulge information? The Minister's answer will indicate whether my colleagues and I have any reason to be concerned about this matter.

Mr WIESE: This clause does not deal with anybody other than the police officers or other civilian persons working in the commercial agents squad in the administration of the Bill. It does not encompass private inquiry agents or detectives. The clause clearly states that persons cannot divulge any information except as provided in subclause (2). In the course of their duty information can be divulged for the purpose of investigating a suspected offence; that is, if the person making an application gave false information or if information had been revealed indicating an offence had been committed. Paragraph (d) provides that information may be divulged with the consent of the person to whom the information relates. None of the fears expressed by the member for Balcatta is justified in any way.

The member for Ashburton said that the procedure for inquiry agents can be carried out in chambers. In fact, it can be done in either chambers or open court. I am advised that the majority of applications are handled in open court, therefore, the secrecy aspect is not pertinent because anything said in court is available to the general public. This clause ensures that in any matters handled within the Police Department, police officers cannot divulge information they become aware of when considering the person's bona fides and suitability to be licensed.

Clause put and passed.

Clause 9: Protection from liability -

Mr RIEBELING: I am concerned that this clause provides protection for the person acting as licensing officer, as long as he makes his decision in good faith and has done all he thinks he should have done. In this area of commercial activity, the exercise of that discretion in granting or refusing a licence may have a significant impact on the applicant. The clause is included to allow for any incompetence on the part of the issuing officer, and it provides that the State is not liable for that incompetence even if damage is caused by a decision which may be overturned at a later date. If the Minister has confidence in the Police Force performing their duties well in this area, this clause is not necessary. It is hard to imagine how one could excuse an officer who did something which rendered him liable to criminal prosecution. How could that be lawful? Will the Minister explain what is envisaged by clause 9? From what type of action will the issuing officer be protected? I could understand if this applied to civil procedures, but it is a nonsense to sanction criminal behaviour.

Mr GRILL: I agree with the member for Ashburton. I queried a similar clause in legislation last week, and it was pointed out that the provision in that Bill gave protection to individual officers but it did not exclude the vicarious liability of the department. That is a very important point. Under one of the agricultural Bills, the individual is protected from civil liability - I cannot see a case for exempting an individual from criminal liability - but the Committee was assured that a person who was injured or aggrieved as a result of negligent activity could still bring an action against the department by way of vicarious liability. Therefore, an individual is deprived of a remedy against the individual but not against the department. This clause seems to exclude any liability from the commissioner downwards. I would like to be assured that is not the case, but I do not think the Minister can give that assurance. In that event, I do not think this clause should be passed. Mistakes could be made in many situations when officers are exercising their duty. Some might be grossly negligent mistakes, as a result of which persons are injured. For example, a paedophile could be licensed to be in charge of a group of scouts, a person with a violent record could be placed in charge of some other situation in which violence is part of that mistake, or a person with a bad record for handling firearms could have access to firearms and use them. I do not believe a person injured or aggrieved as a result of gross negligence should be deprived of a remedy. It certainly appears to me that this clause would prevent an injured party's having a remedy altogether. If that is correct, the Minister should look at it again.

Mr WIESE: I am surprised that members have queried this clause. The reality is that the clause already exists in the Security Agents' Act; it is not something new. It enables a licensing officer - I thought members would be pleased with this - to carry out his duties without fear or favour. He has no threat of prosecution hanging over him if he is exercising his powers of investigation to the utmost. That is what we are asking a police officer to do, looking at the good name or suitability of a person -

Mr Grill: We are not talking about a situation where he is neglectful of his duty.

Mr WIESE: We are endeavouring to ensure that that police officer has protection when he is doing his duties to the full, without any threat of criminal or civil proceedings hanging over him. If a case were to be brought against him, the officer would, if acting in good faith, obviously have the protection. If he were not acting in good faith, he would not have that protection. The member for Eyre drew the analogy with the agricultural legislation, which went through the Chamber last week. My understanding is that the Agriculture Department officers, when they are performing their duties, have the protection of the State in the case of vicarious liability being raised against them. The situation with the police is quite different -

Mr Grill: That is the point I was making. That is why I was trying to attract your attention.

Mr WIESE: I will not argue with the member for Eyre as a lawyer, because I do not have that legal knowledge.

Mr Grill: Listen to me for a second. It is one thing to excuse the individual officer. I can understand that and I accepted that in relation to the agricultural legislation. It is another matter to excuse the Government and the department altogether. In the agricultural legislation the point was made to me by the officers and by the Minister for Agriculture that the department would not be excused in those circumstances even though the individual was. That is the point. You seem to have missed it.

Mr WIESE: The point stands: If the officer were acting in good faith, he would have the protection provided by this clause. However, if he were not, of course he would not have any protection.

Mr Grill: You missed the point. You are a bloody ignoramus; you shouldn't be a Minister.

Mr WIESE: The member should talk to some legal people. That is the situation. It is important that the member understand that police officers do not have the protection that is afforded to virtually all other government officers under the vicarious liability.

Withdrawal of Remark

Mr COWAN: I am sure that the member for Eyre has been here long enough to know that that remark is quite unparliamentary and I suggest that he withdraw it.

The DEPUTY CHAIRMAN (Dr Hames): In my view it is unparliamentary and I ask the member to withdraw.

Mr GRILL: I withdraw.

Committee Resumed

Mr WIESE: Although most other public servants have that protection, police officers do not; they are on their own out there. If they arrest a person, they are on their own.

Mr CATANIA: The Opposition does not disagree with the individual's having protection, but we disagree with the department's having the protection and that the aggrieved person would not have the ability to get satisfaction in some way if an officer or individual took certain action which resulted in some harm or grievance. We agree that the officer should have that protection; that is not a problem. However, in protecting the individual we should not take away the right of the aggrieved person to be able to get compensation in some form. In that way, the compensation should be taken out against the department rather than the individual. That is what the member was trying to explain. I would appreciate the Minister's giving an explanation or his opinion on that basis.

Mr RIEBELING: I asked previously why there is protection from criminal prosecution in this clause. I can think of no reason why an individual should be protected through this Bill from criminal prosecution if what he has done is criminal. Perhaps the Minister forgot to mention the types of examples he can think of that this protection from criminal prosecution is designed to cover. However, if he thinks that the police do not have enough protection under the Police Act and various other Acts, that is fine; we should increase their protection. However, in this document we are talking about an issuing officer's making a decision which, on the face of clause 9, leads him to breach the criminal law. I want to know what type of deeds or actions the Minister is trying to protect against, especially in criminal proceedings.

Mr MARLBOROUGH: The Opposition may be satisfied if the Minister will consider an amendment to the clause that will clarify the intent. I raise this not as an amendment but for his consideration. After the words "performance of a function under this Act" we could insert "as it applies to the issuing of the appropriate licence required under the Act". Our concern is that, in the way it is currently written, the clause goes further than what I believe are the Minister's and the Bill's requirements; that is, the performance of an officer and/or the department in the issuing of a licence. Our concern is that the clause requires clarification and with the addition of those words it may satisfy this side of the Chamber. Our concern with the way it is presently written is that the third party is also restricted from taking the appropriate legal action that may be necessary. For example, a police officer or the department responsible may give someone a licence under the Act

and it is found later that the licensed person has committed a crime against an individual or a group of individuals. If it is discovered when pursuing a case against that individual that the evidence indicates the person should not have been licensed in the first place, although the people against whom the crime was committed may well be in a position to take action against the licensed bouncer, security agent, private detective and/or the companies that employ that person, this clause exempts that same person from taking action against the department or government instrumentality that gave the licence to operate. When one reads clause 9 in the context of part 2, one sees it seeks to cover certain officers and their responsibilities to the licence holder. Our proposal would allow for that interpretation to be placed on it. If my interpretation of that clause is correct, our proposal to add the words that I have suggested does not detract from the intent of this clause; it simply clarifies its real intent.

Mr WIESE: What the member is asking for is already in the clause. This clause does not apply to a third party, and it is not intended that it should. If an officer performs his task of investigating the bone fides of an applicant and issues the licence in good faith, surely the member for Peel does not believe that officer should then be sued?

Mr Marlborough: I believe he should be able to be sued and the test of whether he has performed his task correctly should be determined in the proceedings.

Mr WIESE: It will. If he is acting in food faith when he issued the licence, he should not be able to be sued. If there is any way that officer can be shown not to have acted in good faith, and to have issued a licence when he should not have done so, he is able to be sued.

Mr Grill: The Minister could imagine a situation where an officer could act in good faith and still be grossly negligent. We are saying that officer is already excluded from liability. The Minister can protect that individual, but he should not exclude the department from any responsibility.

Mr WIESE: My advice is that the State or the department is not protected by this legislation; the individual is protected. It is still able to be held to be liable.

Mr Grill: That is reassuring. How sure is the Minister that that advice is correct?

Mr WIESE: That advice is coming from the advisers I have with me. I assure the member for Eyre that I will seek an opinion that the advice I am being given is correct. I will do that in relation to the matters raised by the member for Eyre and the question of whether the person should be able to be exempted in relation to criminal matters. If the advice I am given is that we can remove the word "criminal" from that clause without in any way destroying the protection that we are giving, I will arrange for that word to be removed in the other place.

Clause put and passed.

Clause 10: Commissioner to keep register of licences -

Mr WIESE: I move -

Page 7, line 16 - To insert after "the name and" the word "business".

Page 7, after line 27 - To insert the following -

(3) On application being made to the Commissioner in respect of a licence, and payment of the prescribed fee, a licensing officer may issue a certified copy of an entry in the register relating to that licence.

By inserting the word "business" the Government is endeavouring to ensure that the public has access only to the business address of a licensee to avoid the unnecessary exposure of personal details which could cause concern to the licensee's family.

Mr CATANIA: I agree with the sentiment that some protection be afforded to the licensee, but there may be a necessity to contact a licensee and not having a private address would be a disadvantage. Clause 8(1) contains a non-disclosure provision and perhaps the private address could be kept confidential to avoid the situation where not having the private address of the licensee is a disadvantage. I do not see that having a

business address will provide the protection that the Minister says it will, and for the purpose of contacting the licensee it will be a disadvantage.

Mr WIESE: I take on board the comments of the member for Balcatta. The reality is that this register will be open to scrutiny by the public. The police could keep a private record of the private address for administrative purposes, but I am not sure that is a desirable way to go. This concerns business information such as partnership and body corporate details and it is appropriate that the business address is recorded and not the private address.

Proposed subclause (3) will allow the licensing officer to issue an extract of the licence from the register on payment of fee. That situation exists under the present legislation. The register inspection fee and the extract of entry fee will be prescribed in regulations. We have not set that fee yet.

Mr RIEBELING: I gather it is envisaged a separate page will be prepared for each registration. As the Minister will know, most certified copies are now a photocopy of the actual document, which presumably will be certified by an issuing officer. If there is more than one registration to a page, will a separate document be prepared? In what form will the information go out?

Mr WIESE: I do not know whether it will be a separate page. The registrations are now kept on a card and each card is separate. I envisage ultimately the register will be kept on a computer so each one will be printed from the computer record.

Amendments put and passed.

Mr RIEBELING: Regarding clause 10(d), I presume the issuing officer will be the person who imposes the conditions. What types of restrictions and conditions does the Minister envisage will be applied to licences? If the court were the issuing office for a licence, the police would give reasons for the imposition of certain conditions and no doubt the court would comply. After hearing the applicant and the Police Department's side of things, the court may be of the view those conditions are warranted. If a person objects to a condition of licence, he will have to appeal to the Court of Petty Sessions. When we are dealing with a Police Force that acts properly, I have no problems. However, I am thinking of a situation where a police officer may object to someone appealing who would then have to reapply to that same officer in the next year's appeal. It worries me that conditions may be applied to licences which will make the operation of a licence unworkable.

Regarding subclause (2), does the Minister have any idea of the fee that will be sought? I presume it is there to allow freedom of access to the records. What records will be able to be examined under this clause? If it is on computer, how will the information be segregated? Will there be several computer systems just for the register?

Mr WIESE: The conditions will vary enormously from licence to licence. Obviously the conditions for a basic security agent will differ from those applicable to an armed security officer. This can be included on the licence. This clause provides that whatever the conditions, they will be recorded on the licence and that the register on which they are recorded will be open and available to the general public for inspection. I am sure if it is on computer, the register will be made available in some form for a fee. We do not want to expose the whole register to the general public. That will be possible, but we are considering a fee in the vicinity of $10 to get a certificate of a particular entry on the register. I do not think anyone will front up with $25 000 to do an inspection of security agents. I am sure the records kept on the computer will be available in some way so the public can have access on payment of a fee.

Mr RIEBELING: If I understood the Minister correctly, that clause is in place so that standard conditions which apply to all licences will be put on the register. That is probably not correct. Surely this clause applies to special conditions, and restrictions and endorsements that apply to that licence. It would be a pointless exercise not to have a licence which covers a normal process. I see this section designed to put special conditions and restrictions on a licensee. What is envisaged?

