WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE ASSEMBLY

Thursday, 17 October 1996

Legislative Assembly

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THE SPEAKER (Mr Clarko) took the Chair at 10.00 am, and read prayers.

PETITION - WANNEROO ROAD MEDIAN STRIP, UPGRADE

MR KOBELKE (Nollamara) [10.05 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We the undersigned request that the median strip in Wanneroo Road from Beach Road South to Morley Drive be upgraded to improve the appearance of this major road. Wanneroo Road is an important road of historical significance with a median strip which has not been upgraded with landscaping to the standards which have been implemented on other roads of less significance. With the completion of the Reid Highway intersection it is an appropriate time to undertake a more adequate beautification program of this length of Wanneroo Road.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 105 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 165.]

PETITION - REGIONAL PARK SOUTH OF GUILDERTON, ESTABLISHMENT

MR McNEE (Moore - Parliamentary Secretary) [10.06 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We the undersigned respectfully request that the Government establish a Regional Park immediately to the south of Guilderton in order to protect the mouth and lower reaches of the Moore River and the significant dunes and coastal heathland south of the mouth of the Moore River.
>
> We request that the Government take urgent action to acquire this land before it is further rezoned or developed,
>
> and 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 58 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 166.]

A similar petition was presented by Mr Kobelke (43 signatures).

[See petition No 167.]

PETITION - SENIORS' MOBILITY PROGRAMS, FUNDING

DR WATSON (Kenwick) [10.07 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We, the undersigned residents of Western Australia are dismayed that the Government is withdrawing funding from seniors' mobility programs. The men and women who are referred by their doctor to participate are able to keep fit and well, saving costs in the health care system. We urge the Government not to defund this sensible and practical initiative.
>
> 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 117 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 168.]

PETITION - ALINTAGAS, REBATES

DR WATSON (Kenwick) [10.08 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We, the undersigned petitioners call for AlintaGas to establish a scheme of rebates or discounts for senior citizens, pensioners and other low income earners.
>
> AlintaGas is alone among the public utilities in not providing some form of assistance for low income earners and the elderly and we call on it to display social responsibility in conducting its business affairs.
>
> 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 20 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 169.]

PETITION - PRIVATISATION OPPOSITION

DR WATSON (Kenwick) [10.09 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We, the undermentioned people of Western Australia oppose:
>
> (1) any attempt to privatise Western Australia's prison system, especially Canning Vale Prison;
>
> (2) any attempt to privatise prisoner transport services to and from Western Australian prisons;
>
> because of the real possibility of a decline in security standards and levels of accountability.
>
> Such a decline would place families who live close to prisons and all Western Australians at undue risk.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

This petition adds to the hundreds of signatures already collected. It bears 34 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 170.]

BILLS (2) - RETURNED

1. Revenue Laws Amendment (Assessment) Bill (No 2).

2. Financial Legislation Amendment Bill.

Bills returned from the Council without amendment.

MOTION - STANDING COMMITTEE ON UNIFORM LEGISLATION AND INTERGOVERNMENTAL AGREEMENTS

Report on National Schemes and Legislation Discussion Paper

MR PENDAL (South Perth) [10.10 am]: I present the Standing Committee on Uniform Legislation and Intergovernmental Agreements report on the position paper on the scrutiny of national schemes of legislation and move -

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

This is the thirteenth occasion on which the Standing Committee on Uniform Legislation and Intergovernmental Agreements has reported to this House in the space of two and a half years, but this is probably by far the most

important of those 13 reports. The previous 12 reports have properly and appropriately addressed themselves to the immediate legislative problems of the day, reporting on such diverse matters as mutual recognition, the Censorship Bill and the implications of the Hilmer inquiry on the legislative provisions in Western Australia. This report is different because it does not deal with the immediate problems of the day. Rather, it looks to the next generation to produce solutions to a very difficult set of circumstances within the federation.

For the first time since 1901, committees of nine Australian Parliaments have actually agreed on something! The agreement that is tabled today represents the first and most tentative step along the road to the acceptance by all Parliaments of their role in the scrutiny of legislation which arises out of intergovernmental agreements. Members will be aware that our powers of scrutiny as legislators have been seriously diminished over the years by the actions of ministerial councils. The process is that Ministers, federal, state and territory, need to conduct and advance the business of the day. Ministers invariably meet in one of the capital cities of Australia and reach an agreement on uniform legislation, let us say, on the school entry age. The Ministers agree to a package and return to their home Parliaments and introduce Bills to give legislative effect to the agreement made.

However, one of the first things we are told by the Minister concerned is that we must pass the Bill without amendment. We are exhorted to do that so as not to diminish the uniform nature of the proposal. So far so good, as that is an achievement for the Executive Government. However, it comes at some cost - primarily that the capacity of legislators is reduced. Our capacity to properly scrutinise the legislation and insist on amendments is all but removed.

This standing committee was brought into the process some two years ago with observer status among all the other Parliaments in Australia. I say proudly that it speaks volumes for the work of the committee that it emerged as the leader in the process. For the first time in just under a century of federation we have produced a set of guidelines which will be tabled, as in this House, in all Parliaments around Australia in the next few weeks. To a large extent the role of those committees and the legislators finishes at that point. It is now incumbent on the heads of Government in Australia - that is, the Prime Minister, the Premiers and the Chief Ministers - meeting as the Council of Australian Governments, to advance the paper that I have tabled today. In other words, the tabled report is the expressed wish and best advice of nine parliamentary committees around Australia, but the matter is now in the court of the heads of Government to ensure that COAG implements the report. I have considerable faith that that will occur.

The Premiers, at least, have an increased understanding of the frustration of the legislators regarding their capacity to do their job within the framework of national uniform legislation. The former Premier of Tasmania, Mr Groom, had a real understanding of the problem. Indeed, it had been Mr Groom's intention merely a month before he resigned to sponsor this document into COAG. Also, one of our counterparts in South Australia, Hon Robert Lawson, QC, is keen for Premier Brown to move in COAG on the matter.

On that note, I appeal to the Premier of Western Australia to take a leadership role in COAG on the document tabled this morning. The Premier of Western Australia has been among the innovators in respect of the leaders' forum in Australia, a long overdue measure on the part of the Premiers and Chief Ministers. This document allows the Premier of Western Australia to advance the cause of federalism and parliamentary scrutiny in one fell swoop. Our committee has triggered the provision of Standing Order No 378(c) in this House which directs the Premier to report back to the House on the content of this report and the way in which he will act, I hope positively, in respect of the document's travelling through the processes of COAG.

This document is head and shoulders above the ordinary course of events of a committee report, and brings great credit on the Parliament of Western Australia. It was interesting that the committee was invited into the process two years ago as an observer, yet it completed the process as leader of the movement to ensure that legislation is properly scrutinised and available for amendment, even when it is the subject of an agreement of Ministers, Premiers and the Prime Minister. It is an historic document which is worth every member spending time reading. It goes to every Legislature in the nation over the next few weeks. I implore the Premier to take a direct leadership role by sponsoring the implementation of these provisions at the next COAG meeting.

MR BLOFFWITCH (Geraldton) [10.20 am]: I agree with everything the Chairman of the Standing Committee on Uniform Legislation and Intergovernmental agreements has said. This report came about as a result of all committees in Australia that deal with delegated legislation trying to agree on principles to deal with uniform legislation. The catalyst for this idea was that, more and more, all States and Territories are looking at uniform legislation, while at the same time trying to retain the sovereignty of their Parliaments. Usually legislation is introduced that mirrors that of other States, but we reserve the right, because of idiosyncrasies that are relevant to this State, to make slight variations to any proposed uniform legislation.

The proponents of these guidelines covering delegated legislation felt there would be a better chance of achieving uniformity with the regulations if all States worked from the same basis. Although there was no guarantee that each committee would not interpret the terms of reference slightly differently, there was a fair chance that uniformity would be preserved to a greater extent than were there to be nine different sets of terms of reference throughout the States and Territories.

With this in mind, the committees got together. The chairman of our committee was quite right when he said that only the Western Australia Parliament has a uniform legislation committee. Our committee was asked to prepare a paper and to talk to the other committees at a joint meeting. I believe the comments made by the chairman on that occasion were the catalyst that made other States start to think about what we could do to make uniform legislation more acceptable to all Parliaments.

We all remember the financial institutions Bills that went through this Parliament. We did not see the Bills, yet we passed them and they were proclaimed.

Mr Graham: So you won't be voting for the guillotine again?

Mr BLOFFWITCH: Not at all.

Mr Graham: So you will never vote again for the guillotine in this House for a Bill to go through?

The SPEAKER: Order! I did allow the member for Pilbara not just to make his original interjection, but to repeat it. I ask him to refrain.

Mr BLOFFWITCH: The point of view that was just expressed is totally fallacious. At least we get to see proposed uniform legislation in our party room. We discuss it and decide whether we will amend it, irrespective of whether it is subject to the guillotine. In the case of the financial institutions Bills, not only did we not get to see them, but also the Parliament did not get to see them.

Mr Nicholls: Under which Government did this occur?

Mr BLOFFWITCH: It goes without saying that it was under the Government whose members now, in opposition, decry the guillotine. Not one of us can be exonerated from passing that legislation. Although those opposite were in government, we supported the legislation because of the way in which we were lobbied by the commerce industry to have it passed. I accept that we are all to blame for the passage of that legislation.

We learned something from that experience. We learned there is a better way to deal with such legislation. My deepest disappointment with this Parliament is that although we learnt what to do, the standing orders of this House have not been amended to reflect the changes we have sought so that we are in possession of copies of these Bills before the second reading stage is completed. That is the sort of recommendation we have made Australia wide, with the committees of all States and Territories and the Senate agreeing that is the preferred way to go. Notwithstanding that we made this recommendation in this State, we still have not been able to convince our colleagues in this Parliament it is desirable and the way in which we must proceed. Once again, I ask the Government to look at this recommendation as a matter of urgency. Let us see whether this standing order can be amended so that we can set an example for the other States and Territories; to show that the Parliament has the right to give due consideration to any uniform legislation that comes into this House.

Consideration has been given to establishing a committee with representatives from the various States and Territories to look at matters considered suitable for uniform legislation. I do not know how workable that will be, and I do not know whether it will ever get off the ground; however, I ask that this Parliament set the lead by requiring that, before the second reading stage of any uniform legislation is completed, our committee has the opportunity to report on the proposed legislation. In doing so, we will have taken a giant step in showing that we in this committee take seriously not only our role but also consideration of uniform legislation. I commend the report to the House. I suggest that everybody in this Parliament should read it because it deals with issues that are very close to the sovereignty of this Parliament.

Question put and passed.

[See paper No 621.]

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

Report No 31 on Western Australian Government Financial Assistance to Industry, Tabling

MR TRENORDEN (Avon) [10.28 am]: I present for tabling report No 31 of the Public Accounts and Expenditure Review Committee. I move -

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

This report is the culmination of a very long and complex inquiry by this committee. In fact, it rivals any effort by any public accounts committee within all jurisdictions in Australia. The committee inquired into the financial assistance in any State of Australia and in any jurisdiction, and that, in itself, meant that it had to deal with all relevant matters from horizon to horizon. It has taken our committee 18 months to progress this report. While it was going through this process, a number of questions were raised about the role of the public accounts committee and its functions. There were several debates within the committee during those 18 months caused, quite interestingly, by the pressure placed on it by having to prepare this report. The committee has only two staff members to assist in the preparation of this report and it comprises five members. We must remember - Mr Speaker, you certainly do not have to be reminded of this - that those five members of Parliament have other duties.

The complexity of the inquiry was a great challenge to the Public Accounts and Expenditure Review Committee. The public accounts committee rose to that challenge and produced a very valuable report for this Parliament for the consumption of people both within and without the system. However, if the public accounts committee is to continue to undertake such major tasks - and it should, because that is for the greater good of the public - the committee and the committee system must be enhanced. In line with the general thrust of the Commission on Government and the debate that has been occurring about the role of committees, the public accounts committee must be better resourced and be part of a better resourced and more structured committee system.

If the New South Wales Public Accounts and Expenditure Review Committee were to take on a similar report, it would have access to four or five staff members, and the person heading that staff would be about a level 8 in the Public Service. That is not the case here. I do not wish to get into a debate about committee systems because those people do not necessarily all have to be permanent employees, but if the Parliament, the public and those people who examine the system of government believe that the role played by committees, particularly the public accounts committee, is important, then these matters should be taken on board. The public accounts committee should aspire to achieve the productivity level of the New South Wales public accounts committee. That committee puts out a considerable number of reports, and it is able do so because of its resources and also because of the more structured attitude of members of the New South Wales Parliament to that public accounts committee.

In this report, the committee has taken on a fundamental and complex issue of public administration and accountability. I support the continued role of the public accounts committee in such a process; that is what public accounts committees are about. This is borne out by the recommendation in the report that the committee undertake, on behalf of the Parliament, a more prominent role in the scrutiny of financial assistance to industry.

The Industry Commission is currently travelling throughout Australia looking at this question of assistance to industry, and although it does not have the same charter that the Public Accounts and Expenditure Review Committee gave itself, it is out there. The Industry Commission will have resources way in excess of those of the Western Australian public accounts committee. It has already put out an interim report, but I believe our report will be more focused and to the point than that of the Industry Commission, and will be more fundamental to Western Australia. That is important.

The committee has gone to the core of the issue. The committee struggled early in its proceedings to focus on what is an immense and horizon subject. Some important issues that we looked at early in our proceedings have been deleted from the report; for example, the impact on the regions of Western Australia, and the impact on small business. This report is focused on the core issue of financial assistance to industry. We did not examine in detail any one line of assistance. We looked at the process of financial assistance.

The report covers issues such as interstate bidding for industry, which is an important matter within Australia. In fact, public accounts committees around Australia have asked the Western Australian public accounts committee to prepare a report on interstate bidding, because on the eastern seaboard there is a fair bit of pressure and anger at times about interstate bidding, particularly in New South Wales and Victoria. We will report in February to that meeting of Australian public accounts committees. That may be an interesting report. There may not be any Western Australian members at that meeting because of the democratic process, but a written report will be provided to that meeting.

The committee dealt with the expenditure of some millions of dollars of taxpayers' funds, ranging across questions of assessment, effectiveness and accountability. We examined in detail the role of the Department of Resources Development and the Department of Commerce and Trade. Both those Ministers are in the House, and I am sure they will be interested in looking through this report. We looked at how business interacts with government and with the question of financial assistance. We addressed the criticism of that assistance. A number of people who came to the committee hearings were very critical of government agencies and of the process. We addressed the intent of that assistance, and we defined early in the report what assistance is. Members may believe the definition is simple,

but it is not a simple matter. We defined revenue forgone as assistance, as it should be defined. In many cases when we spoke to agencies, and also on our trip overseas, we found that the assistance that was offered was limited to what government gave out and not necessarily to the revenue forgone by government, which is just as direct a form of assistance.

The report also has a chapter on the development of an industry policy. We make the fundamental statement in our report that business should stand alone and it should not be the role of business to seek assistance from government; and if it does seek assistance from government, it should be according to a defined and direct course, which is an industry policy. We spent some time ranging through the strategy and planning of an industry policy.

I thank all the members of the committee for their effort. I suggest that we have not even tried to count the number of hearings and meetings that we had in the process of developing this report. As you will have experienced, Mr Speaker, probably one of the harshest experiences in life is writing a committee report when there are five committee members. The chairman's draft was some 130 pages long, and this report has been reduced somewhat from that level. To try to get members to agree line by line through a 130 page draft is a very difficult task, and I am commend the members for that effort. In fact, the spirit of the public accounts committee was excellent. At times there was some very hard-nosed debate, and at times temperatures rose, but at the end of every day we walked out of that meeting room a consolidated group.

One of the issues that is often overlooked in the committee processes of this Parliament is that we are able to get views ranging across the political spectrum and produce a consolidated report. While this report obviously does not accord with everyone's desire, it is certainly the result of consensus between the five members who represent this House. I earnestly thank the members of the public accounts committee. The debate within the committee on many occasions about the role of the public accounts committee and about how the public accounts committee can better serve this Parliament was very useful. In fact, if this House survives much beyond December, I intend to put together a paper on the role of the public accounts committee.

Mr Michael Baker was the senior research officer for the Public Accounts and Expenditure Review Committee for most of the time during the compilation of the report. He was the most senior staff member of any PAC in Australia, in that he was the longest serving person within that committee process. However, the Auditor General advertised a position which would dramatically improve Michael's employment prospects. Quite rightly, he applied and won that position and now works in the office of the Auditor General. That office now employs a person with a strong knowledge of the workings of the PAC, therefore Michael's knowledge is not lost to this State. I earnestly thank Michael Baker for his substantial contribution to the PAC over seven or eight years. This Parliament and this State owes him a debt.

Into the fray came Andrew Young and Amanda Millsom, who were inexperienced in sitting around the table with five members of Parliament. It must have been very daunting for them at times. However, they came through the process extremely well. I often admire the way that staff of committees work hard and achieve excellent results, only to have their work torn to pieces by members of Parliament. They sit calmly at the end of the table and watch their work being churned up and turned out in a completely different form. I do not say that is wrong; that is the way that PACs and other committees operate. However, I admire the staff who put their heart and soul into their efforts and then watch the situation change dramatically. Andrew Young and Amanda Millsom put in an extremely good effort on this major report. It is a credit to them and to Mrs Patricia Roach who is the "hard legs" of the committee and was downstairs typing frantically, making sure that the commitment to deadlines was met. I thank her also.

This report will stand up very well to scrutiny. I am sure that the Minister for Resources Development and the Deputy Premier will read the report with some interest. The report has ranged across the principles of financial assistance to industry -

Mr Thomas: The Minister for Resources Development does not take much notice of this sort of report.

Mr TRENORDEN: I would not be so ungracious! I am certain the Minister will read this report. It is a very good one. I am proud of the efforts of the Public Accounts and Expenditure Review Committee and of the report. I commend it to the House.

MR GRAHAM (Pilbara) [10.43 am]: The thirty-first report of the Public Accounts and Expenditure Review Committee has been a long and complex task. It is arguably one of the largest that has been undertaken by the PAC in this State. It is interesting that a report on a matter that involves such philosophical differences should receive unanimous support for its findings and recommendations. The report relates to financial assistance to industry, and the way that assistance is granted, considered and valued. Any reasonable person reading the report would come to these views: First, the financial assistance given to industry in this State is poorly targeted; it is not assessed adequately to determine its value to the State. It is true both in individual cases of assistance and the overall levels

of assistance given to industry that the assistance scheme for industry is poorly explained, understood, and measured. Those comments were best underlined in the evidence given to the committee by Mr Graham Rolfe, the Director of General Finance at the Treasury. The transcript reads -

> Mr GRAHAM: When we were talking about - these are my words, not yours - what I would term the policies, the practices and the procedures for consultation between the departments and Treasury when looking at assistance to industry and you both described them as good . . . What are those practices, policies and procedures? How does it work?
>
> Mr ROLFE: They are not set down on paper; it is just something that has been there, you just talk to one another. We have our hiccups. There are occasions where - Treasury is a conservative organisation in the main, and the departments are out there to promote and to do a job and sometimes we will come head on. When that arises, the executive or the Minister or whatever, say "Stay away from them. I will handle it." Or the Minister will say, "I will handle it through the Cabinet system or whatever." So it does not happen on those occasions but on most occasions it is just a network. The network is there and provided the people do not change too much around the place - you have this, the "brotherhood" I suppose you would call it, they just talk to one another.

That was a senior Treasury official giving evidence to the Public Accounts and Expenditure Review Committee about how the assistance to industry system works in government. It is not good enough.

In Western Australia a culture has grown of the Government providing assistance to industry. That culture was criticised strongly by the Chamber of Commerce and Industry of Western Australia. The chamber made two written submissions, and an officer gave extensive oral evidence to the committee. In its submission it was stated that the gains for the beneficiaries - that is, the beneficiaries of assistance - often do not outweigh the costs of providing the assistance, whether the direct costs to taxpayers or the indirect costs incurred through unfair competition and the diversion of resources from unassisted businesses. The culture of providing assistance to industry has been criticised strongly. Our report states that that situation must change. At page 14 the report states -

> 3.9 Industry or business should not have any cause to approach government seeking financial assistance that has not been expressly promoted as part of an industry policy. Creating a prevailing culture that promotes growth without reliance on financial assistance is the preferred approach.
>
> 3.10 Exceptions to this culture are valid when financial assistance is deemed appropriate to achieve outcomes identified in the industry policy. Assistance measures identified in such a policy should also be transparent and available to all that meet stated criteria and guidelines.
>
> 3.11 Government should not be in the business of using financial assistance as a means of "picking winners" or influencing the location of businesses.
>
> **Findings**
>
> **The preferred approach for Government is to provide a culture and environment that promotes business growth. This should occur without the need for an undue reliance on financial assistance to industry.**
>
> **Financial assistance should only be deemed as appropriate when it is provided as an industry policy. No such policy exists currently.**

It is my view and that of the PAC that the criticism regarding the lack of industry policy in this State is valid. The Chamber of Commerce and Industry was quite persuasive about the need for industry policy; it was forceful in its view that the State does not have such a policy but should have one. Perhaps that is another speech that I or others may give at another time. The recommendations of this report are unanimous. We have made a series of findings and recommendations. If the Government - whoever that may be - implemented the recommendations, it could gain longstanding benefits for the State.

If implemented, those recommendations will require the development of an industry policy. They will significantly strengthen the accountability of financial assistance in Western Australia. They will improve the assessment and approval processes, and the ongoing criteria for the assessment of assistance to industry. They will also provide for the evaluation of assistance to industry - a measure that I am sure members will be staggered to find does not exist currently. There is no measure to determine the effectiveness of state assistance to industry. Some attempts have been made individually, but no overall attempt has been made to find out whether the millions of dollars that are handed out to industry have a net benefit to the State.

Another thing the recommendations, if implemented, will do in this State is provide hard information for industry - information that is currently missing. The committee got into that debate when conflicting views were expressed about how much assistance was provided to industry. Incidentally, those conflicting views still have not been resolved. There are Australian Bureau of Statistics definitions of assistance to industry, budgetary papers that discuss assistance to industry, and an infinite number of definitions within government on what forms either assistance or industry. That is a major debate that is yet to be had in this State, but it is starting in the country.

Probably only politicians and their staff understand what a tortuous process it is to write reports by committee, particularly when some capital "p" politics is thrown in with a good dose of ideology and some pretty forceful characters; they always make for interesting meetings. Some of the meetings have been tense; some have been tight. In fact, I suspect that some of the overseas meetings were tight in the American sense of the word tight. Nevertheless, the committee has applied itself to a very difficult task. I share the chairman's views about the staff of the committee and I pass on my thanks to them. I know they have called me certain names over the period of drafting the report, but I forgive them for that. My hearing is not as good as it was before I started working on locos, but I can still hear from time to time.

The staff did a lot of good work on the committee. I join with the chairman of the committee to pass on my thanks and congratulations to Michael Baker, who does not like to be referred to as the oldest public accounts person in Australia. He is not; he was just the longest serving. He did a great job when he was with the committee. It is a miracle of politics that the five members of the Public Accounts and Expenditure Review Committee survived the drafting of the report. Nonetheless, it is a good report and I commend it.

MR BOARD (Jandakot) [10.53 am]: I support the motion to print the report on Western Australian Government Financial Assistance to Industry by the Public Accounts and Expenditure Review Committee. I reiterate the words of the chairman and deputy chairman of the committee and suggest that 18 months of hard and diligent work by the public accounts committee has produced a report that is of significance. I do not say that lightly and I do not say that because we are members of the committee: I say that because it is a valued report. Those in industry and particularly those who are players in the business of providing financial assistance or forgone revenue to industry who take the trouble to read the report will see it as a great benefit, not only to themselves and to the people of Western Australia, but in particular to those who do business in Western Australia and, even more importantly, to those who wish to do business in Western Australia in the future.

As a member of this committee it has been important for me to see the role of the public accounts committee as more proactive than reactive and to see the committee become involved in issues it can change within government and to promote the accountability and performance of government departments and not necessarily be involved in looking at issues only that have already gone wrong; in other words, shutting the gate after the horse has bolted. This report is a proactive report. It is timely in that it brings together many issues that are before the Government and the people of Western Australia. Members need only look at today's *The West Australian* to see the significance of that.

I am a great believer in the committee process. It is an important part of the process of the Parliament. It is important for those of us who are not members of executive government, in particular, to be able to play a role outside our electorates to achieve something that we believe will be of benefit to the Parliament, the Government and the people of Western Australia. As a result of that process this report is before the House today.

I thank my fellow members of the committee. I thank also those people who made submissions to the committee and the staff of the government departments and agencies who came forward in an honest and open way and gave us their thoughts. I thank the various Ministers who were involved in the process for their input and those people overseas who treated the committee with great respect and were able to pass on without fear or favour their thoughts on the matter. In particular, I thank the staff of the committee who have already been singled out. I add my support for them. They went about their work in what is a very tough role for them in a diligent and honest manner and with a great deal of courage and conviction. They approached their task extremely well. They are a credit to not only themselves and the public accounts committee, but the Parliament.

One of the roles of the public accounts committee is to be a check on government accountability. As the role of the Auditor General has increased and become more independent over the years, the public accounts committee has struggled in many ways to create for itself that role. It is a role through which it can report to and debate in the Parliament, and bring down reports in a proactive way. In that constructive way the public accounts committee will continue its important role in the Parliament of Western Australia.

The committee set out to look at the environment for growth in Western Australia and the role the Government would play in that environment and the extent to which it should play; and the way the Government created assistance to industry and the accountability and net benefit of that assistance. All of those issues have been touched on briefly by the chairman and deputy chairman and I will not dwell on them. I think the committee has the balance right in

this report. It is important that an industry policy is created in Western Australia. I know that is something the Deputy Premier has worked on for some period.

Mr Thomas: It's been almost four years.

Mr BOARD: It is an extensive industry and an extensive policy. It is timely that in this report the committee has endorsed that policy, which I hope will be announced soon.

Western Australia is not in the business of smokestack chasing, nor should it be. When the committee was overseas it saw that those who were involved in bidding and outbidding one another to create industry within their State often fell foul of that.

Often the cost benefit to the taxpayers in their State in the long term does not warrant the extensive financial assistance offered for short term political gain. As a result of the committee's studies, it believes that it is important to provide an environment for growth in Western Australia and an industry policy for the benefit of all. As a result of that industry policy opportunities will be available to assist certain industries that will provide a net benefit to the taxpayers of Western Australia. That net benefit must be measured against outcomes. The report outlines ways in which that can be achieved, together with the reporting mechanism and the process of accountability to not only the Parliament but also the people of Western Australia. I will not go through the recommendations or the findings outlined in the report. I commend the report to the Parliament. It is a significant report because of the topic with which it deals. It contains recommendations for the future development of both small and large businesses in Western Australia which in the long term will benefit the Parliament, the business community and all the people of Western Australia.

MR BLAIKIE (Vasse) [11.02 am]: I have been a member of the Public Accounts and Expenditure Review Committee since the commencement of this Parliament. This report is a clear indication of the activities of a committee that has worked for some time to present this report of major significance. The deputy chairman of the committee, the member for Pilbara, and the chairman have indicated that this is a unanimous report. Of the select committees, royal commissions and honorary royal commissions of which I have been a member only two have presented a minority report, the content of which has varied significantly from the main report. When members of the public have the opportunity to fully assess this report - I hope the Press will assess it thoroughly - they will realise it is a report of major significance by people from different political backgrounds who have presented a unanimous report to the Parliament.

I pay special tribute to the staff - Michael Baker, Amanda Millsom and Andrew Young - for their very good work. It is very difficult for staff to work under the direction of five members, all going their separate ways, and to eventually arrive at a report such as this. It has been a great experience for members of Parliament, but I am sure that experience was even more significant for the staff who have worked so diligently to produce this report.

The committee considered the financial assistance the Government provides and the areas of revenue forgone. So often people become focused on the amount of money the Government provides and the public concentrates on that aspect. Rarely do the Parliament and the public focus on the revenue the Government forgoes in its assistance to industry. The report contains recommendations in both those areas. The Government can provide assistance to industry by forgoing stamp duty, land tax, and some of the infrastructure costs to which the wider community expects industry to contribute. Although the committee did not concentrate on any specific area, a classic example of revenue forgone is the absence of a royalty on the gold industry for the extraction of resources. Historical as it may be, it is still revenue forgone. In my view those matters should be declared and the public should be fully aware of either the amounts paid or the amounts forgone.

The report contains a series of findings, and the conclusions reached are significant. The committee regarded it as paramount that all financial assistance be transparent and clearly understood. In that connection it makes recommendations to the Parliament for the Government to act on. It recommends that financial statements - unaudited if necessary - should be tabled in Parliament at the earliest opportunity; that every six months a consolidated report containing details of all current financial assistance packages should be tabled in the Parliament; and that no organisation seeking financial assistance shall be granted such assistance if it is not prepared to divulge the relevant information to the appropriate authorities. Those are only some of the recommendations in the report.

The Parliament receives reports from the Auditor General from time to time, and the public of Western Australia receives recommendations in the reports from the Commission on Government. The community will make their judgment on them. This report by members of Parliament relates to the assessment of financial assistance provided by the Government and it is one of the rare documents produced in a working sense. It has been compiled by five members of Parliament who understand parliamentary processes and weaknesses, and who are aware of the abuses by the Executive that may occur from time to time. These recommendations have been made by those members of

Parliament within that framework to ensure proper accountability procedures are followed, scrutiny is available and the public is protected at all times. It is important that the public understands the work that went into the document, but it is more important that future Governments heed its recommendations and act on them.

MR BROWN (Morley) [11.08 am]: At the outset I join with fellow committee members in placing on the record my thanks and appreciation for the good work carried out by the former senior research officer of the committee, Michael Baker, and the committee staff, Andrew Young and Amanda Millsom. As members in this House know, although members of Parliament have strong and forceful views on a range of issues, it is often a complex and difficult task for staff to capture those views and produce them in written form. Depending on members' capacity to articulate those views, it can be a daunting process trying to find the appropriate words to meet the members' concern that their views are being properly recorded. Staff must have a good grasp of the subject they are required to investigate, and must also have a sixth sense so that they can interpret what some members of the committee want when they may not articulate that very well themselves. I also express my thanks to the members of the Public Accounts and Expenditure Review Committee who served on that subcommittee. Their work was most valuable. I was very pleased not to be a member of the subcommittee because of the enormous amount of time it took for members to work through the details and the complexities of this matter. The members of the subcommittee have done extraordinarily well with that work.

It is also important to put on the record that it is an interesting, informative and challenging role for the public accounts committee to be proactive on important issues and the governance of Western Australia. Although I agree with the broad sentiment expressed by the member for Jandakot, it would be incorrect for the public accounts committee to lose sight of its very important role as a monitor of government financial activities. Although I do not rule out its taking a proactive view, equally it is important for the committee to retain its reserve authorities to investigate the financial activities and expenditure of government, Ministers, departments and agencies and be able to report to the Parliament in detail when that is required.

The question of industry policy is perhaps one of the most important issues facing Governments, whether that be Federal or State Governments. A number of people look towards Asian countries and say they have benefitted from an economic miracle. Some people suggest it has occurred because Asian business leaders by themselves have determined that their business activities will succeed worldwide. However, Governments in Asia have very much influenced industry policy. Anyone who suggests that the Japanese Government has not played a major and decisive role in the shaping and performance of its industry has not bothered to read even the most perfunctory text about the development of industry in that country.

Mr Bloffwitch: They do pick winners. I am thinking of Toyota.

Mr BROWN: The name of the Japanese development arm will not come to me.

Mr C.J. Barnett: MITI.

Mr BROWN: The Leader of the House is right. If a business wishes to export rope it can approach the Japanese Ministry of Trade and Industry and it will advise on quality standards, competitors, prices, finance, infrastructure, which conglomerates in Japan will organise transport, and Government-to-company liaison in various countries. The Japanese have been astute in putting in place an industry policy that is very much underpinned and supported by Government. We talk about the economic miracle of Singapore. For a long time that Government has played a significant role in the development of industry. We need only consider the amount of funds available for investment purposes emanating from its retirement incomes policy, which has existed for many years and a variant of which Australia has recently adopted.

Mr C.J. Barnett: Australians do not save. It is a fundamental difference.

Mr BROWN: Singaporeans may not save either, but they have a compulsory savings scheme in the form of very high levels of superannuation contributions, which can be used for various mechanisms.

As I said, industry policy is a critical issue for Government. It is not something that Government can simply walk away from nor can it adopt the attitude that the business sector and Government are isolated from each other. A successful industry policy for each country is essential today where Governments, irrespective of their political persuasion, are keen for business to grow and prosper. One way of ensuring that is through an active industry policy.

Mr C.J. Barnett: Would you agree that the development of agreement Acts for example, which are quite unique to Western Australia, is a strong policy in the resources area?

Mr BROWN: Although it is an industry policy, it is not comprehensively across the whole of industry.

Mr C.J. Barnett: It is project specific, but it is based on definite policy.

Mr BROWN: What I consider to be industry policy, for example, is where the Korean Government said that in its national interests it would develop a shipbuilding industry; it was not a decision by shipbuilders. The Koreans now have a massive shipbuilding industry, but the Government does not operate it.

Mr C.J. Barnett: I am not being political. The State decided Western Australia would have a gas pipeline to the goldfields and a petrochemical industry in the Pilbara. Government involvement is different from the Asian nations, but there are stronger elements of government industry policy here than the member is giving credit for.

Mr BROWN: I am not denigrating the efforts made by Governments of all political persuasions. However, I am suggesting that this public accounts committee report has significant implications for Western Australia. Ultimately it is not necessarily what entrepreneurs want for industry; in many instances it is a matter of Governments facilitating that industry through an industry development policy. To the extent that this report contributes to a successful industry policy in Western Australia it is an important document.

Question put and passed.

[See paper No 622A and B.]

MOTION - TIME LIMITS FOR DEBATE ON BILLS TRIAL - STANDING ORDER 164 AMENDED

MR C.J. BARNETT (Cottesloe - Leader of the House) [11.20 am]: I move -

That for the present session, the following order shall apply -

Standing Order 164 is amended -

(a) by deleting from the section headed **IN THE HOUSE**, the time limits for the second reading of **OTHER BILLS**, and substituting -

SECOND READING -

Mover	60 minutes
Leader of government or one member deputed by him	60 minutes
Leader of opposition or one member deputed by him	60 minutes
Any other member	*20 minutes
Mover in reply	45 minutes

*If the member speaking so requests during or immediately upon the expiry of a speech, the time for the speech shall be extended by a further 10 minutes. This does not preclude a further extension under the proviso to this Standing Order.; and

(b) by deleting from the section headed **IN COMMITTEE**, the time limits for **OTHER BILLS**, and substituting -

All members - unlimited periods not exceeding 5 minutes each.