Mr WIESE: I cannot add any more to my explanation. This clause requires the commissioner to keep a register; the information required on the register for each licence is detailed in the clause. The amendment just passed will enable the commissioner to allow a certified copy to be made of an entry concerning a particular licence.

Mr Riebeling: Will the conditions be standard?

Mr WIESE: They will be standard to each class of licence. Variations may apply to particular licences, but they will be recorded and will be accessible to the general public.

Clause, as amended, put and passed.

Clause 11 put and passed.

Clause 12: Definition of "security officer" -

Mr CATANIA: Why was the provision included in subclause (2), which refers to "a person employed by one employer only, who is not a security agent"?

Mr Wiese: That is already in the current legislation. There is an ability for a person to work as a security agent, not employed by another person. The case in Fremantle which has been in the news in the past couple of days is a classic example of where a person is able to operate as a security guard, provided he is employed by only one person. For example, it might be a security guard operating at Coles, who is not required to be licensed. If that security guard wants to operate for eight or 10 other employers, as occurred in Fremantle, he must be registered as a security agent.

Mr CATANIA: A person cannot be considered as a security officer if that person in performing the duty of watching, guarding or protecting property does not have in his possession a firearm or baton.

Mr Wiese: If that person acting for one employer then wants to become an armed security officer, carrying a baton or firearm, under these provisions he would have to be licensed.

Mr CATANIA: The possession of firearms always concerns me.

Mr Wiese: That is picked up separately.

Mr CATANIA: Yes, but it is always a concern that people are allowed to carry firearms in the surveillance of property. There has been no mention of other arms. A number of firms in the security business use dogs; however, there is no mention of security officers and agents using other than firearms or batons. As I said in my speech in the second reading debate, I am sure the Minister has been lobbied from people in the security business who want to carry firearms, not only as security agents or officers, but also as bouncers or in other areas of surveillance. The Minister said that he would support that, with certain limitations on who could carry firearms. I am concerned that firearms are carried in the process of security, because it only attracts criminals also to carry firearms.

I was delighted to hear today that in the United Kingdom a survey was taken of all 75 000 police officers in which the officers were asked whether they wanted to carry firearms, and 90 per cent said that they did not want to carry firearms because the criminals would then carry firearms, and that would pose a problem. They have been sensible in their approach because, as the saying goes, aggression attracts aggression.

There may be some sympathy for carrying firearms from people who protect property and who come upon an intruder who is armed if they have no means of defending themselves. However, it is less likely that that intruder will carry a firearm if he knows that the security officer does not carry one. The provision in this clause that a security officer is not a security officer unless he carries a firearm or baton or, in the case of other areas of the security business, he has the protection of a dog or any other weapon, goes against the grain of what is being promoted generally by the Minister and by this side that firearms should be used in a sparing and limited fashion.

Mr RIEBELING: How far will the definition of firearms and batons take us? It is of great concern to the public that other types of weapons and means of protecting property

can be almost as deadly as the firearms and batons in the person's hand who is not trained to the degree he should be. What type of training will the Police Department insist on before it allows someone to wander around with a hand gun or whatever firearm is allowed to be carried? Will there be a training course in the proper use of these firearms which must be undertaken prior to the issuing of a licence? What will be the duration of that type of course? Is the Police Department happy with the training the Minister envisages will be provided? It is vital that we restrict the access to hand guns to a minimum. We are looking for problems if people employed to look for intruders are given permission to carry a hand gun. I do not know whether the granting of permission to security officers to carry guns will include a psychological assessment of the people who have permission to carry guns. It is very dangerous to say that because a person works for Joe Bloggs and does not have a criminal record he can carry a gun. To what extent is the Minister concerned about this issue and what measures will be put in place to ensure the safety of the public?

Mr TAYLOR: I refer the Minister to subclause (2). The member for Balcatta raised the question that these days there are many opportunities for people to carry out the duties of a security officer using weapons other than a firearm or baton. He mentioned the use of dogs and a variety of weapons. Nevertheless, if a person were to carry a knife or mace or use a dog there would not be any need for that person to be covered under the definition of "security officer". I realise that in a legislative sense, because of its very nature, a firearm is regarded to be of greater concern than other weapons. However, when a firearm or a baton is used, either separately or together, it puts a different meaning on this legislation. Under the definition of "security officer" and the exclusion which effectively comes about as a result of subclause (2) we must deal with not only possession of a firearm or baton, but also a weapon of any sort that people carry to protect themselves while guarding a property. The definition must be widened to include weapons other than firearms or batons.

Mr WIESE: I will not deal with the issue of firearms and batons because they are covered by clauses 22 and 23. It is not the Government's intention under this legislation to give permission to every security agent to carry a firearm or baton. Security agents are not prohibited from using dogs, but they would be subject to the provisions of the Dog Act. For example, if they were to set a dog on to somebody they would be subject to the same penalties as an ordinary citizen who set his dog on to somebody.

Members opposite referred to security officers using a range of weapons other than a firearm or baton. The reality is that if a security officer is carrying a knife he would be committing an offence if he did not have a reasonable excuse. The carrying of a mace is a grey area which is not covered by legislation, but it will be addressed in future legislation. This clause is not about the use of weapons. Subclause (2) provides that a security agent who works for one employer is not covered by the definition of subclause (1) unless he is in possession of a firearm or baton. If that person is working for one person he would require a licence to work as a security agent as well as a licence as an armed security agent, and that is covered by clauses 22 and 23 of this Bill.

Mr TAYLOR: With due respect, the Minister did not answer the question raised about this definition. Subclause (1) refers to a security officer who for remuneration watches, guards or protects any property. Subclause (2) refers to a person employed by one employer only, who is not a security agent, to watch, guard or protect the property of that employer. It does not come within the definition of subsection (1) unless the person is in possession of a firearm or baton while carrying out his duties. In other words, a person can carry a weapon of any sort, other than a firearm or baton, and not be regarded as a security officer under the definition of this clause. The definition of security officer applies throughout the legislation. While the Minister may say that we can deal with this issue in the debate on clauses 22 and 23, he is not adequately dealing with clause 12. The definition of "security officer" effectively excludes a range of individuals who may have at their disposal all sorts of weapons other than dogs, as the member for Balcatta pointed out. The definition which excludes the use of a firearm or baton is too narrow. At the very least, we are talking about a firearm, baton or other weapon. The definition is not in

keeping with the times in respect of what security agents have at their disposal to protect themselves. I understand what the Minister is trying to do and why he wants to exclude these people, but the definition must be wider than referring to the use of a firearm or baton.

Mr WIESE: I am obviously having a communication problem. Subclause (1) details the definition of security officer and subclause (2) is the exclusion clause and excludes a single person working for a single employer. That person is not required to be licensed as a security officer.

Mr Riebeling: Except when carrying a firearm or baton.

Mr WIESE: That is the one exception. Under normal circumstances that person would not be required to obtain a licence as a security officer. If he wishes to carry a firearm or baton he is covered by clauses 22 and 23 of the Bill. All sorts of weapons can be used in armed robberies, including hockey sticks, syringes and screwdrivers. The intention is to restrict it to what can be used in an armed robbery. Those other matters will be picked up under the existing legislation.

Mr Taylor: If a person carried a wooden baseball bat, that would not be included in this definition.

Mr WIESE: Of course not.

Mr Taylor: Why not? If it were good enough to include someone who carries a baton, surely it would be good enough to include someone who carries a baseball bat.

Mr WIESE: The point we are trying to make is that something becomes a weapon only when it is used in an offensive way as a weapon. A person who carries a baseball bat is not committing an offence. A person who is carrying a knife is committing an offence under the Police Act and, if charged, he would need to prove that he had a reasonable excuse for carrying a knife. The same would apply in the case of a baseball bat. If a security officer were found carrying a baseball bat, I guess ultimately it would be open to the court to make the interpretation, but I believe that person would be unlicensed and would be committing an offence.

Mr RIEBELING: The Minister is trying to create a situation where a person who carries an offensive weapon must be licensed. A person who carries a firearm or a baton can be charged under existing law, without this legislation, and the Minister thinks that because a person carrying a baseball bat cannot be charged under another Act, that should not be included in this legislation. If it is fair enough to mention a firearm or baton, why not mention all weapons? Why not broaden this clause so that a person who was protecting someone else's property and who carried a weapon that could cause serious injury to another person was subject to this Bill? We are suggesting a way to make this clause cover all of the people whom the Minister wants to cover.

Mr WIESE: A security officer can be licensed to carry a firearm or baton if he is appropriately trained. We do not want to allow security officers to carry other weapons for which we are unable to train them appropriately.

Mr TAYLOR: We agree with that point of view, but the legislation fails because it should say a "firearm or baton, or other weapon".

Mr WIESE: The problem is in trying to define what constitutes a weapon. I have given the example of an armed robbery, where a person can be charged with committing an armed robbery when he is carrying virtually anything - a screwdriver or a syringe. We want to allow security guards to carry a firearm or baton in order to protect themselves, provided they are properly trained and licensed. Security officers have come to me and have sought the ability to protect themselves when they get into some of the difficult situations which arise in their work. If they want to have some form of protection, they must be licensed, and that is what this legislation will allow them to do. If they are in other situations, they will be subject to the Police Act in exactly the same way.

Clause put and passed.

Clause 13 put and passed.

Clause 14: Definition of "security installer" -

Mr CATANIA: A security installer is a person who for remuneration instals, maintains or repairs safes, vaults or equipment or devices for the watching or protection of property. How will the Police Department check on the skills which a person must possess in order to be a security installer?

Mr TAYLOR: I am concerned that the definition in paragraph (c), which deals with equipment or devices for the watching or protection of property, is too wide because it may be possible that people who instal a barbed wire fence or security lighting at the front of a house will have to be licensed as security installers. We do not want a situation where thousands of people will have to queue up to be licensed as security installers. We should keep this clause fairly narrow. The words in this paragraph could include people who instal fences or security lights for the watching or protection of property. Must these people be licensed as security officers?

Mr RIEBELING: Why a person must be licensed to install a safe or a vault is beyond me. I presume that the installer of such equipment is not the manufacturer of the keys; he does not work out the combination of the tumbler-type safe. The installer is the person who puts the safe in the wall. I do not understand why that person would need to undergo scrutiny by the Police Department to do the job. I understand that some of the protective devices are electronic. Presumably an electrician will be required to install them. I do not understand why a person who decides to have the equipment installed in a house would need to obtain a police clearance, unless the legislation is designed to stop potential burglars from installing the devices. I seek clarification. It appears that this clause will impose a burden on an industry which accommodates customer demand. I understand the provision for security agents' licences but I do not understand the need for the installers of the equipment, which is presumably purchased by a person who wants some protection, to obtain a licence.

Mr WIESE: My briefing notes state that the clause contains a definition of security installer and it is self explanatory. I need to discuss this with my advisers because obviously this is not self explanatory.

Mr Riebeling: It is.

Mr WIESE: Then why did the member ask the question? I do not understand how a member can ask why a person should be required to have a licence to install such equipment. The mind boggles. We wish to ensure that people are fit and proper persons to carry out that task. Anyone who needs a safe installed would want the assurance that the person installing the safe - be it under the bed, under the carpet, or in the wall behind a painting - is not a person who will go into the public arena and, perhaps with some other person, subsequently return to the house and remove the safe or its contents, or divulge the information to someone else who might want to see what is in the safe or where the safe is installed. Of all the examples the member could have chosen, the safe was the worst.

The clause is self explanatory. It is about trying to ensure that fit and proper people install devices for the protection of property. For the public, and for the person employing installers, this is an essential provision. It is extremely important to know that the person installing an item, or security device, has been properly scrutinised; that he has a licence, and has passed all the tests regarding suitability to perform the service, and does not have a criminal record, and so on. I understand that currently people who install security devices must pass a test to indicate they have the necessary technical skills to carry out the work. That provision exists in current legislation and we are following that through.

Mr Riebeling: Builders install security screens and doors.

Mr WIESE: We are talking about a range of devices including electrical surveillance and alarm systems set in windows and doors.

Mr Taylor: We are talking about people who install security windows and even barbed wire fences.

Mr WIESE: The member is stretching it a bit -

Mr Taylor: The Minister did not answer the questions.

Mr WIESE: I have answered the questions clearly. We are talking about people in the security industry who install security devices - be they electronic, camera systems, or alarm systems. This clause will ensure that the person who seeks a licence to carry out such installations has the necessary technical skills; that he is a person who is suitable to do the job - a person without a criminal background.