This motion will continue the trial suggested by the Standing Committee on Standing Orders and Procedure; that is, that instead of members having 30 minutes to speak in second reading debates, they have a nominated 20 minutes with an automatic right to seek an extension of 10 minutes and, in the Committee stage, that instead of having 15 minutes plus 10 minutes plus 10 minutes, they have unlimited rights to speak for five minutes. That motion will allow the trial period to run through to the end of this year, which I think is common sense. At this stage, the trials have been largely successful, although in the Committee stage, there has been some abuse of the five minute rule. However, perhaps lots of things get abused in this House. Overall, the experiment is going well and I strongly recommend that we continue with the trial until the end of this year.

MR RIPPER (Belmont) [11.22 am]: The Opposition supports the motion moved by the Leader of the House to continue for the balance of the year an experiment recommended by the Standing Committee on Standing Orders and Procedure. The experiment has been largely successful, although some criticism has been voiced. Some members of the committee feel that extensions of time for speeches in the second reading debates of Bills have been sought so regularly as to make the official reduction in time meaningless. The Member for Whitford might feel that is the case. I feel there has been a gradual acceptance by some members that they do not need to speak for the 30 minutes to which they are entitled. In fact, some members have not been aware of their right to seek an extension and have thus gone by the time indicated on the clock.

Mr Johnson: The problem is that you are guilty of this. Some of your colleagues have encouraged others to ask for the extra 10 minutes even when they do not want it. That is the problem that I have.

Mr RIPPER: Sometimes it is necessary to encourage a person to speak a little longer because the next person is making a telephone call or doing something he or she should not be doing instead of being in the House waiting for his or her turn to speak. We have to deal with those difficulties from time to time.

Mr Blaikie: They might be absent for other reasons, too.

Mr RIPPER: There might well be other reasons, as the member for Vasse said. The experiment has not been as successful as the member for Whitford would have hoped. However, I do not think it is has been entirely without success and we should continue it to see whether it improves the brevity with which members express themselves.

By and large, it has worked with Committee speeches. However, there are difficulties with some Bills. Some clauses contain a great deal of detail which goes on for several pages. Sometimes important issues are embodied in the clause and we cannot get the argument across in five minutes. Sometimes members resort to making a series of five minute speeches with minor intervening speeches being made by other members to enable the process to continue. Therefore, there are difficulties with the five minute rule. It works for most Bills, but not for all debates.

Mr C.J. Barnett: With those very large clauses, there may be some scope procedurally to deal with them in the House. Some clauses do go to multiple pages.

Mr RIPPER: Some clauses embody the major principle of dispute on a Bill and it is difficult to deal with that in a five minute speech. Leaving aside this motion, I do not think we have proceeded as energetically as the committee would have hoped with some of the other experiments that were recommended. For example, we have had only one use of the legislation committee. I do not know whether that is because there was some feedback which government members gave the Leader of the House about the way in which that committee proceeded.

Mrs Parker: It worked very well.

Mr RIPPER: I thought the committee worked very well and I am pleased to hear the member say that. However, I am concerned that the Government has not sent any other Bills to the legislation committee. I am interested to know whether the Leader of the House has reservations about that experiment.

Mr C.J. Barnett: I thought it worked well. I guess the type of Bill has something to do with it. We also have to be conscious of where we are in terms of the cycle of the term of government. The other concern fundamental to it is that this is still a small Chamber and has limited ability to refer matters to committees. However, I think the Government is supportive. I certainly am supportive of the committee system. I think it worked well.

Mr RIPPER: I encourage the Leader of the House, while he retains that position, to continue with the promotion of all of the experiments recommended by the Standing Committee on Standing Orders and Procedure. The Opposition supports the motion.

Question put and passed.

BANK OF SOUTH AUSTRALIA (MERGER WITH ADVANCE BANK) BILL

Second Reading

MR C.J. BARNETT (Cottesloe - Leader of the House) [11.27 am]: I move -

That the Bill be now read a second time.

This Bill has been introduced at the request of the South Australian Government and Advance Bank Australia Limited as a complementary measure to legislation in that State for the purpose of facilitating the merger of the Bank of South Australia Limited and Advance Bank Australia Limited.

Advance Bank acquired the Bank of South Australia as a wholly owned subsidiary on 1 August 1995. This followed the corporatisation of the former State Bank of South Australia in 1994. Members may recall that the Western Australia Parliament passed the State Bank of South Australia (Transfer of Undertaking) Act to facilitate that process. The merger of the Bank of South Australia and Advance Bank was approved by the Reserve Bank of Australia on the condition that the Bank of South Australia would surrender its banking authority within three years from the date of acquisition. In order to facilitate the surrendering of Bank of the South Australia's banking authority, it will be necessary for the majority of the assets and liabilities of the Bank of South Australia to be transferred to Advance Bank.

The principal Act, the Bank Merger (BankSA and Advance Bank) Act, to facilitate the merger was passed by the South Australian Parliament and was assented to on 20 June 1996. The objective of the Bill before this House is primarily to facilitate the transfer of the assets and liabilities of the Bank of South Australia which are located in Western Australia to Advance Bank, save for certain assets which are specifically excluded. Without legislation of

this kind, the transfer of assets and liabilities would be time consuming and expensive, with separate documentation being required for the transfer of each individual asset including the borrowings and accounts of more than 4 000 customers in Western Australia.

Recent precedents for legislation of this nature are the previously mentioned State Bank of South Australia (Transfer of Undertaking) Act, the Australian and New Zealand Banking Group Limited (Town and Country) Act and the Westpac Banking Corporation (Challenge Bank) Act. A condition in each case, and in a number of earlier similar cases, was that the banks pay amounts in lieu of the State Government taxes and charges which would have been applied if normal commercial transfers of assets and liabilities had been required.

This legislation is consistent with the Government's objective of facilitating business efficiency within Western Australia, while not prejudicing the integrity of the State's revenue base. It is understood that legislation similar in content to this Bill is being introduced in various other jurisdictions. I commend the Bill to the House.

Debate adjourned, on motion by Mr Ripper.

STATE TRADING CONCERNS AMENDMENT BILL

Second Reading

MR C.J. BARNETT (Cottesloe - Leader of the House) [11.30 am]: I move -

That the Bill be now read a second time.

The purpose of the Bill is to amend the State Trading Concerns Act. The Government supports the underlying philosophy of the State Trading Concerns Act, which prohibits governments from entering into any business beyond the usual functions of State Government unless expressly authorised by Parliament. Therefore, the Bill as drafted will retain this important feature. However, legal advice has called into question the ability of departments to provide and market a wide range of services and products that clearly would not have been contemplated to be prohibited by the Act. That has proved a disincentive for departments to identify new sources of revenue, which financial management reforms such as net appropriations for departments were intended to encourage. These include pay for use or cost recovery arrangements.

Members will appreciate that commercialisation of the services and products of which I speak would reduce departments' dependence on general revenues and help to ease the burden on the taxpayers of this State. In particular, the Government recognises the benefits that international projects can bring to the State through the export of public sector knowledge, skills and technology in participation with the private sector. Participation in international business ventures benefits the State, provides future trade opportunities and further enhances the economy and culture of Western Australia.

Clause 5 of the Bill will enable the Treasurer to authorise by regulation individual departments or sub-departments to carry on an activity involving the provision of goods, information or intellectual property; scientific, technical, educational, training, management or advisory services; and advertising opportunities, which would include sponsorships. The categories of activities specified in the Bill will facilitate the Government's commercialisation and export of public sector expertise initiatives in a limited form while still preserving the general constraint on governments entering into business activities. The requirement for activities to be prescribed provides an additional safeguard as the regulations will be subject to scrutiny and the power of disallowance by the Parliament.

The Crown Solicitor has advised that in addition to the Treasurer's power to authorise agencies to conduct a specific activity, there should be a specific power that will allow the agencies to charge for the services they provide. Therefore, clause 5 also provides for the Minister to set a fee or charge and to delegate that power to the chief executive officer of the agency. For administrative convenience the Bill also allows a fee or charge to be set in accordance with a procedure approved by the Minister. Members will note that the Bill does not extend to statutory authorities or statutory positions that operate under the framework of a department, as their powers should be spelt out in their enabling legislation.

The Bill is an important step forward in advancing the Government's financial management reforms. I commend the Bill to the House.

Debate adjourned, on motion by Mr Ripper.

SETTLEMENT AGENTS AMENDMENT BILL

Second Reading

MRS EDWARDES (Kingsley - Minister for Fair Trading) [11.33 am]: I move -

That the Bill be now read a second time.

The Settlement Agents Amendment Bill will amend the Settlement Agents Act 1981. This Bill complements, and is being introduced concurrently with, the Strata Titles Amendment Bill. Simultaneous amendments in relation to all strata titles issues will alleviate community concerns and frustration about the preparation of strata titles documentation so that settlement of strata titled properties can proceed smoothly and without delay.

The changes proposed make the system of prescribing by regulation certain documents relating to the Strata Titles Act, the Transfer of Land Act, the Bills of Sale Act and other relevant legislation more flexible and responsive to market needs, so that the community has speedier access to a range of conveyancing services in those areas. All documents that can currently be drawn or prepared will immediately be prescribed by regulation and all relevant industry and government bodies will be consulted before new documents are prescribed. Recent amendments to the Strata Titles Act have resulted in the introduction of many new documents, and members of the public have sought professional assistance in completing these documents. Currently schedule 2 of the Settlement Agents Act allows settlement agents to prepare only an application to register a strata plan.

The changes are supported by all three industry associations representing settlement agents and by other relevant industry bodies, including the Law Society and the Real Estate Institute of Western Australia. It has also been endorsed by the Settlement Agents Supervisory Board and the Settlement Industry Reference Group, which includes consumer representatives. In addition, other authorities such as the Water Corporation have recognised that if settlement agents could assist in withdrawing memorials, this would reduce demands on corporation staff, resulting in speedier settlements. For example, when broadacre land is divided into multiple lots, this measure will allow settlement agents to withdraw memorials on land after water charges have been paid by developers.

In framing the Bill, the Government has also been mindful of the need for settlement agents to maintain their level of skills and knowledge when providing conveyancing services in a rapidly changing market. It is therefore timely that the board be given the power to determine whether settlement agents should be required to complete additional professional development as a condition of licence renewal. A similar provision in the Business Licensing Amendment Act 1995 covered real estate and business agents.

In summary, the Bill paves the way for improved conveyancing services to the community by professionally qualified settlement agents.

Debate adjourned, on motion by Mr Ripper.

STRATA TITLES AMENDMENT BILL

Second Reading

MR KIERATH (Riverton - Minister for Lands) [11.36 am]: I move -

That the Bill be now read a second time.

Members of the House will be well aware that there was immense public reaction when the Strata Titles Amendment Act 1995 came into effect in April this year. The reaction was not so much to what was in that Act, but was a result of the general community coming to understand what is a strata title and what is involved in owning a strata property. I say "the general community" because this learning process was not limited to strata owners but included professional groups such as real estate agents and insurance companies.

As a result of this learning process, many strata owners discovered that what they legally own within their strata lot is very different from what they believed they owned. In most cases, they thought they owned the building and land that they occupied. However, in many cases the legal position is that the whole or part of the building and the land is common property, which is jointly owned with the other owners in the strata scheme. Because of this misunderstanding, many owners, especially in small schemes such as duplexes and triplexes, were taking out individual insurance policies in the belief that "their" house was fully insured. The insurance companies did, in fact, fully cover the strata properties under these policies because they were also operating under a misunderstanding as to what a strata title covered.

One of the amendments in the 1995 amending Act removed the ability of the strata owners to agree that the strata company would not take out joint insurance of the buildings and public liability on the lots and common property. This obligation on the strata company could be removed only by an exemption from the strata titles referee. This amendment was made to the Act precisely for the reason that strata owners did not understand what they owned, and, consequently, the risks which they were taking by not taking out joint insurance. The amendment was designed to ensure that strata owners were fully protected against all possible risks, including those of which they were not aware.

I am sure that members of this House are now well aware of some of the possible risks. However, I will give an example anyway. In many cases, the roof of a strata home unit is common property, even where the two units are totally separate and freestanding. Let us assume that the two owners - I will call them Bill and Mary - each own a half share of the common property. If a storm dropped a tree on Bill's roof, he would make an insurance claim for the replacement of his roof. However, because he owns only half of the roof, the strict legal position is that his insurance company is obliged to pay out only half of the replacement cost. This may be so even though Bill was under the impression that he owned the whole of the home unit in which he lives. The other owner, Mary, as a joint owner of the common property, would also be liable for half the cost of replacing Bill's roof. Even if Mary had insured her house, under the same impression that she owns all of her house, she would not be able to claim on her insurance. This would leave Mary in the unenviable situation of being personally liable for half the cost of repairing Bill's roof.

I am sure that members of this House will agree that is not an acceptable situation. However, the situation does not arise if the strata owners who together make up the strata company have a joint insurance policy on all the buildings in the strata scheme, as well as a public liability policy. If there is a joint insurance policy, all possible liabilities of the strata owners will be fully covered. However, strata owners are concerned that their freedom of choice in relation to insurance has been taken away from them. In addition, there have been some instances where strata owners have had a great deal of difficulty in getting their neighbour to cooperate in taking out the joint insurance or paying their share of the premium.

Another way in which the owners could be fully covered under individual insurance policies is if the common property ownership of buildings and other areas is removed, so that those buildings and other areas become part of the strata lots and therefore individually owned by each strata owner. Once the ownership problems are solved, in the vast majority of cases individual insurance policies will provide adequate cover to protect strata owners against all probable risks. It will be apparent to members from what I have said that the concerns of strata owners as to the joint insurance requirements currently in the Act cannot be addressed on their own, and can be adequately resolved only if the common property issue is also addressed. As a result of these problems surfacing earlier in the year, I advised the House that I was reviewing the insurance provisions of the Act, and possible conversion options in relation to strata lots, survey-strata and conventional, or what has become commonly known as a "green title".

To assist in this task I appointed a Strata Titles Taskforce to provide recommendations on each of these issues. I am pleased to report that the task force embraced its task with commitment and speed and has now provided to me its recommendations on the insurance and strata and survey-strata conversion issues. I am also pleased to advise members that these issues are dealt with in the Bill. The task force has also agreed on proposals for conversion to green title, but I will deal with progress on that issue later. In appointing the members of the task force, I was concerned to ensure that there was a leading role by ordinary strata owners together with industry groups and Government.

The existing Strata Titles Consultative Committee is also to be commended for providing useful comment and feedback to the task force as it reached its decisions on the various issues. In the course of their deliberations, task force members also consulted with various representatives of state departments and local government authorities to obtain their views on the issues involved and possible solutions.

I turn now to the amendments in the Bill. The insurance and conversion options in the Bill are limited to what are called "single tier strata schemes". These are strata schemes in which no strata lot is above another strata lot, except in permitted circumstances. A single tier strata scheme will include a strata property which has a two or more storey townhouse or other building on it. The type of circumstance which will be permitted is where there are overhanging eaves, gutters or footings which intrude into space that would otherwise be part of an adjoining strata lot.

Essentially, strata owners in single tier strata schemes will, in each scheme, be given the choice of taking out individual insurance policies on their lots, or they may continue to insure through the strata company. In relation to insuring the common property, the strata company will still be primarily responsible for taking out a joint insurance policy. However, the strata company will not be obliged to take out a joint insurance policy in two cases. Firstly, if the only common property is cubic air and soil space in which there is no man-made structure, improvement or fences. Secondly, the strata company will not be obliged to take out joint insurance if the owners agree by resolution without dissent not to take it out. Because of the potential risks to strata owners, any strata owner will be able to insist on joint insurance of the common property at any time.

The Insurance Council of Australia has advised that a single insurance policy could be made available to cover a strata owner's liability for his or her lot and the common property, if the conversion options are taken advantage of and only minimal common property, such as a shared driveway, remain. The amendments earlier this year also raised some questions in relation to the compulsory requirement for workers' compensation insurance. Workers' compensation insurance is compulsory only if the strata company is an employer under the provisions of the Workers'

Compensation and Rehabilitation Act. The compulsory nature of this requirement is no different for owners of green titles. The only difference is that in strata schemes an owner may not be aware that another owner is employing a person on behalf of the strata company, so that all owners are liable for any accident that may happen to that employee.

The Bill makes it clearer that workers' compensation is only compulsory if the Workers' Compensation and Rehabilitation Act applies. It is up to the strata company to decide whether that Act does apply, but prudence would suggest that workers' compensation insurance should be taken out to protect against any possible contingency that might arise. The reference in the Strata Titles Act to workers' compensation insurance has not been removed as that would be misleading and might lead strata owners to believe it no longer applied to them. For those strata owners who have taken out joint insurance, the Bill provides that they may continue with that joint insurance without having to do anything further.

The Bill contains a number of options in relation to conversion of common property within single tier strata schemes. Before detailing those options, I will make a number of preliminary points.

Firstly, I point out to members that the Act has always contained a mechanism by which the boundaries of lots could be changed, but this is a complex and costly procedure. The task force was charged with the task of coming up with a more simple and less costly procedure, which I am pleased to say it has achieved. Secondly, there are two main reasons why a number of options have been given. The first reason is to try to give strata owners different options so they can choose the option which will best suit the circumstances of their particular scheme. Not all of the existing schemes have the same common property problems, so there will be different solutions for different schemes. The second reason is that the different options will involve different costs. In some cases, there will be no costs at all; in other cases there will be some costs involved. Strata owners will be able to choose which option they wish to use depending on the costs involved.

Finally, the options are limited to all existing schemes and those which are registered before 1 January 1998. This will allow sufficient time for those new schemes, which are currently being developed and approved under the existing provisions, to become registered and then to take advantage of the conversion procedures.

It is anticipated that the education campaign which will follow the passage of the Bill will have the effect that all new schemes registered after 1 January 1998 will avoid the problems which have occurred to date. I will now outline the various conversion options.