Mr RIEBELING: Putting the insults aside, can the Minister explain if the person installing a security door - normally a carpenter - must go through this test? The person will be installing equipment designed to protect property; therefore it is covered by this legislation. Will that person need to go to the expense of getting a licensed person to install those doors? Why must a person who installs security doors and windows be licensed by the Police Department? Perhaps instead of being so smug the Minister can answer the questions and we can move to the next clause.

Mr WIESE: I apologise if the member feels insulted. The people installing security doors or windows must be licensed under existing legislation. This provision is a continuation of that situation.

Mr RIEBELING: I beg to differ. A builder who installs security doors and windows does not need to be registered as anything other than a builder. The Minister says that is not the case, but most builders in this State will install security doors and windows when asked to do so. I have never asked to see a licence when arranging to install such equipment. Building companies install this equipment because they are equipped to install doors and windows; it is not because they are experienced in security devices. The majority of people who wish to have such equipment installed go to the shop and pick out the door and ask a builder to install it.

Mr TAYLOR: I support the remarks of the member for Ashburton. At some time during debate the Minister must deal with the issues raised by members. We all recall that when the Minister was a member of the Opposition he raised such issues and we dealt with them in one way or another. The Minister has two advisers with him; surely he can deal with the issue. The issue raised here is not that of installing cameras, alarms or electronic devices; it is as simple as people putting on security doors and windows, the lights near garages that flash on when people walk past, and barbed wire fences. I have already seen places in Perth with barbed wire across the top of the fence. It seemed to me that some people had razor wire across the top of the fence, which I did not think was available. They are all matters that come within the definition of security installer of equipment or devices for the watching or protection of property. How wide is the definition? Although the Minister says that these people would have to be licensed already, they are not. We all know that. They just happen to come along because they are in the building game. They might be constructing a garage and put in a security light at the same time. They are not licensed to install these sorts of products. The Minister is saying they should be, but they are not. If these people must be licensed, thousands of people will be queuing up to get a security installer's licence because their job is to put in windows, doors, security lights at the front of the house or a fence down the back of a property. I do not think the Minister wants that to be the case. In his mind he believes the legislation is deliberately aimed at people who install much more sophisticated security systems than those mentioned tonight. Perhaps the definition should be tightened a little so that it deals with more sophisticated security equipment than the things that the member for Ashburton and I have raised.

Mr WIESE: We must look at the reality. Under the existing legislation, if people are working for a builder and working on their own, they are able to do that type of installation themselves without being licensed. I do not believe that situation will change. Under the existing legislation if those people are working under the directive or in the employ or acting for or by arrangement with the security agent, they are required to

be licensed as an installer. We are promoting that situation and it is carried on in this clause. I do not believe we are endeavouring to expand the legislation to pick up builders and those who operate as security installers as part of their normal work. The intent in the previous legislation is carried into this clause. When people are operating for a security firm, there is a requirement that they be licensed under the existing legislation.

Mr TAYLOR: What will happen if people from a company in the business of installations have all the relevant licences and to protect their position they come to the Minister, the commissioner or whoever and say, "Do you know that Mr Such and Such is in the business of installing these security devices for watching or protecting property and he does not have a licence?" It may be an unlicensed person who installs security doors or windows or whatever. People try to protect their business position in that way. Without wanting to be unfair, I think the definition is just a bit too wide. I am not a parliamentary counsel. I cannot redraft the clause. The definition is drawn in such a way that it includes everything.

Mr WIESE: If that matter is brought to the attention of the licensing authority, that body will look at what that person is doing. If the opinion is formed that the person is acting outside the requirements and performing work for which he should have a licence, it will be brought to the attention of the person performing that role. We are not trying to pick up the broad range of ordinary builders who are installing a screen door or a screen window; that is, when normal building work is involved. If a builder is working on behalf of a security company, it is not unreasonable, as is envisaged in the current legislation, to expect that person to be a licensed security installer.

Clause put and passed.

Clause 15: Security agents to be licensed -

Mr RIEBELING: The licence which the security agent will be granted will allow him to visit people's houses. It is envisaged that he will inspect the premises and give advice on the suitability of the different types of security systems that people may want. What qualifications will be required of the security agent by the Police Department? If an installer needs a permit to install an electrical device, will the Police Department take into consideration that person's skill in other trades, such as his being an electrician? Obviously he would need to be an electrician before he could be an installer of security equipment with electrical circuits. I hope the authority of this Bill will not override the safety provisions in other legislation.

Mr WIESE: The people who install electrical devices will be tested to see that they have sufficient knowledge of the theory and technical skills to be able to do that work. Other legislation covers people who handle hard wired electrical devices, such as those that require connection into the existing household 240 volt system. It would probably, in this example, be found in the old State Energy Commission Act, now the Western Power legislation. This in no way overrides that requirement.

Mr RIEBELING: I am concerned that the issuing of an installer's licence may, on the face of it, enable a person to do what is required in the installation. Presumably it will be written into any licence that is issued that the person must conform to whatever safety standards exist.

Mr WIESE: I am not in a position to say whether it would be a requirement for an installer to have a licence to operate as an electrical contractor or an electrician. Generally speaking that may well be the case. Many people who work on washing machines and dishwashers and those sorts of things are working with the 240 V equipment, but they are not necessarily required under legislation to be licensed as an electrician. As I understand it, this situation will be no different.

Mr RIEBELING: What training will they have to undertake?

Mr WIESE: The training requirements will be prescribed in the legislation. They are not spelt out at this stage but, generally speaking, the concept is that people will be required to undergo an appropriate course to meet the requirements of this clause. The requirements obviously will differ from installer to consultant.

Mr Riebeling: And agents?

Mr WIESE: Yes, again for agents. We spelt out quite clearly that they need to be able to ensure that their financial backing and administrative and management abilities enable them to carry out the role of managing a business. They do not necessarily have to be able to carry out those other tasks detailed in the Bill.

Mr RIEBELING: I might have the wrong idea of the security agents' tasks. My understanding is that they will be the first to go to a premises and indicate to a customer what is required to make the premises secure. The customer will then go through the agency, which presumably employs installers, to make his property safe. That type of training presumably is a specialist field. Is it intended to set up TAFE courses to make sure those people are fully conversant with the latest technology in that field?

Mr WIESE: The member has the wrong concept. The person who goes into a house, looks it over and gives advice on the security requirements is a security consultant. The agent is the business principal who needs the ability to run and control a business.

Clause put and passed.

Clauses 16 to 18 put and passed.

Clause 19: Security officers to be employed by security agent -

Mr RIEBELING: I am concerned that this clause sets up an operation for a third party and gives that third party a distinct advantage in the marketplace. There was some speculation in August last year that members of Parliament and police officers were involved in the industry. For the life of me I cannot work out why a security agent is required when a person wishes to employ crowd controllers, or whatever we wish to call them. Will the Minister briefly explain the need to include in the Bill a provision which forces people to operate through an agent in this matter?

Mr WIESE: An agent must have the managerial skills to run a business. The security officer, consultant, installer or whoever is employed by the agent. A person who wants to be a single operator obtains a security agent and security officer licence. He can then do the job himself. There is no requirement that a person must operate through a third party. If a person obtains that licence he can work for whoever wishes to employ him.

Clause put and passed.

Clauses 20 and 21 put and passed.

Clause 22: Definitions -

Mr WIESE: I move -

Page 12, lines 5 and 6 - To delete the lines.

We have already included the definition in clause 3.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 23: Security officers, possession of firearms -

Mr CATANIA: This very important clause of the Bill provides for parties to be in possession of a firearm. Members will know there has been a lot of controversy about the carrying of firearms. This clause provides that a security officer must not be in possession of a firearm while engaged in activities authorised by the licence unless his or her licence is endorsed to authorise such possession. I agree with that but, once again, I express concern that we are allowing the carriage of firearms. I am concerned about penalties. Clause 86 does not provide for penalties for offences against this clause. If a security officer does not abide by the provisions of this clause he or she should be punished in a criminal sense; that is, apart from a monetary penalty a term of imprisonment of at least a month should be added. That is because the possession of a firearm for other than that which is endorsed on a security officer's licence must be an action which attracts a criminal charge and, therefore, a term of imprisonment. The

Firearms Act must be speedily amended by the Minister. Where firearms are central to many licensing provisions in other Acts we must have an amended Firearms Act in place. We should provide a definite signal to anyone who wishes to contravene this provision that carrying a firearm for any reason other than that which is provided for in the Firearms Act will attract a term of imprisonment which should be included in the penalties apart from that which is provided in clause 86 of this Bill.

Mr WIESE: This clause allows security officers to obtain a licence to carry a firearm. Firstly, they must be licensed as security officers before they can seek such endorsement. The real guts of this clause appears in clause 24 where many of the matters relating to the licence to operate as an armed security officer are set out in detail.

I believe the penalties of $10 000 for an individual and $20 000 for a corporation are sufficient. However, if a person contravenes this requirement he would be committing a very serious offence. In fact, it would be an offence of such magnitude that the licensing officer would have to think carefully before renewing that person's licence. If a person were convicted of a firearms offence, the likelihood would be that his licence would be revoked. I do not have any problems with the licensing officer adopting that course of action. The revocation of a licence would be far more appropriate than any fine or minimum term of imprisonment.

Mr RIEBELING: This clause includes the penalty for licensed people doing the wrong thing and carrying a firearm. I agree with the member for Balcatta that an imprisonment sanction should be included. I understand what the Minister said. I appreciate that quick action would follow if a person were convicted of carrying a firearm and that that conviction would result in the licence being suspended or revoked. However, the public is very keen to ensure that as few people as possible carry weapons.

At the moment, there is no option in clause 86 for a person to be gaoled for an offence against this clause. The Minister said that the monetary penalty is substantial. However, I do not think the clause reflects community attitudes towards a firearms offence of this nature. The public does not want to see people wandering around with guns especially when the authorities have determined that they should not have one.

Mr WIESE: We are talking about the offence of being in possession of a firearm. That firearm could be the property of the security officer. He may not be in possession of an unlicensed firearm. However, if he is in possession of a firearm while acting as a security officer, it would be an offence under this legislation because he would not be able to act as an armed security officer if he did not hold the proper licence. I said earlier that if a person offended against this legislation by carrying a firearm when unlicensed, his licence should be removed. However, that is a decision that would have to be made by the licensing officer. The licensing officer would be able to remove the licence immediately, if that were his judgment. The decision would then be subject to the appeal processes.

I think the provisions are sufficient. There is no gaol penalty in the firearms legislation for a person being in possession of a firearm and I do not believe that this legislation should be different from that. The monetary penalties plus the ability of a licensing officer to revoke the licence are sufficient.

Clause put and passed.

Clause 24: Endorsement for escort of money etc. -

Mr WIESE: I move -

Page 12, lines 22 and 23 - To delete the lines and substitute the following -

possession of a firearm while engaged in one or more of the following -

(a) the escort of money or articles of value;

(b) any other prescribed activity,

but not otherwise.

The words have been added to provide for circumstances that may be required in the future. This amendment was precipitated by the problems that have arisen when an automatic teller machine is being serviced or refilled and large amounts of money are in the open. There is a requirement, in those circumstances, for an armed security person to be present. "Other prescribed activity" could involve a situation in the future that required the presence of an armed security officer. The Government does not intend to open up the clause any further than it is at present. The Commissioner of Police and I are aware of the community's concerns about armed security officers being in public areas. The member for Balcatta summed it up very well. The member said that if armed officers were operating in that circumstance, all the baddies would be similarly armed and the potential for violence would escalate rapidly. We do not want that to happen.

Mr CATANIA: The amendment will weaken this clause. The Minister gave the example of automatic teller machines, but the original clause covered that situation quite adequately. The Minister said that he does not want to open the doors by including the phrase "any other prescribed activity". However, he has done just that. The original clause allowed security officers to possess firearms while they were engaged in the protection of money, but not otherwise. That was a strong provision, and the Minister's proposed amendment will allow for manipulation by someone to include other activities because of modern technology or for other reasons. The interpretation of this clause as amended will be subjective, and the Minister should at least include a definition of the type of activity involved. The original clause specifying the escort of money and the protection of valuable articles was strong enough. I urge the Minister to reconsider the amendment.

Mr RIEBELING: I reiterate the comments of the member for Balcatta. I waited to hear in the Minister's explanation some reference to the original definition. The escort of money clearly covers the filling of automatic teller machines. Perhaps the Minister is contemplating some other use that does not readily spring to mind, but the public does not want the provision to be as open as this will be. The original clause covered the situation adequately and I think the proposed amendment will allow for activities that the Minister has not foreseen. I ask the Minister to clearly explain why the original provision does not cover the filling of automatic teller machines.

Mr WIESE: Members should be aware that at present the escort of money and valuables is not covered by the Security Agents Act. That is covered by conditions applied to the licence issued to security agents involved in that activity. In the first instance, the Government is including the power to issue that licence within this legislation. That is why the initial clause was drafted. However, once it was included and the industry was asked to comment, it indicated to the Government that the clause would not allow its members to continue the current practice of an armed security officer being on guard during the servicing of automatic teller machines.

Mr Riebeling: Will you explain that?

Mr WIESE: It is because the guards are not involved in the escort of money or valuables. They are involved in static guard duty while the machine is being serviced. Under current practice the escort of money or valuables is interpreted to mean the movement of valuables from point A to point B. There has been some doubt as to whether the movement of those valuables from the security vehicles to within the bank is legitimate under the existing conditions. The Government has included that activity so that existing practice can continue. The Government is certainly not endeavouring to widen the provision in any way.

Mr RIEBELING: During the transport of money from the vault to the automatic teller machine, the bank employs a security officer to supervise that operation. Whether the money is carried one foot or 10 miles, that officer is still escorting the money. Perhaps there is a legal precedent that the definition of escorting money must involve moving that money from the bank to another place. Is that the case?

Mr WIESE: The movement of money from a vault to an automatic telling machine would be a legitimate activity covered by the provision for escorting money. However, I

am referring to the servicing of the machine. It is not a moving situation. The guard is static while the machine is being serviced. I am advised that this activity could not be carried out under the wording of the original clause.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 25 to 27 put and passed.

Clause 28: Definition of "investigator" -

Mr TAYLOR: My concern is that people working as an investigator for people in the insurance business will not be subject to this definition and there is every reason that they should be. In particular, I refer to people involved in investigations for workers' compensation purposes. Over the years there have been some notorious examples of the sorts of investigations that these people carry out. They include a scenario where a person might be on workers' compensation for a bad back. Those investigators have been known to let down a tyre or tyres on the subject's car and then sit back in their car with a video camera and record the subject fixing the tyre in order to prove that the subject does not have a bad back. That is one example of the sort of thing these people can do. I am not saying that all of them do it, but it has been known to happen. There is every reason that people who are in that sort of business should be included in the definition of an "investigator". It would be quite easy for people in the business of insurance underwriting, loss adjusting or loss assessing to ensure that these people do not have any licence to act as an investigator. I believe very strongly that they should be required to be licensed as investigators under the terms of this legislation.

Mr CATANIA: The licensing of inquiry activities is very important because in many cases it deals with the investigation or surveillance of human beings. As the member for Kalgoorlie has stated, we have cases relating to workers' compensation and other areas where people are recorded. Applicants in this area must be heavily scrutinised before a licence is issued. I am referring to individuals who have access to confidential information which can affect the financial standing of those involved in workers' compensation and insurance claims and which can harm those involved in personal investigations relating to marriages. To have an applicant for a licence as an inquiry agent not scrutinised under this legislation would make it truly defective. The Minister must ensure that, if he is to deal with some of these areas by way of regulation, the scrutiny of the applicants is quite stringent and done in such a way that we do not see people undertaking all sorts of unacceptable, scheming and conniving things to obtain information to use against people on behalf of their employer, such as insurance companies or people who are trying to gain information to use against another individual. The Minister should strengthen the legislation by regulation to ensure that the scrutiny of people is paramount, particularly in this area.

Mr WIESE: One must be very careful in reading this to ensure that one has the right and proper understanding of what it is about. The matters dealt with in subclauses 1(a), (b) and (c) are self-explanatory. The exemptions, which are detailed in subclauses 2(a) (b), (c) and (d), relate to paragraph (a) of the definition of subclause (1). So, we are dealing with investigation only. If any of those persons, be it a legal practitioner, a clerk of a practitioner, an insurance underwriter or loss adjuster, or an employee or agent of a person referred to, is carrying out surveillance work, he must have a licence as an investigator. If they are carrying out investigation work in relation to paragraphs (a), (b), (c) or (d) they are fine if, in relation to paragraph (c), they are carrying that out in the performance of their functions. That means that if they are operating as an insurer, an underwriter or a loss adjuster or assessor and carrying out that role, they are exempt. If they are operating in the role of one of those four groups but carrying out investigative work, they would be required to be licensed.

Mr CATANIA: In conducting investigative work these people get information regarding individuals that is highly confidential. When an application is made, that application should be heavily scrutinised. It is a delicate area dealing with human beings and their

financial and marital positions. The applicant must be scrutinised to the full so that we do not issue licences to every Tom, Dick and Harry who wishes to apply and who wants to hang up a shingle stating that he is an investigator.

Clause put and passed.

Clauses 29 and 30 put and passed.

Clause 31: Investigators to be employed by inquiry agent -

Mr WIESE: I move -

Page 16, after line 15 - To insert the following

(2) Subsection (1) does not apply to a licensed inquiry agent who also holds an investigator's licence.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 32 to 34 put and passed.

Clause 35: Definition of "crowd controller" -

Mr CATANIA: This clause refers to what are probably most commonly known as bouncers. Crowd controllers or bouncers control places of entertainment at public or private events or functions. This area has caused great concern generally in the community and it is not before time that we see the requirement for people to obtain a licence to become a crowd controller. For the understanding of the general public I would prefer that the Bill contain in that title the definition of "crowd controller" with perhaps the word "bouncer" in brackets, because bouncer is synonymous with that type of work and licence. I hope that a crowd controller will not be used solely for strike breaking activities in the event of industrial relations disputes. The Minister gave the Opposition some consolation by saying that it would not expand into that area. This clause does provide for some degree of knowledge on the part of the applicant in dealing with people who may cause problems in the entertainment area, perhaps people who are inebriated, in a manner that does not inflict injury upon them in the way that has been reported in the Press. That caused a great deal of consternation and concern not only in the community, but also with owners of the premises. This Bill will deal with penalties for such behaviour and I hope we will get to that area at a later stage. It should be debated in this Chamber because it is a concern in the community, and we should not have this Bill subject to a sessional order or guillotine so that people cannot air their concerns and opinions. The community expects their representatives to have the ability to debate this legislation.

Ms WARNOCK: I mentioned earlier in this debate that I was to some extent speaking not only on my behalf, but also to represent the night club, cabaret and hotel owners who are to be found in such large numbers in the Perth area. In order to revisit their views about this I spoke to a number of them today. I have frequently received calls from them about their views on crowd control, and they have a particular area of concern which, despite previous discussions with the Minister, is still unresolved. I repeat what was said by the member for Kalgoorlie: Both the night club owners and the hotels' association support the regulation and licensing of bouncers but they believe that the legislation will render their members incapable of complying with their obligations under the Liquor Licensing Act. Most licensees, nominee managers and bartenders of hotels, cabarets and clubs must tell noisy customers to keep it down at least once or twice a day and regularly must remove people for behavioural problems such as drunkenness. They see it as part of their task. Anybody who has been near a club, pub, hotel or whatever would understand. The night club owners and the hotels' association believe that action taken by a licensee to comply with section 115(1) of the Liquor Licensing Act will breach clause 31(1) of this Bill. The Minister may have a different view, but when I last spoke to these hoteliers they believed that this clause is fundamentally impractical for them to be viewed as being only the employees of agents. They believe that this will create unfairness and hardship, particularly for country hotels and clubs throughout the State. I

am concerned, as is my colleague the member for Balcatta, that the guillotine will fall some time this week, so I have elected to mention this matter at this clause rather than at clause 89. There is also the matter of the onus of responsibility on these people who are acting as crowd controllers, which I also wish to discuss a little later. The recommendation of hoteliers is that, as in all other States where similar legislation exists, licensed establishments should have the right to employ licensed crowd controllers, otherwise the Bill will be unworkable. They are saying that the agents are getting in the way. I know the Minister has been lobbied by the people whom I mentioned and they will be interested in the outcome of this Bill.

Mr WIESE: I take on board the comments of the member for Balcatta. I reiterate that we are not looking at crowd controllers being able to be operate as strike breakers. That is precluded from the definition of crowd controllers. It is more likely that security agents will be in the situation of protecting property, and they must be licensed as security agents. I do not believe we are opening up that can of worms. The concerns of the nightclub and cabaret owners' associations have been expressed to me. I have said clearly to them that there is nothing to prevent them from employing persons in their own right as crowd controllers if they take on a licence as a crowd control agent.

Ms Warnock: They must be licensed themselves?

Mr WIESE: Yes. That is not an onerous responsibility, especially alongside their existing responsibilities under the Liquor Licensing Act where they are required to maintain control within their licensed establishments. The problem is that if we open that up and allow them to employ crowd controllers without being licensed or having any of the responsibilities, the ability to control the operations of those employees who are operating as licensed bouncers will disappear. There will be nobody with the responsibility to ensure those crowd controllers operate in the manner in which they are required under the legislation. It would not be able to be sheeted back to the employer. If the licensee of the premises wants to operate as an agent he will certainly be able to seek that licence and operate in exactly the same way as an agent.

Clause put and passed.

Clauses 36 and 37 put and passed.

Clause 38: Crowd controllers to be employed by crowd control agent -

Mr WIESE: I move -

> Page 19, after line 10 - To insert the following -
>
> (2) Subsection (1) does not apply to a licensed crowd control agent who also holds a crowd controller's licence.

We have spoken at length on this clause. This is the amendment which empowers a single operator to operate in that way. He will be required to have the licence as both the agent and a crowd controller and will be able to operate as a crowd controller in his own right.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 39 and 40 put and passed.

Clause 41: Authorization of armed bodyguards -

Mr CATANIA: Of all the clauses in this Bill, I am most concerned about this one. In creating this area of armed bodyguards, the Minister has opened an area that has not been previously allowed in Western Australia. With further refinements, if we like, it will lead to people asking for bodyguards. It may not happen under this provision but, as with every other Act, amendments can be made. With the inclusion of this clause eventually people who own expensive businesses and cars and who live in places such as Jutland Parade will have an armed bodyguard at their gate. If we arrive at that situation in Western Australia it will be greatly regretted that we have allowed a Commissioner of

Police to grant permission for armed bodyguards. I am very concerned about this clause and I am surprised this Minister has consented to include it. Good police forces would shudder at legitimising armed bodyguards. I said previously that of 75 000 police officers in the United Kingdom a majority refused to carry firearms because they believed it would attract aggression from criminals; yet here we are establishing the ability for a Commissioner of Police to grant permission for someone to be an armed bodyguard. The Opposition disagrees entirely with this part of the Bill and considers it should not be included in what is generally good legislation. Although further into the Bill there is provision for the Minister to revoke that authority, once again, it is the beginning of what is firearm culture and concerns the Opposition greatly. I, and I am sure other members who have been debating this Bill, will strongly oppose this clause. I am sure all members on this side feel very strongly against providing the ability for some people to guard other people or property while armed.

Mr RIEBELING: I too am disappointed this clause has been included in the Bill. It appears it is a step down the wrong road for this State. All the rhetoric from the Minister's office has been that he wishes to control the spread of firearms in people's possession; yet, disappointingly, we find in this Bill a new group of people who will have access to firearms in order to use them against other citizens of Western Australia. It is unfortunately a step down the path the United States has followed. We know what sort of mess the gun laws in the United States are in, where people think it is their right to carry weapons whenever they feel like it. The death rate in the United States caused by people carrying weapons is massive. I urge the Minister to rethink this definition because it will increase the number of people who carry weapons. It is now a fact that police officers in this country carry weapons. That was a mistake. The expansion of violence in our society in some way reflects the fact that police officers are now armed. The arming of another group of people in an official capacity will once again heighten the potential conflict which our society finds with the use of firearms. It is a great pity that this clause has been created. It will not be too long before a security bodyguard uses his weapon and kills a person.

The Minister must approve the issuing of these licences. This Minister may well not issue too many licences; however, who knows what the next Minister might do? Once a category is created for armed bodyguards, it is done with the knowledge that it is an expanding area. I warn the Government not to go down that path. I hope the Minister stands by his publicly stated position that he wishes to have strict control on guns. One thing is for sure: If a bodyguard is given the authority to carry a weapon, it is carried for one reason - as a deterrent. If the person he is charged with defending is in a challenging situation, no doubt the bodyguard will use the weapon with deadly force, and other citizens of the State may well be mistakenly shot.

Ms WARNOCK: I add my support for the member for Balcatta. This is not the occasion for a general debate on gun control. I have spoken previously in this Chamber on this subject, and I will do so many times again because it is something about which I feel strongly. Like the Minister, I grew up in a household where there were plenty of guns; indeed, the Minister's household may still be full of guns. However, I have the view from that experience that the only people in our community who have a right to have a gun are those in the Police Force and the Army. Apart from that, nobody else has any right to have a gun, and anything that goes remotely towards suggesting that people have a right can be seen as the thin end of the wedge and is something we should resist at all costs.