Automatic Merger of Buildings: The first conversion option applies to small strata schemes, being those which have between two and five lots. In those cases, the whole of the structure of the buildings shown on the plan will automatically be included within the strata lots six months after the amendments come into force, unless an owner objects within that period or the strata owners have already taken positive steps and used the second option to register a resolution. Because the boundaries are changed automatically, the strata owners are not required to do anything and no costs are involved. If an owner does not object within the six month period and can show good reason as to why they were unable to lodge an objection, an application can be made to the referee to order the reinstatement of the boundaries. The referee would only order the boundaries to be reinstated in exceptional circumstances.

Merger by Resolution of Buildings: The second conversion option is that strata owners may agree that the whole of the structure of the buildings - that is, including the roof, floor and walls which are shown on the strata plan - will be included within the strata lots. The Bill goes on to provide that this will include anything that is attached to the building that is prescribed by regulation. It is envisaged that such things as television antennas, hot water systems, air-conditioners, solar hot water panels and so on will be prescribed. If the necessary resolution is not achieved, there is provision for the referee to determine the matter. The resolution will be registered on the strata plan so that future purchasers will know what are the boundaries of the lot. Either of these two conversion options will be applicable to most schemes, but will be particularly useful for schemes registered under the 1985 Strata Titles Act because in most of these schemes the owners already own their backyards and the problem is only with parts of the building.

Merger by Resolution of Land: The third conversion option allows strata owners to agree to amend the strata plan to show additional buildings or extensions to buildings or to bring land, such as backyards, within the strata lots. This option will be useful to most of the schemes registered before 1 July 1985 under the 1966 Strata Titles Act, where the whole of the garden areas are common property. Again, if the necessary resolution cannot be reached there is provision for the referee to determine the matter. In this option, a plan will be required, although in some cases, the existing plan may be used.

In most cases a surveyor's and valuer's certificate will be required, but the consent of the Western Australian Planning Commission and local government will not be required. The surveyor's and valuer's certificates will ensure that all of the strata owners' interests are properly and fairly protected. In particular, the surveyor will be responsible for

ensuring that suitable provision has been made for the amenities currently enjoyed by the lot to continue to be available to the owner of that lot. For example, if there is a shared or common driveway in a duplex situation, the surveyor will have to ensure that each owner will continue to have the right to use it after the conversion process. Again, the resolution will be registered on the strata plan.

The final option contained in the Bill is that strata owners may agree to convert to a survey-strata plan. In this case, there is no provision for the referee to consider the matter if all the owners do not agree to convert. This is because there are some fundamental differences between strata schemes and survey-strata schemes.

A modified survey-strata plan will have to be prepared and certified by a surveyor and valuer. Again, the surveyor will be responsible for ensuring that all necessary amenities will continue to be supplied to, or enjoyed by, the owners of the lots. If necessary, this may be achieved by the registration of statutory forms of easements which can be shown on the survey-strata plan. Again, the consent of the Western Australian Planning Commission and local government will not be required. Like the other options, the resolution will be registered on the strata plan so the change is recorded for all to see.

Costs and Stamp Duty: Some of these options will not cost strata owners anything. As no planning consents are required, there will not be any fees payable to those authorities. The only government authority which will be involved in the process will be the Department of Land Administration which is responsible for registering the changes on the strata plans. Cabinet has approved an exemption from the fees which would otherwise be payable to DOLA for registering documents provided for in the Bill.

In addition, the Bill provides that the document or documents giving effect to the changes are exempt from stamp duty if all that is happening is that common property is being divided in the same way in which it is currently used by the owners, and no other money or consideration passes between the owners. I understand, depending on the conversion option chosen, the costs will be relatively low. Normally these costs will be limited to professional fees of surveyors and valuers, and in some cases lawyers or settlement agents.

The involvement of surveyors and valuers in the process is necessary for the protection of the interests of the strata owners. Strata owners would normally have to pay in excess of $3 000 to convert to conventional property, but using the options in this Bill will cut that cost to about $600. One of the specific concerns of the task force was to keep the costs of the options as low as possible without unduly compromising the integrity and, therefore, the value, of strata titled properties.

There is some possibility that there may be capital gains tax implications in the conversion process. This issue will need to be considered by strata owners before deciding to take action to agree or object to the application of the conversion options. Legal advice is being obtained on the issue of whether capital gains tax is likely to be generally applicable.

Once the issue of the removal of common property had been dealt with, it became apparent to the task force that it was necessary to minimise or remove the need for strata owners to deal with each other on other matters under the Act, as much as possible. The most obvious issue is the responsibility for fencing. Consequently the Bill amends the fencing provisions in the Act for single tier strata schemes and survey strata schemes. Responsibility for fences will now follow the principles of the Dividing Fences Act; that is, adjoining owners will share responsibility for a fence. If the adjoining land is part of a strata lot, the fence is the responsibility of the lot owner. If it is part of the common property, the fence is the responsibility of the strata company. These provisions will apply unless there is a contrary provision in the strata company's by-laws.

Again, these provisions have the effect of altering existing rights and obligations of the strata owners. Any owner may object to the alteration of the rights and obligations within six months, in which case the existing provisions will continue to apply. If an owner does not object within the six month period, there is the ability to apply to the referee for relief in exceptional circumstances.

As part of the review of these issues in the Act, the task force identified a number of other amendments which should be made to make the operation of the Act more "user friendly". These amendments, which have been included in the Bill, include -

(1) requiring all future strata plans to contain a statement in plain English about whether the internal or external surfaces of the buildings form the boundaries of the lots;

(2) permitting the creation of certain easements on strata and survey-strata plans, which I mentioned earlier; and

(3) giving certain powers to the referee to make orders for the reinstatement of a building where a portion of the building overhangs or intrudes in space that would otherwise be part of another lot.

Since the Strata Titles Amendment Act 1995 came into effect, it became apparent that a number of other technical and substantive amendments were required to be made to the Act as a matter of urgency. These are also included in the Bill and deal with such matters as -

(1) modifying the requirements of management statements and plans of resubdivision;

(2) facilitating the sale of lots off the plan;

(3) clarifying the effect of certain resolutions made under the Act;

(4) clarifying that exclusive use by-laws and grants did not require the consent of the Western Australian Planning Commission, irrespective of when they were made or granted;

(5) permitting the registration of a survey-strata plan where it is approved on appeal to the Minister for Planning or Town Planning Appeal Tribunal; and

(6) facilitating the recovery of insurance premiums in small schemes where no administrative fund is kept.

The Bill does not contain any provisions in relation to conversion to conventional or green title. Although the task force has submitted its proposals for the conversion to green title, there was not enough time to deal with that issue in the Bill. The conversion options and insurance provisions in the Bill will go a long way to addressing strata owners' concerns and I did not want to prejudice getting these amendments passed this year by waiting to complete the issue of conversion to green title. As I have said before, the issue of conversion to green title is not a simple one. It involves much more complicated issues than those which were required to be addressed to achieve the conversion options in the Bill. These issues need to be carefully considered.

As well as the task force's reaching a view on its direction for conversion to green title, I also understand that there have been productive discussions between the various government departments and authorities concerned, which are ongoing. I am keen to achieve a result in relation to the issue of conversion to green title, and approval has been given to DOLA to draft a second Bill for introduction into Parliament as soon as it is ready. It is hoped that it will be introduced this year.

Members may be aware that there is currently a mechanism by which green titles may be issued in the place of some strata titles. However, a number of anomalies and restrictions currently exist which limit this option to a very small number of strata schemes; it is also expensive. Further work is being done to remove or overcome those anomalies and restrictions in appropriate cases. However, I point out that conversion to green title is not likely to be available to all strata owners as it is anticipated that some schemes will not be able to meet even modified requirements for green titles.

As part of the reaction to the amending Act coming into effect earlier this year, there have been calls by many people, including members of this and the other House, for an advisory and conciliation or mediation service to be established. As soon as I was appointed Minister for Lands earlier this year, I requested DOLA to set up a strata titles telephone help line. Initially, the help line provided advice to strata owners on the changes in the amending Act and what they own individually and what is common property in their scheme. I understand that many of the calls being taken now are of a more general nature, with an emphasis on questions about management and meetings. It is proposed that this help line will continue to be available to provide advice on the changes in this Bill, as well as on general strata titles issues, in the future.

As members are no doubt aware, there is a strata titles referee, but the Act allows her to determine only formal applications for orders. What has been called for is a mediation or conciliation service which strata owners can use to try to resolve their differences without the need to make a formal application. The question of a mediation function is currently under consideration, although the advisory service may provide some basic opportunities for conciliation.

I am advised that the Strata Titles Commissioner in New South Wales has some powers in relation to resolving certain disputes and that there are currently proposals to widen those powers. Because it is early days yet, I have asked DOLA to monitor the success of the New South Wales program, as well as establish what demand there is likely to be for a mediation service. Members can rest assured that an effective advisory service will be available to the general public on the changes to the Act which are contained in this Bill, and that proper consideration is being given to the need for a mediation service.

Finally, the successful implementation of this Bill will depend in large part on an effective public education campaign. This campaign will need to provide information to strata owners in plain English on the changes in the Bill and the various options open to them. I have instructed DOLA to have available simple, easy to read information brochures and pamphlets on the changes, as soon as possible after the Bill is passed. A series of advertisements providing a summary of the changes will also be run.

I anticipate that, to a large extent, strata owners will be advised by professionals, such as surveyors, about what the different options offer and which is most appropriate for their particular scheme. DOLA will be liaising with the various professional groups in the near future, now that the Bill has been introduced into Parliament, to provide whatever assistance it can to inform those professionals on the effect and implications of the changes to the Strata Titles Act.

In the longer term, a plain English strata titles guide will be published, which will deal generally with strata titles ownership and management issues. It will be a "user friendly" manual for strata owners. I will continue to work closely with DOLA to ensure that once the Bill is passed, as much information as possible is available to strata owners and other interested parties, in a format which is easy to understand and accessible. I am confident that this, together with access to the telephone help line, will give strata owners the information they need.

Three months ago I promised strata owners that I would attend to their concerns about insurance and title ownership. This Bill provides options for strata owners which will effectively address the vast majority of their concerns and restore confidence in the ownership of a strata title property. I commend the Bill to the House.

Debate adjourned, on motion by Mr Ripper.

LOCAL GOVERNMENT AMENDMENT BILL (No 3)

Second Reading

MR OMODEI (Warren - Minister for Local Government) [11.57 am]: I move -

That the Bill be now read a second time.

The Bill makes a number of urgent improvements to the Local Government Act 1995, which members would be aware was one of the largest pieces of legislation to be recently brought before the Parliament. Since the introduction of the new Local Government Act, the legislation has been closely monitored to ensure that any anomalies or difficulties are quickly resolved. With any new piece of legislation of this magnitude, it will take several years to fine tune the provisions to take account of all the practical situations that confront local governments on a daily basis.

This short Bill contains amendments to only 13 sections of the Act, and I am pleasantly surprised that there are not more issues to be addressed at this early stage. I expect that additional matters will be dealt with later next year.

One of the key matters contained in this Bill is the need to correct an unintended clause which will inadvertently allow some non-Australians to become council members at the next elections. Since 1984, it has been a requirement for a person to be an Australian citizen to hold office as a council member. During the drafting of the transitional provisions for the 1995 Act, a special clause was included to allow non-Australians who were previously registered to vote, but not hold office, to continue that entitlement to vote. The drafting of this clause has inadvertently allowed such persons to also become council members, when this was not intended in the principal provisions. To ensure that the status quo is maintained for the first new Act elections in May 1997, a small amendment to section 2.19 is necessary to overcome this problem.

The provisions of section 3.50 relating to temporary closure of thoroughfares to vehicles requires all local governments to go through a full public submissions process for each year that the closure applies. It is acknowledged that such procedure is too cumbersome for many closures that often need to be in place for several years, and to overcome this problem the Act is to be amended to allow closures to operate for a two-year period before a public review is required. A further improvement is to be made to ensure that public notice need not be given in circumstances in which very short term closures are made and the thoroughfare is reopened prior to the formalities giving notice commence.

In the area of delegation of council powers to the chief executive officer, sections 5.42 and 5.44 need amendment to clarify that the CEO may then delegate those powers to particular employees. This had been the original intention in the Act.

Section 5.63 deals with various common and minor financial interests which council members do not need to disclose at council meetings. The new Act contained a new exemption in paragraph (e) relating to the location of government related services and facilities. However, this is now considered to be too wide sweeping regarding the exemptions that may apply - for example, major roadworks adjacent to a council member's house - and accordingly, it is to be deleted.

The final significant matter to be addressed in the Bill is an alteration in schedule 2.5 to clarify that all council members are entitled to be members of the local government advisory board which has the task of reviewing the local

government district boundaries. The Act inadvertently refers to the term "councillors" which excluded any mayor or president elected by the people from being members of boards. The amendment in the Bill rectifies this problem.

The Bill has a further seven minor amendments to other sections to correct minor anomalies and cross-references. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

DENTAL AMENDMENT BILL

Second Reading

MR PRINCE (Albany - Minister for Health) [12.04 pm]: I move -

That the Bill be now read a second time.

At the end of 1996, 16 students will complete the Associate Diploma of Dental Hygiene at Curtin University. The current Dental Act 1939 does not provide for the registration of dental hygienists. Without amendments to the Act, these graduates will not be able to practise. The Dental Amendment Bill was drafted in response to undertakings given by both the former Minister for Health, Hon Peter Foss, and me to have the appropriate mechanisms in place by the end of this year.

The Bill makes two principal amendments to the Dental Act: Firstly, it provides for the registration of a new class of dental auxiliary, the dental hygienist; and, secondly, it provides for an existing class of dental auxiliary, school dental therapists, who are currently licensed under the Health Act, to be regulated under the Dental Act. These amendments will result in three classes of dental auxiliary being regulated under the same Act.

The Bill specifies the qualifications and experience required for registration of dental auxiliaries; the specified acts of dentistry which dental auxiliaries may perform; and the supervision requirements.

Clauses 11, 12 and 13 of the Bill require that a person applying for registration as a dental auxiliary must have completed his or her training within five years of making an application. If an applicant has undergone training more than five years before the application, the board can require the person to undertake a refresher course before being registered, and must be satisfied that the current skills and knowledge are possessed.

The Bill provides for dental auxiliaries to be able to perform certain acts of dentistry under the supervision of a dentist. Clause 16 of the Bill will insert a second schedule into the Dental Act. This schedule consists of seven parts describing a range of acts of dentistry: Part 1, core acts; part 2, local analgesia acts; part 3, orthodontic acts; part 4, dental therapy acts; part 5, restoration acts; part 6, root planing; and part 7, caries detection.

Dental therapists may perform the duties specified in parts 1, 2, 4, 5 and 6 and, where they satisfy the board they have the relevant prescribed qualifications, part 3. School dental therapists may perform the duties specified in parts 1, 2, 4 and 7 and, where they satisfy the board they have the relevant prescribed qualifications, part 3. Dental hygienists may perform the duties specified in parts 1 and 6 and, where they satisfy the board that they have the prescribed qualifications, either or both parts 2 and 3.

The Bill maintains the existing supervision requirements. Currently, the Dental Act requires that the supervising dentist must be reasonably available for consultation while a dental auxiliary provides treatment to a patient.

A dentist in the private sector will not be permitted to employ dental auxiliaries for any more than the equivalent of two full time employees. Although the School Dental Service, established under the Health Act and administered by the Health Department, is required to employ dental auxiliaries in the same ratio to dentists in the private sector, the School Dental Service is permitted to exceed this ratio where necessary.

Finally, clause 18 of the Bill will repeal certain sections of the Health Act to facilitate the regulation of school dental therapists under the Dental Act. Regulations concerning school dental therapists employed by the School Dental Service may still be made under the Health Act. As part of a planned integration of health services with public hospital boards, the Bill contemplates the assumption of the School Dental Service by the Perth Dental Hospital.

In summary, the Bill provides for a new class of dental auxiliary - the dental hygienist - and creates a uniform system of registration for all dental auxiliaries under the same Act. The board's power to review qualifications and experience of dental auxiliaries who have been unregistered for five or more years will permit the provision of more efficient and effective dental services for the people of Western Australia. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

SKELETON WEED AND RESISTANT GRAIN INSECTS (ERADICATION FUNDS) AMENDMENT BILL

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by Mr House (Minister for Primary Industry), and transmitted to the Council.

FIREARMS AMENDMENT BILL

Second Reading

Resumed from 16 October.

MR WIESE (Wagin - Minister for Police) [12.07 pm]: Firstly, I express my thanks to all members who contributed to the second reading debate. I guess that the number of speakers and the depth of the speech content and commitment indicates the importance of this legislation to the Parliament and to the people of Western Australia.

In my nine years or so in this place only two or three extremely significant pieces of legislation have passed through the Parliament. A couple of those measures which come to mind are the Adoption Bill, a very significant measure which had great community interest and substantial input by all members of Parliament, and I recall vividly the in vitro fertilisation Bill being groundbreaking and important legislation to the community. Probably some of the best debates and contributions made by members in my time in Parliament were made on those matters. The Firearms Bill can be added to those Bills because of its significance and the depth of comment expressed by members.

I intend not to cover the comments made during this debate item by item at this stage as most matters will be addressed in detail during Committee. To sum up contributions, the general thrust of the comments made by speakers was that they all supported the legislation, with perhaps one exception, although many members had reservations.

Mr McGinty: A few of your National Party colleagues were less than forthright in their support after midnight last night!