I am interested that my colleague the member for Balcatta mentioned the survey from Britain. I too have read the survey. It is interesting that police officers of all ages and ranks took the view they did about not wanting to carry arms. Western Australia crossed that barrier some years ago, to the regret of some people - I am aware of that. I have mixed feelings about that, but I feel that the right to bear arms should not go beyond where it is presently. Any attempt to expand this right to licence bodyguards of various kinds, as this clause suggests, would be a bad thing. It smacks of societies where everybody totes guns all too freely; where people live in a gun culture and regard it,

mistakenly, as a right for everybody to carry arms to protect themselves. That is a nonsense if I ever heard one. We should not expand the ability to carry weapons and use them any more than we have already in this society. Therefore, I oppose this clause and ask the Government to rethink it.

Mr WIESE: I hope that when members opposite hear the explanation, they will change their opposition to the clause. This clause will tighten up the legislation. It will prohibit the activity of being an armed guard. At present there is no offence of operating as an armed guard: There is nothing to prohibit a person from carrying a weapon and performing that role. In fact, I have had reports of circumstances in which this has occurred, and the police do not have an ability under existing firearms legislation to prevent that from occurring. If the person carrying the firearm is not carrying it in such a manner as to cause fear, he is legitimately in possession of a licensed firearm, and there is nothing anyone can do about that. This clause will make that an offence. If a police officer sees a person carrying a firearm and obviously providing a bodyguard service to somebody he is accompanying, the police will be able to apprehend and arrest that person and charge him with the offence of carrying a firearm as an armed guard.

Mr Catania: Is there any legislation that entertains armed bodyguards? You are creating that with this provision. That is the real problem.

Mr WIESE: I repeat that that is not the case. No provision at the moment prohibits an armed bodyguard from operating as such. This clause imposes that prohibition. I share the concerns that have been expressed by every speaker. The Government does not want to see armed bodyguards operating in this State; it wants the ability to control those situations when they occur. I have been made aware of circumstances where those activities have been carried out; namely, undesirable persons being provided with that type of service. It is appalling. It should not be allowed to occur. This legislation will give the police the power to control that.

I assure members that this clause will require the Commissioner of Police to give permission for it to occur. That will be a big enough hurdle to jump over. It will then require the approval of the Minister. Therefore, even if the Commissioner of Police were to make a judgment and issue an order that a person be able to carry a firearm, it would still require the permission of the Minister of the day. It would be a rare occurrence for a Minister to enable that type of situation to occur. There is no ability under this legislation for that power of the commissioner to be delegated. The Government has included the strongest safeguards possible to ensure that it will be a rare occurrence; for example, a visit by the Pope or by royalty. This clause will not open up the possibility for armed guards outside houses in Jutland Parade, or anywhere else. I would totally abhor and oppose any sort of situation where that were allowed to occur.

Other members have expressed concerns about the police carrying firearms. The majority of police would be happy if they could operate within an environment where they did not have to carry firearms, but the reality is they do. In spite of the comments of members opposite, the carrying of firearms by police when carrying out their duties was implemented by the previous Government. I would be very concerned if I had to make that decision today because I share the Opposition's concerns about police carrying firearms.

Mr RIEBELING: The Minister has given an amazing reason for licensing armed bodyguards. He has used convoluted logic by saying that the situation is that a person has the ability to be licensed simply because he does not want to licence them. I have heard a similar argument in debates on the legalisation of marijuana. In those debates members said that if we wanted control of the industry it should be legalised. The Minister is saying to the Chamber, "Trust me. We do not want anyone to get a licence under this clause so we will give them the ability to be licensed." If this clause does not provide the ability for a person to be licensed, I do not know what it does. It creates a new definition. If people act against the existing law by operating as a bodyguard and carrying concealed weapons, it is an offence.

Mr Wiese: Not if he has a licence.

Mr RIEBELING: The legislation under which that person carries a firearm in public, presumably to intimidate someone, would determine that that is an offence.

Mr Wiese: Not if it is a concealed weapon.

Mr RIEBELING: What is the purpose of a person being licensed when he is protecting a person's wellbeing, if it is not to intimidate? If a person has a gun it is very intimidating. It is amazing that the Minister said that to control the spread of the use of bodyguards people will be given the ability to be licensed. If this Minister wants to say that under this clause an armed bodyguard cannot be licensed and any person who carries a weapon while protecting someone commits an offence, he should say so. Why create a bodyguard situation if the Minister is intending to make sure it does not happen?

Mr MARLBOROUGH: I refer the Minister to clause 41(1)(a). I do not know of any Minister who wants to put himself in a position where, having authorised someone to carry a weapon for the protection of another person or persons and that person is required to take action and a firearm is discharged and someone is killed or seriously wounded, he would have to stand in this Parliament and say that he was the Minister responsible. If a Minister did that he certainly would not last long in that position. The Minister should be distancing himself from that role. I suggest that a more appropriate person to be giving that approval, in conjunction with the commissioner, is a magistrate. This is the only section of police operations in which the Minister wants to become involved. I do not know of his wanting to become involved in any other section of it.

Mr Wiese: You should read the Police Act one day.

Mr MARLBOROUGH: When I do the Minister should read it with me.

Mr Wiese: I have read it many times.

Mr MARLBOROUGH: Ministers who succeed this Minister for Police would not want to put themselves in a position where they grant approval for the use of guns in the circumstances the Minister outlined. I simply reiterate that a more appropriate person to grant approval is a magistrate.

I was pleased to hear the Minister say that guns should not be used for the protection of individuals. He said he would abhor a set of circumstances where that would be applied. His abhorrence presumably is based on the fact that someone could be killed or injured in the course of carrying out those duties.

The member for Ashburton's suggestion should be considered. Instead of including a clause to try to rectify the situation, consideration should be given to putting in place appropriate legislation to make sure it does not occur. The Minister used strong words to explain that only in certain circumstances should armed bodyguards be used and he referred to visits by the Pope or a member of the Royal Family. I advise him that a member of the Royal Family would have his or her own security system which would be part of the existing British police network, and the Pope would have representatives from the Italian police or an appropriate authority to protect him. The Pope certainly would not ring Wormald Security on the Saturday before he left Rome and ask for bodyguards to protect him while visiting Western Australia. The Western world would surely want a measure in place to make sure that the Pope or a member of the Royal Family was protected. These circumstances are so rare that one might ask why the legislation should accommodate them. So rare are the events for which this clause may be used, the Minister should make sure that where that sort of personal protection is needed for a visiting dignitary it should be provided by either the state or federal police. The Minister's concerns about the use of armed personal bodyguards are commendable. However, the clause does not meet the thrust of his concerns. It does provide some control if necessary, but I suggest that security officers, as opposed to police, are never used in that way. Currently, they are armed to protect property and persons, and society has become accustomed to that. I do not think we should encourage their use beyond that. The Minister should examine other legislation that will abolish the need for armed bodyguards altogether. If the Minister intends to retain this clause, he should remove himself, as Minister, and any future Ministers from the decision making process about

whether a person is allowed to carry a weapon. That decision should be left to the commissioner and a magistrate.

Mr WIESE: This legislation will not allow armed bodyguards; it prohibits armed bodyguards from operating. The clause provides for the creation of an offence, where one does not exist at the moment. Currently the Government has no power to control that situation and the Bill gives that power. I take on board the comments made by various members but I think members opposite have misunderstood the clause, especially the member for Ashburton. Armed bodyguards will be permitted to operate only in an extremely narrow set of circumstances. It is difficult to envisage those circumstances. I understand that commonwealth legislation picks up the exemption to which I referred relating to the Royal family. However, junior members of the Royal family may not be covered by commonwealth legislation and if private security were required for them in this State, it could be done only through this legislation.

Mr Riebeling: Or the police.

Mr WIESE: It will include the police and any personnel travelling with those members of the Royal family. The police accompanying them would carry firearms but their personal bodyguards could not perform that role without the existence of this clause. Police officers and special service personnel from the United States cannot operate in Western Australia as police officers under existing legislation, and this clause can be utilised to enable that to happen.

The member for Peel said that I am not regularly endeavouring to get involved in police matters; he is absolutely correct. This clauses was included at my insistence because I believe it is absolutely essential that even if the Commissioner of Police believed such a person should be permitted to carry a firearm, a higher power in this country - the Parliament and the Minister of the day - should have some input into that decision. That is the reason for including the Minister in the clause. With all due respect to the judiciary in this State, on its current record I have grave doubts about allowing the judiciary to make a decision of this nature. As I have said in this place before today, some of the decisions made by the judiciary in relation to firearms do not pick up the concerns of the general public about firearms, especially concealable firearms.

Clause put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr Wiese (Minister for Police).

MARKETING OF POTATOES (AMENDMENT) BILL

Returned

Bill returned from the Council with amendments.

House adjourned at 11.07 pm

QUESTIONS ON NOTICE

GOVERNMENT MEDIA OFFICE - STAFFING; EXPENDITURE

44. Mr TAYLOR to the Premier:

In reference to a detailed interview prior to the 1993 state election in which the Premier stated: "And it will be our intention to have a small Government Media Office", has the GMO (including all functions such as media secretary and polling) actually decreased in both size and budget since he took office?

Mr COURT replied:

The average staffing level and actual expenditure in the Government Media Office comprising the director, support staff and the media monitoring unit for the following periods were -

	FTE	Expenditure $000
1991-92	18	940
1992-93	18	949
1993-94	18	1 171
1 July to 31 March 1995	16	653

The average staffing levels of media secretaries - who are not funded from the Government Media Office - from July 1992 were -

	FTE
1 July 1992 to January 1993	19
6 February 1993 to 30 June 1993	17
1 July 1993 to 30 June 1994	17
1 July 1994 to 31 March 1995	16

Polling functions are not included as the previous administration conducted this function covertly and under other cost centres making direct comparisons difficult..

DISABILITY SERVICES COMMISSION - REGISTERED PEOPLE WITHOUT ADEQUATE ACCOMMODATION SUPPORT; MINNS, MICHAEL, CASE

230. Dr WATSON to the Minister for Disability Services:

(1) How many people registered with the Disability Services Commission are known to be living in the community without adequate accommodation support?

(2) What is the commission's definition of "minimal" and of "adequate" accommodation support?

(3) Can the Minister assure the Parliament that people as vulnerable as the late Michael Minns will receive the care and attention that is their due while living in the community?

(4) Was a record made that, about a month before he was found dead, Michael Minns visited the South West Regional office after a bashing which badly bruised him?

(5) If so, has it been submitted to the police?

(6) On how many previous occasions had Michael Minns presented in crisis?

(7) Will the Minister tell the Parliament what provisions the Disability Services Commission makes for people presenting in similar situations of crisis?

Mr MINSON replied:

(1) Only people below a specified criteria of level of intellectual disability are registered with the Disability Services Commission. In November 1994 an estimated 312 people registered as eligible for services with the

Disability Services Commission were known to be living in the community and in critical or very urgent need of accommodation support. It should be noted that there is an element of double counting in the figures provided by agencies to obtain an aggregate number of people without adequate accommodation support.

(2) There are no formal definitions of these terms. The degrees of support and adequacy are assessed on the individual needs of each client. Objectives 3 and 4 of the Disability Services Act 1993 refer.

(3) See answer to (7).

(4) A visit by Mr Minns on 6 February 1995 to the South West Regional Office is recorded. I am advised that Mr Minns was reluctant to discuss the cause of his injuries. He said that he had jumped from a moving car. He did not state he had been bashed.

(5) As at 13 April 1995 the police had not requested any information concerning Mr Minns.

(6) A review of contacts between Mr Minns and staff of the Disability Services Commission indicates that Mr Minns appeared to be in crisis on possibly two occasions during the past seven years.

(7) The DSC seeks appropriate support for people eligible for services with the commission, based on an assessment of individual need. This may involve provision of additional temporary accommodation supports. If an alternative accommodation residence is required due to a crisis, commission staff explore a number of options dependent upon the financial circumstances of the individual and the availability of temporary accommodation with family or friends, in private or Homeswest rental, or a respite or emergency care option with a non-government agency. A government facility is used if no other accommodation is available. The commission has a consumer complaints service available to any individual who is not happy with the service being provided.

PERTH - A PLACE FOR THE PEOPLE - ST GEORGE'S HALL PROJECT, COST

329. Mr KOBELKE to the Premier:

(1) What was the budgeted cost for the St George's Hall project in Hay Street, Perth undertaken as a part of the Premier's city plan?

(2) What is anticipated to be the final cost of this project?

(3) What commercial opportunities have been incorporated as a part of this project?

(4) By what means and when was there public advertising for expressions of interest to take up the lease in any such commercial ventures as a part of the St George's Hall project?

(5) What is the period of any lease(s) for the running of these commercial enterprises and what rent will be paid as part of these lease agreements?

Mr COURT replied:

(1) $800 000.

(2)

Portico restoration	$200 000
Cafe and rotunda facility	210 000
Landscaping, paving, external lighting etc	150 000
Minor works and telephone booths	10 000
Artwork	15 000
Contribution to fitout	50 000
Professional fees	125 000
Contingency	40 000
Total	$800 000

(3) A cafe with al fresco dining will be leased to a private sector operator. Private consultants and a private contractor have been engaged.

(4) A managing agent was engaged by the Government Property Office to call expressions of interest from potential cafe operators. Following advertisements placed in *The West Australian* newspaper on three occasions during October 1994, submissions were received and vetted, and from that a short list was prepared. Interviews were conducted by the GPO and project manager and, as well, existing operations were inspected at shopping centres such as Joondalup before a final selection was recommended.

(5) Lease term: 10 years. Rent: $20 000 per annum (reviewed annually, CPI/market alternating) plus 8 per cent of the gross sales in each rental year in excess of a break-even point of $250 000.

COMMUNITY DEVELOPMENT, DEPARTMENT FOR - NON-GOVERNMENT ORGANISATIONS

Funding, State Responsibility Submission

756. Mr BROWN to the Minister for Community Development:

(1) Has the State Government prevailed on the Commonwealth Government to agree that the State Government should have exclusive control over the funding of non- government organisations providing counselling and other services to the community?

(2) If no, exactly what submission has the State Government made to the Commonwealth Government about the State Government having exclusive authority in this area?

Mr NICHOLLS replied:

(1) No.

(2) Not applicable.

DISABLED - 34 VIRGINIA AVENUE, MADDINGTON

830. Dr WATSON to the Minister for Disability Services:

(1) Is there a group house - duplex style - at 34 or 36 Virginia Avenue, Maddington?

(2) How many people live there?

(3) Do they have an intellectual or a psychiatric disability?

(4) How many staff are employed there?

(5) What shifts do they work?

Mr MINSON replied:

(1) A duplex is situated at 34 Virginia Avenue, Maddington.

(2) Eight.

(3) Intellectual disability.

(4) Seven, on a rostered basis.

(5) Morning shifts, afternoon shift and sleep shifts, as follows - one staff in the morning; two staff in the afternoon; and one staff at night (sleep shift).

PLANNING, MINISTRY FOR - EMPLOYMENT STATISTICS; TOWN PLANNERS

873. Mr KOBELKE to the Minister for Planning:

(1) How many town planners have retired, resigned or left the Department of Planning and Urban Development, now the Ministry for Planning, and the

State Planning Commission in the current financial year up to the end of April 1995?

(2) What are the names of each of these planners who have left the departments, and in each case, how many years did the particular planner work for the department?

(3) How many planners are currently employed by the Ministry for Planning?

(4) How many positions for town planners at the end of April 1995 were unfilled?

(5) What is the total number of all officers or employees of all grades who have transferred out of, resigned, retired or left the Department of Planning and Urban Development, now the Ministry for Planning, and the State Planning Commission in the current financial year up to the end of April 1995 at the Ministry for Planning and the State Planning Commission?

(6) What is the total number of all positions which currently remain unfilled?

Mr LEWIS replied:

(1) 11.

(2) These are -

1 J. Barham	14 years	7. W. Giddens	5 years 10 months
2. D. Cole	5 years 8 months	8. J. Gillan	2 years
3. R. Dixon	4 years	9. D. Hulajko	6 years 4 months
4. P. Driscoll	7 years 4 months	10. T. Trefry	2 years
5. S. Fisher	2 years 10 months	11. M. Young	3 years 3 months
6. B. Flugge	13 years 2 months		

(3) 66.

(4) 15, of which 12 are filled on a contract or acting basis pending normal advertising and recruitment processes.

(5) 22.

(6) 31, of which 23 are filled on a contract or acting basis pending normal advertising and recruitment processes.

CONFEDERATE ACTION PARTY - PARLIAMENT HOUSE RALLY

880. Ms WARNOCK to the Premier:

(1) Does the Government support the right-wing Confederate Action Party, one of a group which rallied on the steps of Parliament House on 26 October 1994?

(2) Is the Government aware of the group's view about firearms, homosexual laws and racial issues?

Mr COURT replied:

(1) No.

(2) Yes.

WHITEMAN PARK - TICKETS, ENTRY CONDITIONS; DISCLAIMERS

917. Mrs ROBERTS to the Minister for Planning:

(1) What are the conditions of entry listed on the admission ticket to Whiteman Park?

(2) Which other facilities that come under the Planning portfolio have similar disclaimers?

(3) Has any legal advice been sought with regard to the status of such disclaimers and if so, when was that advice sought?

(4) Who was the legal advice sought from?

(5) What in brief or full was the advice?

(6) Does Whiteman Park have public liability insurance, and if so, for what amount and at what annual cost?

(7) How many successful insurance claims have been made against Whiteman Park for public liability?

(8) How many unsuccessful insurance claims have been made against Whiteman Park for public liability?

(9) What is covered by Whiteman Park's public liability insurance?

(10) Will the Minister ensure that errors such as "it's" in the disclaimer are corrected?

Mr LEWIS replied:

(1) "Important Information - Conditions of Entry. All persons entering or using Whiteman Park are warned that they do so entirely at their own risk. By entering Whiteman Park you absolve The Owner its Servants and Agents from all liabilities for damage, personal injury or death howsoever caused or whether or not due to negligence".

(2) A disclaimer is included on all permits to conduct activities on Western Australian Planning Commission land.

(3) Yes. 1992.

(4) Crown Solicitor's Office.

(5) The advice addressed the common law and statutory obligations of the Western Australian Planning Commission in relation to visitors to Whiteman Park, and the legal appropriateness and effectiveness of warning signs and disclaimers.

(6) Yes. $10m at a cost of $20 770.

(7) One.

(8) Two.

(9) The Whiteman Park public liability insurance covers legal liability with respect to personal injury and/or property damage caused by an occurrence in connection with the business.

(10) Yes.

COMMUNITY DEVELOPMENT, DEPARTMENT FOR - JUVENILES ON BAIL, HOSTEL ACCOMMODATION

928. Mr BROWN to the Minister for Community Development:

(1) Does the Department for Community Development allow juveniles on bail to be accommodated in any of its hostels?

(2) Is so, how long has that been the policy of the department?

(3) If not, are there any discussions taking place between the department and the Ministry of Justice on allowing juveniles on bail to be accommodated at departmental hostels?

Mr NICHOLLS replied:

(1) Yes.

(2) The Department for Community Development has always considered requests for admission to hostels on an individual basis. On 20 March 1995 specific protocols were signed by me and the Attorney General

relating to the accommodation of juveniles on bail in McCall community support units hostels.

(3) Not applicable.

SGIC - INVESTMENTS

Government Insurance Fund; Insurance Commission General Fund, Outstanding Claims

941. Mr D.L. SMITH to the Minister representing the Minister for Finance:

(1) As at 31 December 1994, what percentage of the total investments of the State Government Insurance Commission were invested in -

(a) liquids
(b) equities
(c) fixed income
(d) property?

(2) For the period 1 July 1994 to 31 December 1994 what was the rate of the return earned by the SGIC on -

(a) liquids
(b) equities
(c) fixed income
(d) property?

(3) As at 31 December 1994, what was the total acquisition cost of the investments held by the SGIC and what was their book value?

(4) What are the total unrealised profits or losses on these equity investments?

(5) As at 31 December 1994, will the Minister provide an itemised list of the shares held by the SGIC and state -

(a) the company;

(b) the number of shares held;

(c) the date of acquisition;

(d) the average acquisition cost;

(e) their market value on 31 December 1994?

(6) What was the reason for the substantial increase in the outstanding claims on the government insurance fund in 1993-94 and did any particular agency or department feature in this increase?

(7) With respect to the liabilities of the Insurance Commission General Fund -

(a) what is the nature and make up of the current outstanding claims shown as $12 445 000 as at 30 June 1994;

(b) what is the nature and make up of the $9 344 000 as at 30 June 1994;

(c) what is the nature and make up of the non-current outstanding claims of $36 554 000 as at 30 June 1994;

(d) what is the nature and make up of the non-current liabilities of $16 890 000 as at 30 June 1994?

Mr COURT replied:

The Minister for Finance has provided the following reply -

(1)-(5) The State Government Insurance Commission has defined reporting obligations and it is not appropriate to report monthly management information. Reporting over an incomplete period on unaudited accounts is capable of being misleading, especially in relation to investment figures,

which in isolation, do not represent a true picture of the SGIC's overall financial position.

(6) The $7.728m increase in total liabilities for the government insurance fund in 1993-94 - as detailed on page 59 of the SGIC's annual report - is mainly as a consequence of a change in activities and consequently a change to the methodology used. Specific areas of changed methodology include -

an assessment of outstanding claims liability based on a "payment per claim closed", rather than the previously used "payments per claim open";

an allowance for "superimposed inflation"; this concerns an allowance for the rate by which the increase in claims costs exceed increases caused by normal inflation; and

assessment of the effect of the recent amendment to the Workers' Compensation and Rehabilitation Act 1981.

The increase was a general increase and not related to any particular agency.

(7) (a) The 30 June 1994 current outstanding claims figure is $10 229 000 and not $12 445 000 - the latter was the balance as at 30 June 1993. The amount relates to classes of insurance conducted by the State Government Insurance Office prior to 1 January 1987, expected to be paid within 12 months of balance date. The figure is provided by the commission's actuary and includes an estimate for asbestos and related common law claims.

(b) The other current liabilities figure of $9 344 000 is made up of -

	$
Net deficiency in assets - State Government Insurance Corporation	6 447 000
Provision for annual leave	658 000
Provision for superannuation	592 000
Provision for audit fees	100 000
Provision for investment creditors	1 503 000
Provision for fringe benefits tax	33 000
Provision for costs of privatisation	11 000
	$9 344 000

(c) The amount of $36 554 000 relates to classes of insurance conducted by the State Government Insurance Office prior to 1 January 1987 which are expected to be paid after 12 months from balance date. The figure is provided by the commission's actuary and includes an estimate for asbestos and related common law claims.

(d) The other non-current liabilities figure of $16 890 000 comprises -

Provision for superannuation/long service leave	$16 833 000
Provision for mine workers relief fund acquisition account	57 000
	$16 890 000

HOSPITALS - BUNBURY REGIONAL
Budget; Expenditure; Staff Employment; Beds

944. Mr D.L. SMITH to the Minister for Health:

(1) What was the total recurrent budget of the Bunbury Regional Hospital in each of the years -

(a) 1992-93
(b) 1993-94
(c) 1994-95?

(2) What was the total amount spent in the years -

(a) 1992-93
(b) 1993-94?

(3) What was the amount spent from 1 July 1994 to 31 March 1995?

(4) What was the total staff employed at Bunbury Regional Hospital as at 1 February in -

(a) 1990
(b) 1991
(c) 1992
(d) 1993
(e) 1994
(f) to date in 1995;

showing the breakdown between -

(i) general administration
(ii) nursing administration
(iii) registered nurses
(iv) enrolled nurses
(v) hotel and catering
(vi) laundry
(vii) cleaning
(viii) gardening
(ix) physiotherapy
(x) occupational therapists
(xi) speech therapists
(xii) pathologists
(xiii) pharmacists
(xiv) x-ray
(xv) other categories?

(5) As at 1 February in each of the years 1990-95 to date;

(a) what was the bed capacity of each section of the hospital;

(b) how many beds were available for use on each of these dates;

(c) how many beds were open on each of these dates;

(d) how many beds were occupied on each of these dates?

(6) For the years 1990-94 what were the total number of -

(a) admissions to casualty at Bunbury Regional Hospital;

(b) admissions to hospital at Bunbury Regional Hospital;

(c) operations or procedures performed in -

(i) casualty;

(ii) the operating theatres;

at Bunbury Regional Hospital in each of these years?

(7) How many of the numbers in each category referred to in (6) above were private patients?

Mr KIERATH replied:

(1) (a) $14 508 400.

(b) $14 740 300 excludes waiting list funds of $306 500.

(c) $14 740 400 excludes priority equipment $199 500. Budget adjustments for additional throughput for second and third quarters of approximately $270 000 is not included in (c).

(2) (a) $14 508 300.

(b) $14 966 000 excludes waiting list fund expenditure of $306 500.

(3) $11 842 500 excludes expenditure on priority equipment $114 300.

(4)-(7) [See paper No 271.]

PORTMAN MINING - IRON ORE ROYALTY RATES, REDUCTION

950. Mr RIPPER to the Deputy Premier; Minister for Commerce and Trade:

(1) Was the Deputy Premier present at the Cabinet meeting when Cabinet decided to reduce iron ore royalty rates paid by Portman Mining on ore produced at its Koolyanobbing mine?

(2) Did the Deputy Premier know at the time the decision was made to reduce royalty rates for Portman Mining that Portman Management Pty Ltd, a wholly owned subsidiary of Portman Mining, had made a donation to the Liberal Party shortly before the 1993 state election?

Mr COWAN replied:

(1) Yes.

(2) No.