Mr WIESE: Many comments were made by members from both sides of the House in relation to the legislation. Virtually all speakers commented that the Western Australian legislation has been the best in Australia, and those comments were justified. Once this legislation passes through the Parliament, we will continue to be have the best firearms legislation in Australia. The standard of legislation will even out across Australia, but Western Australia will be miles in front of every other State when it comes to implementing it.

Some speakers expressed support, some guarded, for the situation in which existing firearm owners find themselves. I do not want to dwell on that subject, except to say that I have a great deal of sympathy for the views that were expressed by many of those speakers. A great number of speakers expressed the need for balance when we are legislating for the possession of firearms. I agree that is paramount when we are talking about this legislation to regulate and control firearms, be it in Western Australia or Australia wide. Many expressed the view that what is before the Parliament now achieves the degree of balance that is needed. I guess members will not be surprised when I say I believe we have reached a balance. At all times when dealing with this legislation I have tried to achieve a balance between what at times are two extremely widely diverse groups of opinion. At one end of the spectrum some people in the community believe no firearms should be available; at the other end people believe firearms should be widely and freely available, virtually without any control, to people who wish to have that access. As I have said, what we have here meets a balance. It is good legislation.

Many speakers commented about the link between suicide and firearm deaths and firearm ownership. I do not think we can walk away from the facts and figures in that area. Some members said that 85 per cent of suicides are related to firearms. I do not believe that figure is anywhere near correct. I will make two points about this issue: First, Western Australia wide four major instruments are used in suicide. Suicides are committed by the use of gas, with the majority of those being people who asphyxiate themselves in motor cars; by hanging; by poisoning, the majority of those being drug induced; and by firearms. In the country the use of firearms ranks third among those groups. In the metropolitan area suicides by firearms rank fourth. Firearms are not the predominant instrument of suicide either in Western Australia or Australia wide.

Second, as the member for Roe pointed out, the majority of suicides involving the use of firearms do not require a semiautomatic weapon. This legislation deals with semiautomatic firearms. Almost every speaker seemed unable to distinguish that, although this legislation addresses a wide range of firearms matters, when we are talking about the adoption of the Australasian Police Ministers' Council resolutions in this legislation and the accompanying

regulations, this legislation deals with semiautomatic firearms only. All firearm owners who currently have category A or category B firearms, or who in the future may wish to purchase category A or, to a lesser extent, category B firearms, will be unaffected by the legislation.

Some speakers expressed the opinion that there had been a lack of consultation. I find that comment extraordinary, and I reject it outright. This whole question of the need to amend the Western Australian firearms legislation dates back at least to the early 1980s and a report brought down by ex-assistant Commissioner Owen Dixon. There were several further examinations of that report in the subsequent 10 or 12 years of the previous Government. In about 1990 the then Minister for Police, Hon Graham Edwards, set up a committee attached to his office headed by Bill Van Der Linden. That firearms committee comprised representatives from every avenue of the sporting shooting interests in Western Australia. It met for two years. It was in place when I took responsibility for this portfolio. I kept it in place for a further six months, trying to get some finality in its recommendations. I was unable to get agreement or finality in those recommendations, so I wound up the committee. I proceeded with the preparation of legislation to address many matters raised in the Dixon report and many of the matters that had arisen following on from that report.

To a large degree the legislation before the Parliament represents the efforts that occurred following my winding up of the Van Der Linden committee and the work done in my ministerial office, working very closely with the Police Service and in consultation with sporting shooters, both in groups and in clubs, to get to the stage where I had a Green Bill ready to bring to Parliament before the dreadful Port Arthur massacre.

The whole firearms legislation scene, not just in Western Australia but Australia wide, changed following the Port Arthur massacre. Very soon after that tragedy, the Prime Minister, Mr Howard, reacted to introduce measures to ban all semiautomatic firearms in Australia. A series of Police Ministers' council meetings endeavoured to get some commonsense approach to the announcements made by Mr Howard. We ended up with the situation that has been agreed to and implemented in this legislation.

Our legislation was ready to come into the Parliament before the Police Ministers' council meeting had been called. Immediately it was called, I delayed the parliamentary process of the legislation for two weeks. We got the resolutions from the 10 May council meeting. Between the night of 10 May - it was a Friday - and the following Wednesday when I introduced the Green Bill into this Parliament, we incorporated into the legislation, which was ready to bring into the Parliament, three of the decisions that could be put in the Bill easily, and that were not already covered by the Western Australian legislation. A great deal of what was already in our legislation addressed many matters that were the subject of agreement at the 10 May council meeting. We brought forward measures that dealt with the rise in the age limit from 16 years to 18 years, with training, and with the broader question of genuine reason. We incorporated those matters into the Green Bill in the four or five days following the meeting and before I introduced it into the Parliament.

The Green Bill went out to the community for public consultation and was available for two or two-and-a-half months. During that time - this is a guess - probably 2 000 copies of that Green Bill went out of my office to interest groups that wanted to make a comment. Literally thousands of submissions were made in relation to the Green Bill. Following the close of submissions on 1 August, my office, in conjunction with the legal services department within the Police Service, incorporated many of the recommendations that we received into the legislation that is now before the Parliament. I doubt whether there has ever been a more extensive consultation process, stretching back over 15 or 16 years, leading up to the introduction of this Bill into the Parliament.

Mr Riebeling: Did you not indicate the other night that the Green Bill had nothing to do with the uniform gun laws?

Mr WIESE: I have just indicated again that the Green Bill was ready to come into this Parliament pre-Port Arthur.

Mr Riebeling: Were those submissions in response to the national push or the Green Paper?

Mr WIESE: Many of those were in response to the national push. I would be guessing, but it would have been 50:50; there were many submissions about the Green Bill matters, but there were as many submissions about the Australasian Police Ministers' Council matters. Many of the APMC matters were already in our legislation and our regulations.

Several members referred to the New South Wales legislation. That legislation was passed before the 17 July APMC meeting. Several of the areas that were dealt with and accepted at that meeting, and which became part of the uniform firearms legislation proposals following that meeting, were not finalised before the New South Wales Government passed its legislation. Therefore, the New South Wales legislation does not represent the final situation which was arrived at and agreed to by Police Ministers Australia-wide. That is the reason there are differences between the New South Wales legislation and the Western Australian legislation. If members want to make comparisons, from the discussions that have taken place at officer level between Western Australia and New South Wales, New South Wales

is now paying the price for rushing its legislation through the Parliament and for just adopting without reservation the resolutions of the 10 May APMC meeting. It is now having substantial problems in trying to get its legislative framework together because the legislation that it passed does not give it the power to put in place the regulations which are essential to make the legislation work. The Western Australian legislation is superior to the New South Wales legislation and incorporates the final position arrived at by Police Ministers at the 17 July meeting.

Several members commented on the role of firearms in domestic violence cases. I accept that there are problems in that area. In 1994 I introduced and had passed through this Parliament legislation which allowed police to remove firearms in situations where they believed there was a threat of harm to people. However, it subsequently became clear that while we had given the police the power to remove firearms in those domestic violence situations, we had not given them the power which they required to enter the premises to actually effect that removal. This legislation will give police officers the power to enter a home without a warrant where there is an immediate threat of harm to a person. That is the only circumstance in which police officers can enter a home without a warrant. There are very strict safeguards and controls to ensure that power is not abused. Police officers who do exercise that power are required to submit a written report to the Commissioner of Police detailing the reasons on which they based their decision to enter. I admit that it is a very strong power. It was intended to deal with the problem under the existing legislation that if there were an immediate threat of harm, a police officer was not able to enter the home without a warrant.

With regard to the question of domestic violence, legislation dealing with firearms and restraining orders has now been approved for printing and is ready to be introduced into the Parliament. The powers that will be given under that new Bill will meet and, I believe, surpass any of the expectations that have been voiced by members of this Parliament. Another piece of legislation, the Sentencing Act, which has gone through both Houses of Parliament and is awaiting proclamation, also addresses this question, to some degree, by allowing a court to order the removal of firearms and licences in cases where a person has been convicted of an offence, be that an offence of violence or an offence against the Firearms Act, or the use of a firearm during the commission of any other offence. My strong belief is that if we really want to address the issue of domestic violence, we need to focus on the question of alcohol and alcohol abuse, because, in the vast majority of domestic violence incidents, we will find a problem with alcohol use and abuse.

Dr Watson: Some blokes do it stone cold sober.

Mr WIESE: Certainly. I did say "in the vast majority of cases". It is not a simple question to deal with, but nobody seems to have touched upon the role that the use and abuse of alcohol plays in a great number of domestic violence situations.

Mr Riebeling: You are forgetting about the role that job insecurity is playing.

Mr WIESE: In many cases, that flows through to alcohol use or abuse.

Some members commented on a number of issues that have not been finalised within this legislation. I made it very clear during the second reading stage and in the comments that I have made about this legislation that, as yet, we do not know what the agreed training regime will be. The same situation applies to mental health. We do not know what will be agreed with regard to getting a uniform Australian approach to both training and mental health. The senior officers group from the Police Ministers' council is addressing that question, and will be reporting to the Police Ministers' council meeting in November. I believe we will then be in a position to adopt that approach. I do not intend to address that question until we see what recommendations come forward. I give an absolute commitment that if those recommendations meet the Western Australian requirements, they will be incorporated into the regime of controls in this State.

Other speakers said that some of these matters are dealt with in regulations. We will touch upon that in Committee, because there are amendments to deal with some of the matters that are currently in regulations. Half of the people with whom I have had discussions and who have made submissions to me about the regulations are opposed to having matters dealt with in regulations because they think that some future Police Minister will make it easier for people to own firearms by amending the regulations; the other half are opposed because they think that some future Police Minister will make it more difficult to own firearms or will even ban them altogether. It is a no-win situation for any Minister. I am putting these matters into the regulations to ensure that a future Minister has the flexibility to make changes if we find they need to be made. That is, if the training regime turns out to be wrong, it will be in the regulations and we will be able to change it. If the categories are wrong, they will be in the regulations and a future Minister will be able to change them. As an example, the Australasian Police Ministers' conference resolution requires that muzzle loading firearms be placed in category B. That is nonsense. I will move to ensure that muzzle loading firearms fall within category A, which is where they rightfully belong. It is nonsense to require all muzzle

loading firearms to be placed in category B. The flexibility of having these matters in the regulations will allow a future Minister to deal with them.

Some members referred to the role of the Federal Government in firearms regulations and controls, especially in the past. I totally agree with those comments. The Federal Government has sat on its hands for the past 15 or 20 years. Western Australia banned the use and ownership of high powered semiautomatic firearms in 1968 or 1969. I see no reason that the Federal Government of the time could not or should not have done the same. If it had, the proliferation of high powered semiautomatic firearms throughout the Eastern States - no doubt some of them found their way into Western Australia - may not have occurred. One could go so far as to say that the massacre at Port Arthur might not have happened. I find it very distressing that previous Federal Governments of different political persuasions failed to address that critical question, when they had it in their power to do so. It makes the stance of the current Federal Government even harder to digest.

Members also referred to the portrayal of violence and pornography, especially paedophilia, in videos and other material - an issue which, to the best of my knowledge, still has not been addressed by the Federal Government. No-one can deny that such material plays a role in some of the violence and deviant behaviour we see across Australia, which apparently is increasing. An urgent need exists for the Federal Government to address that question. I hope the Federal Government does not dilly-dally around for another 20 years before taking action to counter this behaviour, in the same way that previous Federal Governments did not ban high powered semiautomatic firearms.

I thank my parliamentary colleagues on both sides of both Houses who made a contribution and helped by offering workable solutions to the very difficult issues raised. I thank the wide range of firearms owners, members of shooting clubs and organisations, and firearms dealers and individuals who have also made substantial contributions to the formation of this legislation. I especially thank all those who made contributions to the Green Bill, which was circulated six to eight months ago seeking input from the general public. I thank the Police Service, the members of the legal service branch, and especially Graham Harnwell for his great contribution to the final legislation. I also express my appreciation for the help of the parliamentary draftsman, Walter Munyard, who has worked very hard, sometimes in very trying conditions and circumstances, to shape this legislation. He is still working on some necessary changes to the regulations.

I thank also my ministerial office staff. They have done an incredible job, working long hours and putting in a great effort. I offer special thanks to Richard Rejak, who has had carriage of this matter in my ministerial office. He has done a fantastic job. I thank Robert and the girls who had the task of responding to something like 3 000 letters sent to my office over the past five months, and thousands of telephone calls relating to this legislation. They have done a terrific job, and I thank them very much.

Specific matters and amendments will be dealt with in Committee. Members will have the opportunity to raise specific issues during that debate.

Question put and passed.

Bill read a second time.

Committee

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

Clauses 1 and 2 put and passed.

Clause 3: Commencement -

Dr WATSON: The clause states that this Act will come into operation on a date to be fixed by proclamation. We will be working between the document printed in blue and the White Bill. When will the legislation be proclaimed? I would also like to know whether other States have already proclaimed their legislation. When can we expect to have a national statutory procedure in place?

Mr WIESE: I cannot specify the date on which the Western Australian legislation will be proclaimed, but it will be as soon as possible following its passage through the other place and its assent. We do not envisage the usual problem of having to draft regulations, because most of the regulations have been finalised. Some work is still going on in two or three areas, but the regulations will be ready when the legislation passes through the other place. I am not sure whether the legislation in other States has been proclaimed. However, as far as I know, virtually all States do not yet have the regulations finalised. Many States appear to be having substantial problems trying to put the regulations together because in some cases, especially in New South Wales, the legislation has been passed without providing the framework on which to hang the regulations. They are still working their way through the process.

Dr WATSON: Has a date been agreed by which there will be national uniform legislation?

Mr WIESE: No.

Clause put and passed.

Clauses 4 and 5 put and passed.

Clause 6: Section 5B inserted -

Mr W. SMITH: I draw the Minister's attention to proposed subsection (3)(f). Will the Minister clarify the need for the requirement to have someone from the health profession on this advisory committee?

Mr WIESE: That clause has been included to ensure that the committee includes a member from the health profession. I have not been specific. I have not detailed that the member should come from the Health Department; however, the health profession has shown strong interest in and made input into the question of firearms control and regulation. Many of the comments by speakers during the debate arose from a study that was commissioned by either the Health Department or the health industry. That is an indication of the strong interest they have in the issue. It is appropriate that a person from the health profession should be on the committee. When that committee is set up I will call for expressions of interest to pick the best person to go onto the committee.

Dr WATSON: Yesterday I asked a series of questions that I ask annually about the numbers of women on government boards and committees. I ask the Minister to give serious consideration to ensuring that half of this committee comprises women. It is important in terms of the vulnerability of women as victims of firearms violence where there has been a history of domestic violence and also of the tremendous concern for members of families in which young people kill themselves. I do not want to hear stories about merit. There are women in all these categories who can reach any criteria of merit the Minister might think of.

Mr WIESE: That will be given consideration. The Premier looks strongly at the question of female representation on committees in government.

Mr McGINTY: I move -

Page 6, after line 9 - To insert the following -

Minister to report on implementation of APMC Resolutions

5C. (1) A reference to a "Resolution" in this section is a reference to a Resolution of the Australasian Police Ministers' Council meetings on 10 May 1996 and 17 July 1996.

(2) The Minister shall prepare a report on any Resolution that requires for its implementation -

(a) any Ministerial direction;

(b) any other executive action;

(c) principal legislation; or

(d) delegated legislation.

(3) The Minister shall cause copies of the report required under this section to be laid before each House of Parliament within 12 months after the commencement of this Act.

(4) Without limiting the matters the subject of the report required by this section, the report must contain advice on the following matters -

The participation by this State in -

(a) an effective nationwide firearms registration system in compliance with Resolution 2;

(b) the development of uniform guidelines by licensing authorities in compliance with Resolution 3;

(c) the development of an accredited course for firearms safety training in compliance with Resolution 5;

(d) the implementation of national uniform minimum standards of circumstances in which any firearm licence is to be refused or cancelled in compliance with

Resolution 6 including the development of criteria and systems for determining mental and physical fitness to own, possess or use a firearm;

(e) the development of a national standard approach to the storage of firearms and ammunition in compliance with Resolution 8;

(f) the provision of records to the National Register of Firearms in compliance with Resolution 9; and

(g) the implementation of compensation and incentive issues and other action taken prior to and following the proposed 12 month national amnesty in compliance with Resolution 11.

The first concern this amendment seeks to address is that significant parts of the national agreement are being implemented by subordinated or delegated legislation. In other words, they are contained in the regulations rather than in the substantive legislation. In many respects the details of matters such as training courses, mental health standards, and perhaps even the criminal records of people to be taken into account, can be dealt with by regulation because they are the implementation of detailed matters where the broad principle is spelt out in the legislation. It concerns me, and also the antigun lobby and gun owners, that too many of the substantive principles that underpin the national agreement are not dealt with in the legislation itself. In particular, the categorisation of firearms that are to be proscribed is not dealt with in the legislation, but is left to the regulations.

The Opposition is concerned about that. It does not think it is the correct way to go. I note, for instance, that the New South Wales legislation contains the categories of weapons to be banned and many of the details the Minister proposes to be dealt with in this State by regulation. The Opposition favours the New South Wales approach. It is disappointed that the Government has chosen to go down the path of placing in regulations those substantive matters of principle that in theory should be contained in the legislation.

The whole purpose of enabling certain provisions to be dealt with by regulation is that they are questions of detail and of the implementation of the provisions that are spelt out in the substantive legislation.

Progress

Progress reported.

[Continued on page 6796.]