CATS - NEW LEGISLATION

980. Ms WARNOCK to the Minister for Local Government:

(1) Further to question on notice 492 of 1995, what legislative changes are being considered as a result of the Cats Advisory Committee's report?

(2) When does the Minister expect to see that legislation introduced?

Mr OMODEI replied:

(1) The introduction of new legislation specifically dealing with cat maintenance and control issues.

(2) I am committed to the introduction of new legislation as soon as possible. It is difficult to determine exactly when this will occur as it will depend on other commitments and legislative priorities being undertaken by the Department of Local Government, including the introduction of the new Local Government Act, and new legislation relating to animal welfare, caravan parks and local government insurance schemes.

HOSPITALS - PUBLIC
Dry-cleaning Contract

1009. Mrs HALLAHAN to the Minister for Health:

(1) Has a dry cleaning contract been granted for public hospitals?

(2) What is the name of the company that has been awarded this contract?

(3) Was the contract put out for tender?

(4) If yes, how many companies put in bids for the contract?

(5) Who made the final decision to award the contract?

(6) What criteria were used to grant the contract?

Mr KIERATH replied:

(1) The Health Department of WA after contacting the major metropolitan hospitals, cannot find any knowledge of either a whole of health contract or a single hospital contract for dry-cleaning.

(2)-(6) Not applicable.

HOSPITALS - CATARACT SURGERY, WAITING TIME

1013. Dr GALLOP to the Minister for Health:

(1) What is the current waiting time for cataract surgery for public patients in Western Australia?

(2) Has the waiting time changed in the last two years?

(3) If yes -

(a) by how much;

(b) in what direction?

Mr KIERATH replied:

(1) As at 30 April 1995 the median waiting time for cataract surgery for public patients in Western Australia was 3.52 months.

(2) Yes.

(3) In April 1993 the median waiting time was 5.06 months. Therefore, the waiting time has decreased over the last two years by 1.54 months.

HOSPITALS - FREMANTLE
Open-heart Surgery Unit, Funding

1014. Dr GALLOP to the Minister for Health:

(1) Will the Government keep its commitment to fund a fourth open-heart surgery unit at Fremantle Hospital?

(2) If not, why not?

Mr KIERATH replied:

(1) The Government remains firm in its resolve to honour this commitment.

(2) Not applicable.

PHYSIOTHERAPISTS BILL - AMENDMENTS
Exemption Clause

1016. Dr GALLOP to the Minister for Health:

(1) In respect of proposed changes to the Physiotherapists Bill, is the Government considering an exemption clause for practitioners other than physiotherapists who use massage as part of their practice?

(2) If yes, will the Minister indicate the nature and extent of the exemption proposed?

Mr KIERATH replied:

(1) As the member is aware the professional registration Acts are under review and I have received submissions on questions on the scope of practice and their definition in some of the Acts and the offences related to them.

(2) The approach to be adopted in the Bills on these matters is being considered.

CAMBRIDGE, TOWN OF - ELECTION

1022. Mr KOBELKE to the Minister for Local Government:

(1) How many electors were enrolled for the Town of Cambridge election in May 1995?

(2) How many of these electors were enrolled due to their property franchise and not because they were eligible as residents of the Town of Cambridge?

Mr OMODEI replied:

(1) 17 523.

(2)

Owners	808
Occupiers	221
Residents	16 028
Residents identifiable on owner/occupiers' roll	466
Total	17 523

VINCENT, TOWN OF - ELECTION

1023. Mr KOBELKE to the Minister for Local Government:

(1) How many electors were enrolled for the Town of Vincent election in May 1995?

(2) How many of these electors were enrolled due to their property franchise and not because they were eligible as residents of the Town of Vincent?

Mr OMODEI replied:

(1) 18 910.

(2)

Owners	1 552
Occupiers	160
Residents	16 750
Residents identifiable on owner/occupiers' roll	448
Total	18 910

VICTORIA PARK, TOWN OF - ELECTION

1024. Mr KOBELKE to the Minister for Local Government:

(1) How many electors were enrolled for the Town of Victoria Park election in May 1995?

(2) How many of these electors were enrolled due to their property franchise and not because they were eligible as residents of the Town of Victoria Park?

Mr OMODEI replied:

(1) 17 365.

(2)

Owners	1 475
Occupiers	120
Residents	15 347
Residents identifiable on owner/occupiers' roll	423
Total	17 365

PERTH, CITY OF - ELECTION

1025. Mr KOBELKE to the Minister for Local Government:

(1) How many electors were enrolled for the City of Perth election in May 1995?

(2) How many of these electors were enrolled due to their property franchise and not because they were eligible as residents of the City of Perth?

Mr OMODEI replied:

(1) 5 959.

(2)

Owners	1 606
Occupiers	1 740
Residents	2 496
Residents identifiable on owner/occupiers' roll	117
Total	5 959

HOMESWEST - TERMINATION NOTICES

1231. Mr RIEBELING to the Minister for Housing:

(1) During 1994, were 3 706 Homeswest tenants threatened with eviction?

(2) If not, what was the actual number?

(3) How many of the threatened evictions took place in each region?

Mr PRINCE replied:

(1) 3 706 Homeswest tenants were issued with a termination notice in 1994. Of these, only 75 were bailiff evicted.

(2) Not applicable.

(3) Number of Homeswest tenants issued with termination notices by region for 1994 -

Mirrabooka	770
Cannington	492
Fremantle	611
Bunbury	278
Albany	198
Kalgoorlie	321
Geraldton	431
South Hedland	256
Broome	349
Total	3 706

HOMESWEST - FAMILY FEUDS

1233. Mr RIEBELING to the Minister for Housing:

(1) What method is the department using to determine the presence in the community of family feuds?

(2) What process is being used to avoid evictions?

Mr PRINCE replied:

(1) Reports from the public or by advice from Aboriginal groups such as the Karnany Aboriginal Centre, Midland. Information from Aboriginal officers employed by the department is also used in determining this problem.

(2) Early intervention by Homeswest officers and referral to the SHAP program, the DSD dysfunctional tenancies program and/or support agencies such as the Alternative Dispute Resolution Service.

HOSPITALS - ARTIFICIAL EYES, COST

1239. Dr WATSON to the Minister for Health:

(1) How much did an artificial eye cost at -

(a) Sir Charles Gairdner Hospital;
(b) Princess Margaret Hospital;
(c) Fremantle Hospital;
(d) Royal Perth Hospital;

in -

(i) 1993;
(ii) 1994;
(iii) 1995?

(2) How many artificial eyes were provided to -

(a) in-patients;
(b) out-patients;

at -

(i) Sir Charles Gairdner Hospital;
(ii) Princess Margaret Hospital;
(iii) Fremantle Hospital;
(iv) Royal Perth Hospital;

in -

(A) 1993;
(B) 1994;
(C) 1995?

Mr KIERATH replied:

(1) Hospital policy is to provide inpatients or outpatients with their initial requirements for artificial eyes free of charge and replace those eyes free of charge when there is a clinical need. The patient must be referred, with a prescription for provision of an artificial eye, by an approved specialist working at the hospital. There is no provision for the replacement of lost artificial eyes.

(2) This information is not readily available and will require a commitment of time and resources to ascertain. I have directed the Health Department to determine the accessibility and availability of the information and will advise the member accordingly on its availability.

TAB - AGENTS, NEW AGENCY AGREEMENT

1240. Mr PENDAL to the Minister representing the Minister for Racing and Gaming:

(1) Is it correct that, in respect to Totalisator Agency Board agents -

(a) after being offered initial leases, agents will not be given renewals of such leases;

(b) goodwill will be abolished, costing some agents in the vicinity of $300 000?

(2) If so, why have these decisions been taken?

(3) Are they subject to review?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following reply -

(1) (a) All agents offered the new agency agreement in August 1994 are still eligible to sign the agreement.

(b) While the August 1994 offer to TAB agents contained an efflux of time clause requiring agents to acknowledge that at the end of the five year agreement they did not have any claim against the TAB, including for goodwill, the board of the TAB has since rescinded the clause.

(2)-(3) Not applicable.

QUESTIONS WITHOUT NOTICE

OFFICIAL CORRUPTION COMMISSION - INVESTIGATION, PREMIER

167. Mr McGINTY to the Premier:

I refer to the royal commission called by the Premier to investigate circumstances surrounding the Easton petition, which named the Premier, and to his comments in Saturday's *The West Australian* in which he said that he did not know who told him that he would be investigated by the Official Corruption Commission or where he was told. I ask: How does the Premier explain that he did not know

where he was or to whom he was speaking, yet he knows it was not someone from the Official Corruption Commission?

Mr COURT replied:

I raised this matter in Parliament. The matter occurred many years ago. When I put it on the record in Parliament many years ago I said that when someone said that I was being investigated for corruption, I was staggered.

Mr McGinty: That is why I thought you might have remembered who it was or where it was.

Mr COURT: I told the Leader of the Opposition. I said that I did not know who the person was. As the Leader of the Opposition knows, rumours often go around about people in public life, and in my job I get more than my fair share as a result of the activities of the members opposite.

Mrs Hallahan interjected.

Mr COURT: It could have been a rumour. I immediately contacted the Executive Officer, David Orr. To the best of my knowledge only two people were working there at the time, David Orr and his assistant. I contacted David Orr and asked, "Is it true that I am being investigated for corruption?" His response was, "Under the legislation I cannot tell you that." I said, "That is ridiculous. Are you saying that people can run around saying that I am being investigated for corruption?" He explained that it was against the law for people to do that. I said, "That's terrific." Other people were in the same situation at the time. At some stage a statement was put out which made it very clear that it was illegal for people to put in a complaint to the Official Corruption Commission and then to run around telling stories.

Mr Thomas: You were out by two years.

Mr COURT: It was not until changes were made to the legislation that a mechanism was available by which we could ask to have the matter tabled in the Parliament. A policeman came to my office and between then and the time the petition was tabled in the Parliament I was not contacted and told by the Corruption Commission what was the state of that inquiry. I did not find out until Brian Bull came out on the Friday morning and said the matter had been investigated and it had been found there was no wrong doing. I then asked for the matter to be tabled in Parliament. The report in Parliament was that the complaint was unfounded.

HEALTH DEPARTMENT - QUESTIONS ASKED BY WASTE WATCH COMMITTEE

168. Mr MARSHALL to the Minister for Health:

Does the Minister's department become distracted from its true job of implementing government policy because of continuous requests from the Opposition's so-called Waste Watch Committee?

Mr KIERATH replied:

I have no doubt the member is referring to the scores of questions various Ministers receive from the so-called Waste Watch Committee. It should be renamed "Hon Tom Stephens' Wasting Committee" because of the tremendous waste of taxpayers' resources spent seeking answers to petty questions. There is no doubt that genuine questions are very important; they are a fundamental part of the Westminster system. Members opposite will know more about that. When they did not tell the truth in question time, it caught up with them and they suffered badly as a result.

I wonder about some of the questions I receive from that member of the upper House. He recently questioned the despatch of 660 cards sent out by me last Christmas. Only a scrooge would ask a question such as that. The cost of

sending them came to $667 in total, which excludes postage. I sent them to community groups, various trade unions, important individuals, consular staff, state and even federal Labor Ministers. Members should compare the $667 to the Labor Party's $1.5b WA Inc bill which it left this Government to deal with. I also sent cards to some MPs in this Parliament. I can only assume Hon Tom Stephens was miffed because I did not send him one.

Mr Blaikie: Did you have a franking machine?

Mr KIERATH: I did not have a franking machine. I can tell the people who are interested, particularly the Waste Watch Committee chairman, that I bought the cards from the Kings Park Board; so the money benefited Kings Park. They were printed by Advance Print with a little message in the middle, and were sent as a message of goodwill. I know it is hard for Labor members to send a message of goodwill, but of those I had printed I have only 14 left. To show that the goodwill is not lost on this side of the House I promise that in the dinner break tonight I will send Hon Tom Stephens a Christmas card to make sure he has not missed out.

ROYAL COMMISSION INTO EASTON AFFAIR - TERMS OF REFERENCE

169. Mr McGINTY to the Premier:

I refer to the Premier's calling of the royal commission into the Easton matter, its deliberately narrow terms of reference and to his response to my question last Thursday when he claimed three areas of his involvement with the late Penny Easton were dealt with by the Official Corruption Commission. Is it not true that the Official Corruption Commission did not consider the "motivation" for his conduct, nor whether it was "improper" or "inappropriate", which are the terms of reference of this royal commission?

Mr COURT replied:

It received that complaint and set out to investigate it. As a result of its investigations it came up with a report which said that the complaint was unfounded.

Mr McGinty: It did not say anything of the sort. It said there was no evidence of corruption.

Mr COURT: That is usually what a corruption commission looks into.

ECONOMY - NATIONAL CENTRE FOR SOCIAL AND ECONOMIC MODELLING STUDY

170. Mr JOHNSON to the Premier:

Will the Premier inform the House of the latest economic survey of Australian States by the University of Canberra, with particular reference to living standards?