STATEMENT - MEMBER FOR GERALDTON

Properties Affected by Regional Plans, Road Plans

MR BLOFFWITCH (Geraldton) [12.50 pm]: I refer to the predicament facing people when their properties are included in a regional plan, road plan or some other such plan. The local authority puts a reserve in the town planning scheme and people who have property within that reserve find it is absolutely impossible for them to do anything with their property. One person in that situation approached me as his local member of Parliament and asked me to request Main Roads to purchase the land. When I contacted Main Roads I was advised that it could not buy the property because it is part of a projected plan and the situation may change within the next five years. I am told it is a 10 year plan and that all such plans are prepared that far in advance. When I asked Main Roads what this person could do with his property, as he has been transferred and must move from Geraldton to Bunbury, I was told it is tough luck. That is not good enough. More heed should be paid to this problem. There is a lot of anxiety in the community as a result of decisions such as this, and there are never enough funds to cater for the problem.

STATEMENT - MEMBER FOR BALCATTA

Commercial Tribunal; Commercial Tenancies Legislation

MR CATANIA (Balcatta) [12.51 pm]: Yesterday the Chairman of the Commercial Tribunal reported to the Attorney General his dismay at the massive and costly pettifogging and obstructive behaviour of solicitors acting for their clients on matters relating to the commercial tenancies legislation which were brought before the tribunal for a decision. The tribunal was set up to allow speedy resolution of complaints, and to receive ideas about the commercial tenancies legislation. The tribunal has a government review committee, which has been in operation for more than two years; it has yet to report on how the tribunal could be more effective and eliminate this obvious ploy by solicitors to delay hearings at the Commercial Tribunal. They do so in the hope that the tenants who raise these matters and bring their complaints to the tribunal will fall off the perch because they cannot afford the delay of one year before their cases are heard. The Minister for Fair Trading has promised that the commercial tenancies Act will

be revised, but I understand that will not materialise before the next election. In the meantime small business tenants are being ripped off by proprietors.

STATEMENT - MEMBER FOR JANDAKOT

Ground Water Protection Zone, Public Meeting

MR BOARD (Jandakot) [12.53 pm]: Last week I attended a public meeting in Banjup, initiated by councillors from the City of Cockburn, to deal with information on the proposed amendment to the metropolitan region scheme, which will create a new zone in the scheme for ground water protection. That amendment and initiative by the Government is a direct result of the recommendations of the metropolitan development and ground water committee. The meeting was attended by a large number of landowners in the Jandakot mound area, and also by people from the Water and Rivers Commission, the State Planning Commission, and other interested parties, including other members of Parliament. The meeting dealt with issues relating to the new zone and the issue of land management was raised. Unfortunately, when the meeting broke up, some individuals were confused about land use and land management, and the difference between that and the new ground water protection zone. I assured the meeting I would approach the Minister for Planning with a view to clarifying those issues, and also to ensure that the period during which submissions could be made would be extended. I advise the House that I have done that.

STATEMENT - MEMBER FOR NORTHERN RIVERS

Bingo and Lottery Permits for Pensioner Groups Refused

MR LEAHY (Northern Rivers) [12.55 pm]: Last week, as shadow spokesman for Racing and Gaming, I was made aware that applications submitted to the Office of Racing and Gaming for bingo and lottery permits to be issued to pensioner groups to raise funds so that they could provide subsidised meals were refused, despite that provision having been available for a number of years. The application was refused because the pensioners would be making personal gain by way of subsidised meals. It is a ludicrous situation for pensioners and the like to be refused those permits when this Government has introduced video gaming machines into hotels and clubs at a cost of $7 000 each. Hotels and clubs will benefit from the introduction of those machines and their use will have a big impact on gaming in this State.

Mr Bloffwitch: It has not happened yet.

Mr LEAHY: It has happened. Those gaming machines have been in clubs for the past three months despite there being no public debate. Even the member for Geraldton does not know about it. Those machines have been introduced. They have been called an alternative to break-open tickets, but they are not. They are similar to poker machines. The Premier said that he would not allow poker machines in this State; yet he has allowed these machines into hotels. It is wrong.

STATEMENT - MEMBER FOR BUNBURY

"Clean-up the Cut" Function

MR OSBORNE (Bunbury) [12.56 pm]: Last Wednesday I attended a function organised by Miss Rowena Smith of Bunbury called "Clean-up the Cut". The object was to have 20 or 30 school children give up a day of their holidays to visit the Cut, which is at the opening of the Leschenault Inlet to the Indian ocean, and clean up the accumulated rubbish and pollution after the winter storms. It was a great success because a great mass of material had to be cleaned up, including a huge amount of nylon rope, cans, plastic bottles and a great many bags and other plastic items which were strewn everywhere. It proves the case that plastic does not degrade. We also found lying on the beach a five to six foot gas bottle which must have fallen from a passing ship. The rubbish was put into a pile and collected by the Department of Conservation and Land Management later in the day.

Many people were involved, including Mike O'Brien of Love's Bus Service, who drove the children to the area from the Tourist Bureau; John Carey from Hot and Tasty Bread Shop, which donated bread; Leonie's Catering, which donated sandwiches and rolls; and Brendon Kelly from the Water and Rivers Commission and officers from the St John Ambulance who spoke to the students. They rounded out a very successful day by turning a day of conservation activism into a day of information and education for the participants.

STATEMENT - MEMBER FOR KALGOORLIE

Medicare Health Provider Numbers Restriction

MS ANWYL (Kalgoorlie) [12.57 pm]: I raise the concern created by the Federal Government's proposed move to restrict the allocation of Medicare health provider numbers. Although up to 500 students may be affected, some relaxation has been indicated with the announcement that some temporary provider numbers will be allocated to those

wishing to practise in the country. Consideration should be given to making those temporary allocations into permanent provider numbers for those prepared to work in rural areas. A number of pressure groups are raising these issues. The number of doctors in remote areas is inadequate and many remote communities are deprived of the services of a full-time doctor.

The other issue concerns further restriction on the entry of foreign doctors. People working in country areas know that we rely on locum doctors. Most of those tend to be foreign doctors. A further effect of that decision will be to disadvantage mainly women who choose to do part-time work largely for reasons of motherhood.

The real issue is that Medicare must be redressed, given that its budget has increased 265 per cent since 1983. I understand that the allocation to the Medicare budget is larger than the Western Australian State Budget.

Sitting suspended from 12.59 to 2.00 pm

VISITORS AND GUESTS

Ethics and Parliamentary Privileges Committee Members, Legislative Assembly, Queensland

THE SPEAKER (Mr Clarko): I advise members that in the Speaker's Gallery this afternoon are members of the Members' Ethics and Parliamentary Privileges Committee from the Legislative Assembly of Queensland. The delegation is led by Ms Lyn Warwick and includes two members of staff. We warmly welcome them to Western Australia and to our Parliament.

[Applause.]

[Questions without notice taken.]

DEPUTY CHAIRMAN OF COMMITTEES

Appointment

THE SPEAKER (Mr Clarko): I advise the House that I have nominated the member for Bunbury as a Deputy Chairman of Committees for the present session of Parliament.

BILLS (3) - ASSENT

Message from the Governor received and read notifying assent to the following Bills -

1. Vocational Education and Training Bill.

2. Electoral Legislation Amendment Bill.

3. Telecommunications (Interception) Western Australia Bill.

HAIRDRESSERS REGISTRATION REPEAL BILL

Second Reading

MR TUBBY (Roleystone - Parliamentary Secretary) [2.37 pm]: I move -

That the Bill be now read a second time.

In September 1994 the Legislative Council referred a Green Bill for the repeal of the Hairdressers Registration Act 1946 to the Standing Committee on Government Agencies. The standing committee consulted widely about the role and effectiveness of the Hairdressers Registration Board and tabled its report on the Hairdressers Registration Repeal Bill 1994 on Tuesday, 28 November 1995. The report indicated that the standing committee saw no need for the continued existence of the legislation. The findings of the committee are consistent with reviews carried out under the previous Labor Government and the recently released report of the commonwealth-state committee on regulatory reform titled "A Review of Partially Registered Occupations." This report to heads of Government recommends the dismantling of registration requirements for occupations which are registered under legislation in some States and Territories, but not in others. In today's more complex business environment the legislation is creating inequities.

The Act sets up needless regulatory barriers for hairdressers, not only between Western Australia and other States and Territories, but also within the State. Legislation for the registration of hairdressers is not in place in the majority of other States and Territories and the current Western Australian legislation does not apply to areas above the twenty-sixth parallel or outside an eight kilometre radius of the GPO in Kalgoorlie. The purpose for which the Hairdressers Registration Act was put in place no longer exists. A number of broader and more appropriate

legislative instruments are applicable to the operations of hairdressing salons. These include legislation relating to occupational health and safety, public health, fair trading and local government by-laws. Complementary to this legislative control is the state training system, which supports the training and vocational qualification of hairdressers.

In its report, the Standing Committee on Government Agencies recommended that the Minister establish a body to advise on matters affecting hairdressing, including training, accreditation, health and safety. In relation to training and accreditation of training programs, the industry has a voice through its representatives on the Retail, Automotive and Associated Services Industry Training Council. Furthermore, the industry has associations that are well placed to make representations to other Ministers on issues such as occupational health and safety and fair trading. Thus, there are adequate avenues for industry to communicate with government. It is open to the industry to establish a professional body to coordinate activities and institute a code of ethics, conduct and best practice.

In repealing the Hairdressers Registration Act, this Bill also provides for the abolition of the Hairdressers Registration Board. Clause 6 of this Bill will facilitate the winding up of the board and the establishment of a hairdressing industry account at Treasury. Residual funds, generated from past annual registration fees paid by hairdressers, will be placed in the account and returned to the industry through the provision of training and support for the industry.

Prior to proclamation the Minister will establish a steering committee to monitor the transitional arrangements; that is, to bring together industry groups to discuss the formation of a professional body and to examine any regulatory refinements under other legislation that may be needed to deal with health and safety issues. The steering committee will report to the Standing Committee on Government Agencies prior to proclamation.

In conclusion, the Government is committed to removing unnecessary regulation and financial burden on this sector of small business. The current legislation is inequitable, establishes arbitrary barriers within the industry and does not contribute to enhancing the delivery of hairdressing services. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

FIREARMS AMENDMENT BILL

Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (Mr Day) in the Chair; Mr Wiese (Minister for Police) in charge of the Bill.

Clause 6: Section 5B inserted -

Progress was reported on the clause after the following amendment had been moved -

Page 6, after line 9 - To insert the following -

Minister to report on implementation of APMC Resolutions

5C. (1) A reference to a "Resolution" in this section is a reference to a Resolution of the Australasian Police Ministers' Council meetings on 10 May 1996 and 17 July 1996.

(2) The Minister shall prepare a report on any Resolution that requires for its implementation -

(a) any Ministerial direction;

(b) any other executive action;

(c) principal legislation; or

(d) delegated legislation.

(3) The Minister shall cause copies of the report required under this section to be laid before each House of Parliament within 12 months after the commencement of this Act.

(4) Without limiting the matters the subject of the report required by this section, the report must contain advice on the following matters -

The participation by this State in -

(a) an effective nationwide firearms registration system in compliance with Resolution 2;

(b) the development of uniform guidelines by licensing authorities in compliance with Resolution 3;

(c) the development of an accredited course for firearms safety training in compliance with Resolution 5;

(d) the implementation of national uniform minimum standards of circumstances in which any firearm licence is to be refused or cancelled in compliance with Resolution 6 including the development of criteria and systems for determining mental and physical fitness to own, possess or use a firearm;

(e) the development of a national standard approach to the storage of firearms and ammunition in compliance with Resolution 8;

(f) the provision of records to the National Register of Firearms in compliance with Resolution 9; and

(g) the implementation of compensation and incentive issues and other action taken prior to and following the proposed 12 month national amnesty in compliance with Resolution 11.

Mr McGINTY: As an alternative to seeking to amend this legislation to include in it the fundamental provisions of the national agreement, including the categories of guns to be banned, the Opposition has sought to include an accountability provision in the legislation that will require the Minister to report to this place on the extent of his compliance with the national agreement. This is not a perfect solution. It leaves the longer term problem that the Minister alluded to; that is, his capacity or that of a future Minister to change through regulation the categories of guns to be banned, or to change other significant provisions by regulation. As the Minister said, half the people who spoke to him did not trust a future Minister not to water down the laws by changes to the regulations, and the other half did not trust the Minister not to strengthen the laws by changes to the regulations, all of which highlights the need for these provisions to appear in the legislation, not the regulations.

I appreciate that would involve a significant rewrite of the Bill and that the Opposition would be unsuccessful if it sought to insert these important provisions in the Bill itself, which in principle is the best position for them. Therefore, this amendment would require the Minister to report to Parliament within 12 months on the implementation of the resolutions of the Australasian Police Ministers' Council meetings on 10 May and 17 July. I hope this amendment will be agreed to.

Mr RIEBELING: I emphasise the importance of this amendment, especially proposed section 5C(2)(a) to (d) of the requirements that the Opposition hopes will be put in place. Proposed section 5C(4)(a) is vital for the State's citizens to have some confidence that the moves that are put in place are effective. I am sure the Minister has been made aware of concerns that, in the eyes of some people, the legislation may drive more weapons underground and about how the national scheme is working compared with the objectives it is supposed to achieve.

Proposed subsection (4)(c) requires the development of an accredited course for firearms safety training. I am convinced that the vast majority of gun owners will support this provision. The Minister received numerous letters from people on this issue. Those who think the legislation is too severe and those who think it is too soft believe these provisions should not be in the regulations. The Minister's explanation is that the Government wants to implement a system that incoming Ministers will find easy to change. However, the public wants those provisions in the legislation and not in regulations so that progressive Ministers cannot water them down or tighten them up without bringing the regulations back into this place.

The Minister says that the provisions are easier to change in regulations. For a Government that has control in both Chambers, as the current Government has, it would be just as easy to change the legislation. I cannot see why a reluctance exists to include these provisions in the legislation. The Government has the numbers to change the legislation just as easily, and more publicly, than the regulations.

I am sure that people involved with the gun lobby will think that proposed subsection (4)(d) should have a greater emphasis than the control of weapons. There is some argument that the fitness of people to own weapons should be far more strictly enforced than it is at present. Some gun lobby people say that the emphasis should be on the suitability of people and not on the control of weapons. I do not agree with that absolutely, but that argument contains a component of truth. Proposed subsection (4)(g) relates to the introduction of a 12 month amnesty for the handing in of weapons that are illegal. What sort of amnesty will that be?

Mr Wiese: The national amnesty runs until 30 September next year.

Mr RIEBELING: Will the amnesty continue after that time to encourage people to hand in their illegal weapons? The weakness of the legislation is that we may never know how many illegal weapons there are in society. I do not know what the answer is, apart from an amnesty to encourage people to get rid of those weapons. I have yet to come

across a magic formula to achieve that. Clearly, the Minister and the vast majority in the community want them out of the system. There is no need in the community for weapons of mass destruction. I hope the Minister will clearly indicate what incentives will be in place, and whether the amnesty will be extended, to encourage people to do the right thing and hand in their illegal firearms to the Police Force.

Mr WIESE: It is my intention to accept the thrust of the whole amendment. Members will now have copies of the minor amendments I propose to make to the Opposition's amendment. The reason many of these matters are dealt with by regulation rather than in the Act is that Western Australia has traditionally adopted that course. The ban on high powered, semiautomatic and several other types of firearms has been implemented in Western Australia by regulation. From time to time other firearms have been added to that list of banned weapons by regulation. That traditional way of handling the situation in Western Australia will continue. It has the flexibility about which I spoke previously, and that will be of benefit to whoever is Minister at the time. Having gone through the process of amending this Act, I think it will be a long time before any Minister further amends it. I certainly think it is easier to change the legislation by regulation than by amending the Act. The changes by either method have the same effect.

Mr Riebeling: It does not have the same scrutiny.

Mr WIESE: It does have the same scrutiny because all regulations must be tabled in each House of Parliament and a disallowance motion may be moved against them by any member of either House. After that move for disallowance of the regulations, the matter must be debated. Should it still be on the Notice Paper when Parliament is prorogued, the regulations would be automatically disallowed. The regulations are subject to as much scrutiny as legislation. All members are aware that the vast majority of legislation is not debated in detail in this Parliament. However, if a disallowance motion is moved, the regulations must be debated. The argument about lack of scrutiny does not stand up. I move -

> That the amendment be amended in subclause (3) of proposed new section 5C by adding after the word "Act" the words -
>
> or by 31 December 1997, whichever is the later

I am endeavouring to ensure that, after the amnesty expires on 30 September 1997, the Minister of the day will have sufficient time in which to assess the effects of the legislation and how it is working and to report to the Parliament. Should this legislation come into operation by 1 November 1996, the Minister would have only 30 days in which to assess its effects and report to the Parliament. That is not sufficient time. If, by some chance, this legislation were not proclaimed until March 1997, the report would be made 12 months from that date.

Mr McGINTY: I am pleased the Minister has indicated his acceptance of the Opposition's amendment. The Opposition obviously supports the Government's amendment to the amendment because it makes a lot of sense.

Amendment on the amendment put and passed.

Mr WIESE: I move -

> That the amendment be amended in subclause (4), paragraph (b) by deleting all words after "compliance" and substituting "with the Australasian Police Ministers' Council Resolutions".

The third resolution of the APMC meeting of 10 May does not cover the situation with which we are trying to deal. Some of the matters covered by this are also part of resolutions of the later meeting of the Police Ministers' council on 17 July. Some of the matters that are covered by this were not all covered in that 10 May resolution 3. I am endeavouring to make sure that the uniform guidelines developed by the licensing authorities comply with all the APMC resolutions, not just resolution 3.

Amendment on the amendment put and passed.

Mr McGINTY: Will the Minister indicate the extent to which the Western Australian firearms registration system has been incorporated into the new national system? I draw attention particularly to recommendation 2 of the Police Ministers' council meeting on 10 May, which resolved that these databases be linked through the national exchange of police information to ensure effective nationwide registration of all firearms. Given that was the decision made in May, will the Minister report on the extent to which that has been implemented? To what extent has the content of training courses been developed by the joint commonwealth-state working party? What will we foresee in the new clause? What are the criteria and systems for determining a person's mental and physical fitness to own, possess or use a firearm?

Mr WIESE: I am not in a position to give the member an answer to any of those matters. None of the Western Australian register that is on our own database has been incorporated into the NEPI database. I understand that the

NEPI database is not in a situation where it can be put in. The member may have seen yesterday the announcement by the Prime Minister about funding of the administration. Concerns are being expressed that the NEPI databases are not adequate at the moment to handle the input of all the data from all the States. They need substantial upgrading. My understanding is that the database in which we are to place our information is not yet ready for that information. The information that is to go into that database is being put into the appropriate form. This State must do everything in the same format as the other States.

The working groups established by the APMC on the training and the medical aspects have not yet finalised their work. I am not in a position to give an indication of what route they are going at this stage. I have left that to the people working on that. There is a representative from Western Australia on the training working group; I am not sure about the medical group. We will get the report of that working group at the APMC meeting in November. We will then see how it fits into the systems.

Mr McGinty: I gather you expect it to be finalised by November?

Mr WIESE: The intention is that the training will be finalised by November. The other group will be reporting by November. I understand that the working group is finding it difficult to deal with the medical issues. It will not be easy to get the medical authority - the Australian Medical Association - to agree to waive the professional privilege that will be necessary if this is to work in an ideal situation. If a doctor came across a person who had a condition, that doctor would be required to provide that information. The member will be aware that doctors dealing with AIDS have always refused to provide information.

I understand we face a similar situation here. I have made allowances for that. I have said that if they provide that information, they will be protected by the legislation that I have before the Parliament now. However, it will be interesting to see whether the working group can come up with a solution that is acceptable to medical authorities Australia-wide. I hope it can because every Police Minister believes it is essential. We all believe that information should be made available to the licensing authorities so that people who are not suitable, for mental or physical reasons, will not be able to access firearms or we will be able to remove firearms from them. That is not the situation at the moment. I hope we get something positive out of those groups.

Dr WATSON: In relation to the NEPI database, part of the resolution addresses the need for resources for recurrent funding, which I assume also includes staff resources. How will Western Australia meet those additional resources? The council noted there was an urgent need for those funds. I am not aware that this was addressed in the Budget that was passed earlier this year.

Mr WIESE: In relation to the ongoing running of the database and the ongoing input - when changes are made to firearm ownership - the States will meet once the thing is up and running and will meet the cost of any application for information out of that database. The ongoing costs will be met from the ongoing running costs. In relation to the inputting of information Western Australia estimated that its share of meeting the costs of this agreement will be $1.5m. That included inputting information from the Western Australian database to the national exchange of police information database. The final resolution was that WA would receive two-thirds of that $1.5m to meet that cost. The Prime Minister has announced that the Federal Government will meet the whole of that cost, providing the total cost of administration plus buyback does not go over $500m.

Dr WATSON: The Government knew by May it would need that level of recurrent funding to upgrade the NEPI database. I was interested in Western Australia's preparedness to meet that cost in relation to other States.

I have approached the Minister about another issue concerning the database. That relates to domestic violence and restraining orders. There should be some ability to cross-reference both databases. Restraining orders are not the only instance. A number of cross-references could be made from that data. Has any thought been given to or any preparation done for that?

Mr WIESE: The NEPI database contains the criminal records of all persons. I think there are also records on persons of interest - they would be people with outstanding warrants. I will check on whether restraining orders are held on that database. I think there are records of vehicles of interest; that is, stolen vehicles. However, I would not like to be held to that. At this stage, those matters are not on the database. The Police Service in Western Australia would like to see many other matters on the NEPI database. However, some other jurisdictions have been reluctant to provide that information to the database. One can understand why, when one considers the situation in the New South Wales Police Force. Some States are reluctant to put information, particularly on persons of interest in drug investigations, on the NEPI system with the potential for access by bent police officers from, say, New South Wales. Western Australia supports the NEPI database. At the end of the day, as we work our way into this situation, there will be a greater degree of trust and cooperation between the various state agencies. However, I suspect it will be a slow process.

The Prime Minister said originally that the States would receive very generous assistance to put the administration and systems in place. Like many other "very generous" commonwealth offers, that was not quite as generous as was originally stated. Eventually they agreed to pay two-thirds of the cost. Western Australia had budgeted for that, and we are in a position to cover that $0.5m. We are still arguing that we should be fully reimbursed. The Prime Minister has said we will receive the full cost. However, he has placed the condition that, if more than $500m is spent, it will be reduced to two-thirds. It is a non-offer. We may get the full reimbursement; at worst we will receive two-thirds. That will be discussed at the November Australasian Police Ministers' Council meeting.

Dr WATSON: Have we complied with that part of the resolution to immediately place the names of licence holders on the NEPI reference system?

Mr Wiese: No, we have not. The centralised NEPI database is not yet ready to accept that information. However, when it is ready, we will comply.

Mr RIEBELING: I would have thought that the existing computer database would be able to cross-reference convictions with the firearms details of owners. I hope the Minister does not have the same concerns about the honesty and integrity of the Police Service in this State as he has with New South Wales or Victoria. I understand the information on the NEPI system is basically information that is available to the public through the court system. I did not think that information on drug investigations and suspicions that the police may have about individuals would appear on NEPI. Will the Minister confirm my assumption that only conviction details and restraining orders - some restraining orders in the Family Court may be confidential - issued in the courts, which would not be of such a highly confidential nature, will be available? Is it envisaged that only information which is in the public domain will be accessible and all that will be required is to link the NEPI database with the firearm licensing details? Other than information about mental problems, which should remain confidential, States should not be reluctant to give information to another State's enforcement officers. Even in that instance, I cannot see any huge benefit financially of information on someone's mental health in relation to a gun licence. Is it intended that other information will be accessible on NEPI?

Mr WIESE: In Western Australia a person's police record can be accessed on the internal police system by any police officer. Obtaining information on convictions in the Eastern States is a manual process for each of those States. That became a problem, for instance, when the taxi situation came to light two or three months ago. We were able to check quickly whether any taxi drivers had Western Australian police records; but it was far more difficult to check whether they had records in other States. It will be an enormous advantage once that information goes on an Australia-wide system.

Mr Riebeling: Will only convictions be available?

Mr WIESE: A police officer can check whether a restraining order has been issued against a person in Western Australia because those records are on the internal police database. I also understand that as a normal part of the firearm application a check is carried out to ascertain whether a restraining order is out on the applicant. All the States are working towards having all that information in a central database in Canberra. If a conviction is recorded against somebody in Queensland, it will be recorded on that database. If the Western Australian police are carrying out a search on that person, they can access the central database and will immediately be aware that the person has a criminal record. It is the ideal situation towards which all the States are working. I suspect we are some way off reaching that stage.

The records of people owning firearms as well as information on the actual firearms, will go into the central database. Each State will have access to that database and will be able to detect from where the firearms came.

Mr Riebeling: You expressed some concern about giving information to New South Wales.

Mr WIESE: I was talking about information which is already on the database. One of the categories of information is "persons of interest". It could include missing persons or people who are wanted for committing particular offences. I understand that the names of those people are in that database. My concern is that, if the police were looking for a particular person with a drug record, they might find that some of the States have been reluctant to put the information into the database because of possible consequences. For example, I refer to a bent cop who might have access to the information that a certain person is wanted in one of the States. It is a hurdle which we must overcome.

Mr Riebeling: If a person is chased across Australia surely you would be looking in New South Wales and Victoria. For example, if you wanted to track down Joe Bloggs and you thought he was in Victoria, you would access the database.

Mr WIESE: There is a reluctance by some of the jurisdictions to put the information into the database.

Mr Riebeling: Does that apply to this State?

Mr WIESE: I understand that Western Australia has been a very good contributor of information into the database.

Amendment, as amended, put and passed.

Clause, as amended, put and passed.

Clause 7: Section 6 amended -

Mr McGINTY: This clause relates to the primary provision in the Act which prohibits the possession, sale or use of a particular firearm. I was hoping the Minister would provide the Committee with information on the estimated number of firearms that will be affected by this legislation. I am particularly interested in the category C type firearms. I would like to know how many are licensed, how many he estimates will remain licensed as a result of the exemptions which will be granted and the how many he expects will be taken out of circulation.

Will the Minister also provide information on the number of category A and B-type firearms and how many he expects will come out of circulation as a result of the passage of this Bill? In light of what has been said in Britain in the last 24 hours about what is termed a hand gun - I presume it is a pistol - will the Minister advise what is the law in Western Australia for this type of weapon?

Mr RIEBELING: Does the Western Australia Police Service have any information on the number of people who are handing in weapons and either no longer have firearms in their possession or are exchanging them for new licences for existing legal weapons? In other words, are more weapons being taken out of the system or is the Minister failing to achieve his goal?

Mr WIESE: I would not expect any category A or B type firearms to be affected by this legislation.

Mr McGinty: What about the special need requirements?

Mr WIESE: These types of guns are already in the community. There will not be a re-assessment of people who, for instance, own category B firearms. For example, they could simply be a .22 Hornet or a .222 or a .243 which are very high-powered, bolt action, centre-fired.

Mr McGinty: Will tighter eligibility requirements lead people to hand them in?

Mr WIESE: I think that will happen in the future.

Mr McGinty: What about the short term? Will the change be significant?

Mr WIESE: Category B type firearms are not affected by this legislation. Therefore, the current situation will not change. However, in future if people seek firearms that fall into that category they will, I suspect, not have the access to those firearms which people have today. Under this legislation, a person will have to prove genuine need for a category B-type firearm. If that cannot be done, he will have great difficulty in obtaining the necessary licence.

Mr McGinty: Is that tighter than the current requirement?

Mr WIESE: Yes. Currently there is no requirement for that except in the case of the very high-powered, centre-fired firearms. For as long as I am aware, a person applying for a licence to use that type of firearm on his property would be required to have his property inspected to determine whether he had a vermin problem which required the use of that firearm. The application could not be dealt with at a local police station level and had to be referred to the superintendent of the firearms branch for approval. In other words, there was a substantial level of scrutiny. I understand many people were refused licences for these weapons in the past. Under this legislation all the category B-type centre-fired weapons will be included in that category. I suspect it will be more difficult to obtain a licence. I would expect the lower powered firearms not to receive the same degree of scrutiny as high-powered firearms. My understanding is that applications for licences for category B-type firearms will be required to go to the superintendent of the firearms branch or the regional officers.

There will certainly be a higher level of scrutiny. There is a little over 40 000 category C firearms, of which 25 000 are .22 semiautomatic firearms; I am not sure that I can lay my hands on the figures for semiautomatic shotguns and pump action shotguns, but they comprise the remainder of that figure. All those owners will have to seek an exemption and will be subject to scrutiny under that exemption.

Mr McGinty: What is your estimate?

Mr WIESE: There may be 15 000 to 20 000 semiautomatic .22s. That is purely a guesstimate. Those weapons will have to be handed in. My guesstimate is that there will be 50 per cent, or more, of both of the other categories.

In Western Australia there are around 300 category D firearms. They will all be required to be handed in. Category H weapons will not be affected by any of these changes. Australia-wide, there have always been very strong controls on access to handguns, pistols and revolvers. Basically, people have had to be members of pistol clubs and have the approval of the club before they can have access to that type of firearm. That situation will not change in Western Australia.

I am not totally au fait with the operations of pistol clubs, but they use .22s, both single shot and semiautomatic, and a lot of the disciplines in the pistol clubs are using semiautomatics. They will still have access to those weapons.

Mr McGinty: The British say they have the toughest gun laws in the world. What are they banning that will remain in Australia?

Mr WIESE: In Britain, all semiautomatics and pistols above .22 calibre will now be banned.

Mr McGinty: When Britain uses the term "handgun", does that refer to long arms and pistols?

Mr WIESE: It refers to pistols and revolvers and is the same as our definition, as I understand it. I understand that .22 pistols - I am not sure whether that is both single shot and semiautomatic; I am operating on media reports - will have to go into a central storage system at the club to which the member belongs.

Dr WATSON: With regard to prohibition, amnesty and hand-backs, why did the Minister early this year advise people not to rush to hand in their guns? Many of us were intrigued by that advice because we thought the principle of national uniformity and this legislation was to reduce the number of firearms in the community as soon as possible.

Mr WIESE: It was a simple logistical problem. If 40 000 firearms were handed in to our police stations next week, we would not be able to cope. The principle of the amnesty is that it will run for 12 months. We are doing what every other State is doing. We will include with the notice of renewal for a person who has a category C firearm a notice to the effect that that firearm is now banned and the person is required to either hand in that firearm or seek an exemption. We hope we will then get a steady flow of firearms coming through our police stations, and eventually all those firearms will finish up at the ballistics department, where they will be disassembled, all the woodwork will be removed, and they be will be put into the furnaces for melting down. I was there a week and a half ago, and it was a shambles, with huge baskets of firearms taking up all the space. That represented only about 2 500 firearms. If 20 000 or 30 000 firearms were there, the room would be full and people would not be able to move.

Clause put and passed.

Clause 8: Section 8 amended -

Mr GRAHAM: Section 8 provides for exemptions from licensing requirements. Subsection (1)(b) is not proposed to be amended by the Government, but while I have the Minister in front of me and an expert on the law, I would be neglectful if I did not ask why the Governor is given an exemption under subsection (1)(b). Is it because Government House is overrun by feral animals and he is hanging out of a helicopter shooting camels, or is there some other reason I do not know about?

Mr Wiese: I understand it is traditional.

Mr GRAHAM: Does it have to remain traditional or would the Minister be prepared to wipe it out? If I were to move that we delete paragraph (b) to remove the Governor from this exemption, would that cause any problems?

Mr Wiese: No; I would say no to the amendment.

The CHAIRMAN: The considered opinion at the Table is that that matter is not part of this Bill and that what you are seeking to do is amend the Act, and unfortunately I cannot accept such an amendment.

Mr GRAHAM: I have been told that some sporting associations have concerns about subclause (1)(b). The argument put to me is that under this provision a licence is not required by a member of the Police Service. Police officers will be exempt from the requirement to hold a licence, whether they are using a firearm issued by the Police Service or it is a personal firearm. If that is the intent of the legislation, I have some concerns about it as well.

Mr WIESE: The clause provides that a member of the Police Service or an employer of the Police Department can have access to a firearm of that nature in the performance of his duties. If a police officer wants to have a firearm, say, to do some shooting on my property, or for some other reason, he must have a licence, just as I or anyone else must have a licence.

Dr WATSON: I understand that the requirements are quite strict regarding the checking of firearms when the police come on or go off duty. That is not my major concern. Later this afternoon we will be debating a clause relating to fitness. How can we be assured that members of the Police Service, albeit on duty, can meet this criterion of fitness.

I understand that they must meet certain fitness criteria when they are recruited to the service, but it seems to me that this notion of fitness that members of the community must meet should also be scrupulously adhered to by members of the Police Service. Tragedies have occurred because people have been able to take their firearm away. If people are determined to do that, we may be able to apply some criteria that should address that situation.

The CHAIRMAN: Before the Minister responds, the Clerks have advised the member for Pilbara of a way in which he can move his proposed amendment which seeks to amend the original Act. Should he wish to take that advice, he can move that amendment.

Mr WIESE: Every six months police officers are tested as to whether they are capable of handling firearms. I am advised that that requirement has been in force for many years, and has recently been upgraded to require operational staff to undergo checks twice a year and non-operational staff once a year.

Mr Riebeling interjected.

Mr WIESE: I cannot speculate on that. They must qualify to use their firearms. It is an ongoing check; if a supervisor has concerns about an officer's ability to use a firearm, the supervisor would be required to draw that to the attention of an appropriate officer. I am aware of an instance where a police officer was ordered not to have access to firearms. That provision has been in place for some time.

Mr RIEBELING: Under the new system, if a police officer were subject to a restraining order, would that have the same impact on his ability to access a firearm as it has on the general public?

Mr WIESE: I cannot answer the question. I suspect that the requirement would apply to the police officer. I will check it out and endeavour to obtain an answer.

Dr WATSON: If the police officer who has a restraining order against him is not exempt from access to a firearm, will the Minister ensure that those procedures are amended so that the police officer is considered not fit to use or to have access to firearms? I make that point because, of the 170 women who took part in our phone-in, five were married to police officers and access to firearms was a serious concern for those women.

Mr WIESE: I am not in a position to answer. However, as I read it, such a police officer would be restricted by this legislation.

Mr GRAHAM: As a result of the advice I have received, I move -

Page 7, line 15 - To insert before "(c)" the passage "(b) and".

I am told that that effectively deals with the question I raised about the Governor not being required to hold a firearm licence. It will delete reference to the Governor in the Act.

Mr WIESE: I do not accept the amendment. It is not appropriate. As I understand it, the Governor is exempt not only from the requirement to hold a firearm licence but also in relation to vehicles.

Amendment put and negatived.

Mr GRAHAM: With reference to proposed subsection (1)(g), I have received correspondence from people indicating that the legislation is written in a way that requires common carriers to be licensed to carry ammunition. They argue that that will significantly increase their costs as sporting shooters. Is that correct?

Mr WIESE: The advice was not correct. The clause refers to an approved commercial carrier or approved warehouseman. They do not require a licence. A person must seek approval to carry firearms or ammunition. Once that approval is given checks will be made to ensure that he does not have a criminal record which would render him unsuitable to have possession or the carriage of either firearms or ammunition. We are talking about couriers. If a person is of good character he will be given approval.