Mr COURT replied:

I would like to make some reference to the study that was carried out by the National Centre for Social and Economic Modelling, in which it looked at the levels of income, tax and the like that are paid in the different States. This study determined that Western Australia had overall the highest average final income at $789 per week. Tasmania had the lowest. It is interesting that that final income was after income tax was taken out, and at the same time Western Australians were paying the highest levels of income tax of all the States. It is interesting to look at the State's economy. Not only are we receiving the highest average final incomes, but also at the same time we are paying the highest levels of taxation. In addition to that report, which I will make available if members want a copy, we have a report from Access Economics, which gives quarterly figures of business investment. It found that business investment under construction, committed or being considered remains very strong; in fact, nearly double that of most other

States. That is most encouraging. What is also encouraging with business investment is that we are experiencing much more diversity.

Mr Graham interjected.

Mr COURT: I remind the member for Pilbara that in his Government's final years business investment levels were stagnant. Now we have strong levels of investment and more diversity coming into the economy.

Several members interjected.

The SPEAKER: Order!

Mr COURT: Fortunately this has led to the creation of more jobs.

Mr Leahy: It's the only State where unemployment has gone up.

Mr COURT: It is the only State in which employment has continued to grow strongly, with nearly 100 000 jobs created. Again, the Opposition could not deliver one new job. The contribution of the Leader of the Opposition to business investment was the old Swan brewery, and we get a dollar a year for that.

ROYAL COMMISSION INTO EASTON AFFAIR - PREMIER, EVIDENCE

171. Mr McGINTY to the Premier:

In the interests of open and accountable Government, and given that the Premier has ensured the Easton royal commission will not investigate his improper or inappropriate conduct, I ask -

(1) What were the exact documents the Premier passed on to the late Penny Easton?

(2) Was the Premier aware those documents were to be used by the late Penny Easton in her Family Court divorce proceedings?

(3) Were the documents requested by the late Penny Easton or offered to her?

(4) Where did the handover of the documents take place?

(5) Was the late Penny Easton known to the Premier prior to his becoming involved in her Family Court proceedings?

(6) Why has the Premier not allowed these essential elements of the Easton affair to be investigated by his royal commission?

Mr COURT replied:

I thank the Leader of the Opposition for some notice of this question.

(1)-(6) For his information a royal commission has been called. I have made it very clear that I am willing to give evidence to the royal commission on those sorts of issues. They can be addressed by the royal commission.

Mr McGinty: Answer the questions now.

Mr COURT: As to that, I have always come into this Parliament and outlined matters surrounding this, in contrast to the Leader of the Opposition who has been silent on this matter.

Several members interjected.

The SPEAKER: Order! The Leader of the Opposition.

STATION STREET MARKETS - STALL OWNERS' STATUS

172. Dr CONSTABLE to the Minister for Planning:

(1) What is the current status of stall owners at the Station Street markets?

(2) Will the stall owners be compensated for their investments if the market site is sold or resumed?

(3) How many stall owners stand to lose their livelihoods under the concept plan recently released by the Subiaco Redevelopment Authority?

Mr LEWIS replied:

(1)-(3) The status of stall holders at the markets remains the same as in the past. The site is owned privately by a person who has issued licences for the stall owners to operate. The concept plan which has been released for discussion shows that a road is proposed on that site - and it can be moved. There may be some disruption to that site. Inquiries have been directed to my office from the stall owners. Discussion has occurred between the Subiaco Redevelopment Authority and the proprietor of that market site. The position is that if the markets' operators wish to continue, the plans can be rejigged to enable that. The operations of those stall owners is entirely at the discretion of the owner of that site.

Dr Constable interjected.

Mr LEWIS: That is something which will come out of the public comment on the plans which are out for discussion. It must be understood that that land is freehold property. Although the concept plan proposes that one of the roads be shifted a little, the sinking of the railway could proceed without affecting to any great extent the markets as they operate. If that is what the owner of that site would prefer, the owner may take that option and, therefore, the stall owners could make their complaints, if any, to the owner.

AUSTRALIA POST - MIDLAND POST OFFICE, RELOCATION

173. Mrs van de KLASHORST to the Minister for Heritage:

(1) Is the Minister aware that the Midland community is concerned because Australia Post plans to move the retail post office service away from the old town hall post office building?

(2) Is the Minister aware that the Midland and Districts Chamber of Commerce and Industries has formed the Save our Post Office Action Group?

Mr D.L. Smith interjected.

Mrs van de KLASHORST: It is my turn, not the member for Bunbury's.

(3) Will the Minister assist the Midland community in view of the historical heritage value of the post office building and its role in the revitalisation of the Midland town centre?

Mr LEWIS replied:

(1)-(3) Believe it or not, I did not receive a lot of notice of this question. Everyone is aware that Australia Post has made a decision which seems to be consistent with its operations; that is, to upgrade its postal facilities and vacate the significant heritage building of the old post office at Midland. That building is entered in the State's Register of Heritage Places and is therefore protected by the Heritage of Western Australia Act 1990. Any development applications for that building must be referred to the Heritage Council of Western Australia for advice before any work can continue.

The Swan Shire Council wants to relocate to the old Midland Town Hall on the triangular corner situated at central Midland, alongside the post office. It will be able to conduct its council meetings on and transfer its library operation to that site. The council's heritage consultant and building consultant approached the Heritage Council and it has given general approval to that proposition on the basis that the heritage fabric of that building is not diminished in any way. It is also understood that the shire would like to acquire the old post office at Midland. However, it has not been able to establish a future use. Perhaps its financial resources are such that it cannot do that. Relocation will be at the Swan Shire Council's discretion.

Mrs Hallahan: Even the member who asked the question has lost interest.

Mr LEWIS: I might also answer the member for Mitchell's question about Midland junction.

Several members interjected.

The SPEAKER: Order!

Mr LEWIS: The Government will use its best endeavours, through the office of the Heritage Council of Western Australia, to help re-establish, not necessarily in a monitoring sense, but in an advisory sense -

Several members interjected.

Mr LEWIS: I will keep going, if the member likes.

The SPEAKER: Order! The Minister has been speaking for approximately three minutes. While the question may not interest some members, I am sure it interests the member who asked it. I am also interested in the answer. I ask members not to tell the Minister to sit down or make other suggestions of that sort because there will be times when others may say the same to them.

Mr LEWIS: The fact is, Mr Speaker, that members opposite are not interested in the answer. However, the member who represents that area is interested in it.

Several members interjected.

The SPEAKER: Order! If members attempt to disrupt the proceedings so that we cannot effectively proceed with question time, I will take note of that. Too many people are interjecting at the moment. Members know that I have a time system for answers and the time for the Minister to complete his answer is approaching. It is not being helped by members deciding that they will make a ruling.

Mr LEWIS: Is it not interesting that, of the 1 150 jobs to be cut at the Midland Workshops, 1 380 employees have applied for redundancy?

SODIUM CYANIDE SOLUTION - ROAD TRANSPORT

174. Mrs HALLAHAN to the Premier:

I refer the Premier to the Government's decision to allow the transport of sodium cyanide solution by road through metropolitan Perth.

(1) Is the Premier aware that the Environmental Protection Authority, in Bulletin 284 of July 1987, found that the likelihood of an accident leading to a major spill of liquid sodium cyanide is 5 000 times higher when transported by road than by rail?

(2) How does he explain the Government's change when no site specific analysis has been conducted of proposed liquid cyanide routes by road and rail?

Mr COURT replied:

(1)-(2) I am not aware of the specific document to which the member referred. The House will be debating a matter of public importance on this subject later. It would be appropriate for the member to ask that question of the Minister representing the Minister for Mines or the Minister representing the Minister for the Environment during that debate.

Mrs Hallahan: Have you seen the document?

Mr COURT: I have said already that I am not aware of that document.

YOUNG HOMELESS ALLOWANCE - COMMONWEALTH-STATE PROTOCOLS

175. Dr HAMES to the Minister for Community Development and the Family:

(1) Has any assessment been made of the operation of the commonwealth-

state protocols governing the administration of the young homeless allowance?

(2) If so, will the Minister inform the House of the outcome?

Mr NICHOLLS replied:

(1)-(2) I thank the member for some notice of this question. I am aware of the member's interest in young Western Australian people. The commonwealth-state protocols which apply to the young homeless allowance were introduced on 1 October last year and they were referred to the Department for Community Development for assessment. That assessment of the outcomes for the first six months - that is, ending 31 March 1995 - has been completed and it shows that the involvement of the DCD in the first six months resulted in 42 per cent of the young people returning to their parental home or living with extended family. In 11 per cent of cases the young person was placed in DCD-supported out of home care; that is, foster care, group care or supported accommodation assistance program funded refuges. In 16 per cent of cases the child was out of home with a self-selected carer and in 17 per cent of cases the DCD was, at the time the figures were analysed, still working with the young person and the family either to return the young person to the home or to maintain the young person at home.

Child maltreatment was substantiated in 11 out of the 100 cases and it was assessed that a young person remained homeless and/or at risk of harm from a DCD case management perspective in 12 cases. The protocols require the Department of Social Security to refer to the DCD all cases involving young people under 15, and other cases where there are allegations of maltreatment or other reasons for desiring the department's further involvement in the young person's welfare.

The evaluation shows that the establishment of the protocols was worthwhile and that it is necessary to look to other avenues to re-establish contact between those young people who have left home and their families. It is interesting that across the nation the trend has been a reduction in the number of youth applying for the young homeless allowance. In Western Australia the number of recipients had spiralled upwards from fewer than 100 in 1987 to a peak of 1 314 in February 1994. Since then there has been a decrease each month and at April this year the figure was down to 661. In the same period, the national figure decreased from 11 000 to 7 000. Not only the protocols, but also the focus on the debate about the young homeless allowance and the community awareness of the need to mediate or re-establish family contact, in those instances where it has been severed, has resulted in the reduction. The reason for the reduction being so pronounced cannot be attributed to a specific factor. However, it is something members should support and we should work harder at trying to re-establish the link between the young homeless and their families. I hope that the Opposition will, although belatedly, get behind the Government's efforts to build a stronger family network in Western Australia.

FINES DEFAULTER LEGISLATION - SENIOR POLICE OFFICERS' STATEMENTS

176. Mr CATANIA to the Minister for Police:

The Minister will have noticed last Friday's startling admission by Acting Commander Alan Watson that the Government's fines defaulter legislation was not working because out of 4 882 suspensions, only 334 people had paid their fines to get their licences back. He will also have noted the claim by Deputy Commissioner Les Ayton, only hours after Acting Commander Alan Watson's admission, that the legislation is working.

(1) Which senior police officer is telling the truth?

(2) Did the Minister or his staff cause any contact with the Police Department after Acting Commander Watson's statement and suggest, request or order that a second statement, more complimentary of the legislation, be issued?

Mr WIESE replied:

(1)-(2) I am very glad to have the opportunity to answer this question and to put the facts in front of the Parliament.

Mr Catania: You are now correcting it again.

Mr WIESE: No, I am reinforcing the second statement which was made by Deputy Commissioner Les Ayton. The statement by him contained the correct information. Obviously, Superintendent Watson was not aware of the full situation and he was using the media conference not to put the facts of the matter before the general public, but to warn those people he feared might be driving without a licence that they were committing an offence and making themselves liable to severe penalties if apprehended. He was also warning them that they were possibly putting their insurance policies and other such things at risk. I do not in any way condemn what Superintendent Watson was trying to do. The reality is that Superintendent Watson was not aware of the total facts. I cannot give members the exact figures because I do not have them with me, but the absolute facts were published in *The West Australian* following the statement made by Deputy Commissioner Ayton. In broad terms those facts are that approximately 30 000 letters were sent - I am using broad facts and the actual facts are in the public arena - and of the 30 000 recipients, only 5 000 have not responded and paid their fines. That means more than 80 per cent of the people have responded and paid their fines. That is an indication of an enormous success rate, especially in view of the fact that this is obviously the initial stage in implementing the fines management system. When this system was introduced in New South Wales it took approximately six months for people to become accustomed to the operation of the legislation and, bearing that in mind, there can be no doubt whatsoever that the fines management system in Western Australia is working extremely well. I am sure that over the next six months the response rate will improve from the present 80 per cent, and will more closely meet the results achieved in New South Wales. All members opposite should know that in New South Wales the introduction of the fines management system has resulted in a 96 per cent collection rate. I believe the figure in Western Australia will be similar.

One other fact should be presented to members opposite. The approximate figure of 5 000 was an expanded figure because two or three days before, a further 1 300 suspension notices had been sent out, but perhaps not delivered, and the recipients had not yet had the opportunity to respond to those notices. Therefore, it can quite honestly be said that the 80 per cent figure does not reflect the facts in relation to this matter.