Mr Graham: By whom is approval given?

Mr WIESE: The definition of "approved" means approved by the commissioner, either generally by notice in the *Government Gazette*, or by notice in writing. There is no fee.

Mr RIEBELING: Presumably the approved commercial carrier would be a corporate entity such as a transport company, most of which employ numerous staff. Will only restricted persons within organisations such as Wards Skyroad/DPE International and Gascoyne Trading Pty Ltd be able to shift weapons? Does the provision relate to persons rather than corporations? Irrespective of the frequency, which may be only once or twice a year, will each truck driver employed by a company be required to undergo police checks before being able to carry weapons and ammunition?

Mr WIESE: We are dealing with two different groups: Corporations and individual couriers of which there are many throughout the countryside. They will need to seek approval as individuals. The intent is that the individual person will have control of those firearms at any stage of their transportation. An entity such as Gascoynes would be required to provide a list of the names of drivers. Obviously approval would not be forthcoming if the names were not provided.

Mr Riebeling: Will it be an expensive exercise?

Mr WIESE: I understand not.

Dr WATSON: Although the Deputy Leader of the Opposition will move amendments later in the debate to deal with this issue, I draw to the Committee's notice the concerns of the Coalition for Gun Control about clause 8(1)(g)(i) and (ii). The Minister must have heard the collective groan during his second reading speech when he indicated that family members of persons engaged in primary production would not have to seek licences themselves and that there would be exemptions from those requirements. A large section of the community believes that is not appropriate. The Coalition on Gun Control understands the concerns of the Minister to allow appropriate use of firearms in primary production settings. The proposed paragraphs place no limits on the number or duration of exemptions able to be given by primary producers to another party to use category C firearms. The Opposition and the gun control coalition wishes to see this provision tightened significantly to ensure that primary producers do not become defacto licensing agents. This is a very important provision with the potential for far reaching consequences.

Mr WIESE: Clearly it is not the primary producer who provides the exemption; the legislation provides the exemption. For as long as I have known it, the Act has provided for exemption for an employee of a primary producer. It is a commonsense, practical solution.

Dr Watson interjected.

Mr WIESE: No, this is the point. For as long as I have known it, the previous legislation contained the exemption for an employee to use an employer's firearm for vermin destruction or whatever. We are now expanding that provision to be enjoyed by family members, be they a wife or sons. It is able to be exercised only on the property of the primary producer. It is another commonsense change to deal with the practicalities of what we must deal with on the farm.

Dr Watson: Commonsense is a bit like beauty!

Mr WIESE: There are many occasions on a primary producer's property when family members are called upon to destroy injured stock or pets or take part in vermin destruction on a farm. It is acceptance of what has happened for probably 40 or 50 years or longer.

Mr GRAHAM: I refer to paragraph (k), which refers to paragraph (m). I have had this connotation put on that clause for people who use firearms at a club range: Under the amendment the owner of the firearm must have a licence for the firearm or otherwise the person who uses the firearm with the owner's permission on a club range will be committing an offence. I am told that under the current law a person who has an unlicensed firearm commits an offence. I am told that clause restricts the ability of people without a firearm licence to fire guns at approved public rifle ranges and clubs. If a person goes to a club and uses a firearm with the owner's permission, the people who operate the club range will be committing an offence unless the firer of the weapon has a licence. Can the Minister confirm that for me?

Mr WIESE: Two situations can arise. First, in many cases a firearm will be owned by a club and generally, as I understand it, the licence for that is in the name of the armourer of the club. Clearly if a person goes along to a club to see whether he wants to be able to join the club and use firearms there, he will use a club firearm. This would apply especially to hand guns at pistol clubs where a person cannot obtain a licence for a firearm for three months. There are absolutely no problems with that; that is part of the legislation. They are able to use a club firearm in those circumstances under the supervision of the licence holder - the armourer. If someone goes along with a firearm owner, a similar situation applies. That person is able to use the firearm under the supervision of the person, provided the owner is licensed to own it. There are no problems with the person who is visiting the club being able to use the firearm of a person who is accompanying him to the club. What the member is raising is not the situation.

Dr WATSON: I have another perspective on paragraph (l) which relates to paragraph (n) and the age at which children can use firearms. My view is supported by the Coalition for Gun Control. The community consensus is that it is positive to see an unequivocal statement made by the Government that people must be aged 18 years before they can hold a firearm licence. However, under the Act no licence is required by a person under the age of 18 who uses a firearm under the supervision of, and which is the property of, a person who holds that licence. There is no indication of a minimum age that the Government considers suitable for children to use firearms. Theoretically a

child of five or nine years would be able to use a firearm, were they supervised by an adult licence holder. We should be seeking to ban children from using firearms. People under the age of 18 years must not be able to use firearms whether they are under supervision or not. A primary school age child and a child whose eye-hand coordination is not yet physically mature and a child who might get excited and point a gun are all able at present to handle a firearm under supervision. We know that awful accidents have happened, particularly on farms as the Minister will know. I do not have a proposed amendment but we must look at a specific provision to ban the use of firearms under any circumstances by children under the age of 18 years. As I said the other day in my second reading debate contribution, we have now an open moment and can really change the culture of firearms use in Australia. Somebody who has not achieved the age of 17 years cannot drive a motor vehicle whether under supervision or not. I want to see a similar provision accepted. I would certainly work with the Clerk on a clause to prohibit children to be able to use firearms.

Mr WIESE: I understand very clearly what the member is saying. The Government simply does not agree with her. Until now persons over the age of 16 years have been able to own and use a firearm.

Dr Watson: That does not make it right.

Mr WIESE: I know. My best information is that no accidents or deliberate acts have resulted from that provision. In the same way, until now persons of any age have been able to use firearms under supervision, as the member has said. I have asked very regularly people who deal with firearms if they are aware of any occasion on which there has been an accident as the result of the use of a firearm by a person as young as 8 to 10 years of age under supervision. Nobody has ever been able to point me to an incident in which a young person using a firearm under supervision has ever been involved in any sort of accident or act which has resulted in injury to anybody. That is the record we are working on until now.

My strong belief is that the best age at which to start training people in the safe handling of firearms is when they are physically capable of safely handling those firearms. I will not say that I am an ideal example, but I probably started using a firearm at eight or nine years of age or maybe younger. Firearm safety was drummed into me from the moment I laid my hands on a firearm. I am appalled at the way firearms are handled by some people who have obviously not had proper training. I am appalled when I see children play cops and robbers with toy firearms because, quite frankly, what we are doing with those types of games - this might seem a stupid thing to say - is teaching people that it is fine to point a gun at a person and pull the trigger. If that is a real gun, people pull the trigger and, bang, the person disappears! It is not good practice and it should not be done. I am very keen to see those sorts of imitation firearms banned. As I say, the best time to teach a person safe firearm handling is when they can physically safely handle a firearm. It must be under supervision, because that is how they learn safe firearms handling. We must have good training regimes in place to hammer home the message of safe firearms handling. I am concerned that we are starting to introduce people to firearms at the age of 18 years, which is probably when they are least able to be influenced by the people who are training them.

However, that is the regime that has been put in place. Certainly, I have no hesitation in saying that people should be trained as young as possible and that the safe gun handling message should be drummed in at that age. It must be under supervision.

Mr McGinty: Is this an example of the problem of not licensing the shooter?

Mr WIESE: It is not relevant to not licensing the shooter. In Western Australia we do both concurrently; one must licence the person and the firearm.

Mr McGinty: Is it legal for a 17-year-old who does not have a licence to fire a gun?

Mr WIESE: Under supervision, yes. Until now it has been legal for them to own and use a firearm. Certainly, they can use a firearm under the supervision of a licence holder.

Dr WATSON: Using the same logic, we should be teaching children to drive cars at the age of 10 years.

Mr Wiese: Absolutely.

Dr WATSON: On open roads?

Mr Wiese: No, on private property.

Dr WATSON: We must also consider the issue of neurophysiological development, or hand-eye coordination, in children. I understood that one of the major goals of this uniform national gun legislation was to reduce the total number of guns in circulation and to work towards a less violent society than we have and that is currently too often accepted. Guns are a very powerful, accepted symbol of violence.

Many of us have worked for a number of years to try to persuade parents not to buy war toys and other symbols of violence, including toy guns. I was at the markets on Sunday selling raffle tickets and there were eight little boys who had all bought $1 cap guns playing around me. They were having a whale of a time. That makes my blood chill for the reasons that the Minister has enunciated: It then gets difficult to establish what is a game and what is real. If those children came from a farm, under this sort of exemption they would then be able to go down to the farm and use firearms.

We have recently had a prolonged debate on censorship and the relationship between video violence and violence levels in the community. While people can accept at a commonsense level that violence is exacerbated by playing these kinds of games - shooting people dead, blowing off their heads, drowning them and shooting rockets out of the sky - we must also acknowledge that it is sometimes difficult for children, certainly it is for young men, to distinguish between those two activities. We should not be looking at the nonsense of providing this exemption where it will be possible for children under the age of 18 to use a firearm.

We also know from the research quoted in the House about censorship and violence that people learn violence not in their adolescent and teenage years but in their prepubescent years. I suggest that the Minister think about this again. I see no reason for a child who is less than 18 years of age to have access to firearms and to be able to use them under this exemption. I find it quite extraordinary, when we have this window in which we can confirm our commitment to a non-violent society and to teaching children non-violent behaviour, that people under the age of 18 are not banned from using firearms in Western Australia.

Mr RIEBELING: I have a somewhat different view of this provision. The vast majority of farmers, station owners and the like, whose sons and daughters are taught at a young age to handle weapons, have a healthy respect for those weapons. There is only one danger with this clause. I experienced a similar situation when I was in the wheatbelt area for a number of years. As the Minister indicated, many country children learn to drive at a very young age. I encountered them in the court system because they became overly confident of their ability at a much younger age. Usually the parents agreed with that assessment and they tended to provide over-powered vehicles. Tragically occasionally they were killed on country roads.

If a child under the age of 18 years is instructed about the deadliness of weapons and develops a healthy respect for them, I do not see that as damaging to the community. The fact that they can use them only in the presence of the licence holder is the correct way to go. In many instances, where tragedies involving children have occurred on farms, it is because the firearm itself was not secured in the proper manner and the child got hold of it while the parents were out. I note that this legislation covers the security of weapons. No-one would like to see a child under the age of 18 in possession of a weapon without adult supervision. In the vast majority of cases on farms and stations that is not the situation.

Mr WIESE: What we have just heard is a whole heap of academic waffle. Hand-eye coordination is actually enhanced as a result of practice. Members should watch children playing video games. Their hand-eye coordination is probably far better than that of many adults. To some degree that results from the practice they get. I am sure that the more practice one gets in that sort of thing the better one becomes. The real limitation on a young person's ability to handle a firearm is their physical strength and capability. Quite obviously, under this and the previous regimes, those young people practised under the direct supervision of an adult firearm owner.

The member spoke about vehicles. My experience as an employer of both my sons and other employees on the farm was that my young sons, who learned to drive a vehicle aged eight or nine years, had a better record for handling vehicles than my employees. None of my sons cost me money through vehicle damage - the employees certainly did. I am not sure of the moral of that story.

However, the reality is that young people on farms are lucky as they have the opportunity to learn to handle vehicles. The member for Ashburton's comment has some validity in that on occasions young people become overconfident and cocky about their ability. Far more young people from towns have been killed in my district out on the gravel roads than people raised on farms who have driven vehicles on farms often. The member for Kenwick is wrong in that regard.

The other mistake I believe she is making - it is a common one - is in associating violence with firearms. There is not a valid link between them. The majority of violence occurring on Perth streets, in taxis and everywhere else is not associated with firearms; it is people using their hands, knives or bricks - as in the latest incident with a taxi driver - or anything one wishes to name. I do not believe the association between violence and guns is valid.

This is a sensible clause. Young people who use firearms under supervision will be on property and in shooting clubs. I am certainly aware of school groups that visit sporting shooting clubs in my electorate to learn the safe

handing of firearms as part of the school curriculum. Those children are certainly under the age of 18 years. It is good basic training in firearms handling in a safe environment and should be encouraged.

Clause put and passed.

Clauses 9 and 10 put and passed.

Clause 11: Section 10A inserted -

Mr McGINTY: The amendment I shall move relates to training. It was clearly agreed at the Police Ministers' conference that training should be mandatory with the issue of a new firearm licence. The way in which the clause is currently drafted, the training is discretionary or optional depending on whether the Minister makes regulation. Certainly, the Minister has made clear his intention to make regulations and that they will be of the highest standard. Nevertheless, it is important in these matters that the legislation reflect the agreement arrived at nationally by the Police Ministers. Accordingly, I move -

> Page 13, after line 25 - To insert the following -
>
> (2) The Minister shall, within twelve months from the day on which this Act comes into operation, ensure that -
>
> (a) regulations are made under this section; and
>
> (b) that such regulations are in compliance with Resolution 5 of the Australasian Police Ministers' Council, Special Firearms Meeting, Canberra, 10 May 1996.

Proposed subsection (2) will require that regulations be made covering training rather than leaving it as an option. In that way we will know that training regulations will be made.

Secondly, it will ensure that the regulations implement resolution 5 of the Australasian Police Ministers' Council meeting; I referred to the content of that resolution in the second reading debate. It is important that both the regulations be made and that the content covers the important areas. I appreciate that the Minister has indicated that he will make regulations; however, it is important that the training be seen to be compulsory and of a sufficiently high standard. The amendment will achieve those goals.

Mr RIEBELING: I support the amendment. The Minister's comments about the age of people learning to handle firearms is reflected in the amendment; that is, one must lay down a set of regulations in relation to training requirements envisaged under the Minister's stewardship of this legislation. It is very important that the community has faith that people allowed to have firearms have sufficient skills to use them. As the Minister said, a person at 18 years of age who acquires a weapon and has never handled a weapon before is probably a danger to himself and to wherever that weapon is pointed. As a community we must ensure that within as short a space of time as possible the community knows the rules. We need a strict regime teaching people to respect the killing capacity of any weapon so that its handling is appropriate for that class of weapon.

I am sure the Minister would agree that the vast majority of people in sporting shooter clubs have that healthy respect for weapons and treat them with the respect which the community expects of them. My concern relates to people who acquire a gun for the first time and require the tutorship to ensure the safety of others in the community.

Mr WIESE: I have indicated many times during the course of debate inside and outside this Parliament that it is certainly our intention to adopt the training requirement. The APMC committee is developing those appropriate training courses for accreditation. It is certainly our intention to put those in place, with the proviso that what is developed is acceptable to us. It must be sensible, practical and meet the requirements of Western Australian geography.

I have also indicated that it is our intention wherever possible to use the sporting shooting clubs scattered across Western Australia as the vehicle for conveying this training to the licence applicant. That is the most appropriate means of providing the training. If there were to be a training regime involving attending TAFE courses and such matters, we would have to look closely at it. The practicalities of providing training in some of our remote areas must be considered; for instance, requiring people in remote areas to go to a technical and further education college to do a course on one day a week would not be practical in Western Australia. We want a training regime that meets the general requirements and thrust of what was accepted by the APMC at its 10 May meeting. We are not walking away from that. In fact, I am very keen to put it in place. It is very sensible and positive.

An amendment in my name has been circulated. It is designed to pick up these points I raise. Although I accept the general thrust of what the Deputy Leader of the Opposition has moved, I seek to move this amendment because at this stage we do not know what exactly will be in the recommendations that will be brought down. I am not prepared

to commit myself, as Minister, or some future Minister to accepting, in toto, something that we do not know about at this stage. I want to ensure the regulations will be adopted in Western Australia. I am seeking to insert words that reflect the spirit of resolution No 5 of the Australasian Police Ministers' Council. I am not prepared to commit a future Police Minister or me, if I happen to be in that position, in 12 months to accept blindly something for which we do not know the detail. I move -

> That the amendment be amended in subclause (2) paragraph (b) by deleting "are in compliance with" and substituting "reflect the spirit of".

Amendment on the amendment put and passed.

Amendment, as amended, put and passed.

Clause, as amended, put and passed.

Clause 12: Section 11 repealed and sections 11, 11A, 11B and 11C substituted -

Mr W. SMITH: Mr Deputy Chairman, you were remiss in not sighting me for the call when you had your head down progressing the passage of the amendments to clause 11.

The DEPUTY CHAIRMAN (Mr Ainsworth): We have just voted on this clause.

Mr W. SMITH: I do not wish to be disagreeable, Mr Deputy Chairman, but you failed to sight me when I stood and you carried on putting the question with regard to the amendment of the Minister.

The DEPUTY CHAIRMAN: I am sorry; I did not recognise the member was seeking the call.

Mr W. SMITH: Well, I did.

The DEPUTY CHAIRMAN: Unfortunately, having said that, we cannot go back to what the member wanted to address, and I regret that. It is just the way the process occurred. The member has the opportunity during the third reading stage to raise the matter he wishes to bring forward, if he chooses to do so.

Mr McGINTY: The amendment on the Notice Paper standing in my name deals with proposed section 11. It seeks to insert a qualification on page 16, line 28, in that in dealing with the question of need, as it is required, it will be subject to further subsections I propose to seek to insert in the legislation in a subsequent amendment. My comments about this amendment also relate to the next two that I will seek to move. We will be able to debate their particularity in one minute.

The problem is that the legislation is in breach of what the Minister agreed to on 10 May and subsequently varied on 27 July with regard to the ability of people who are not primary producers to obtain category C weapons. The Minister is proposing to include in the regulations a provision that restricts access to category C firearms, but gives a general power to persons who are not primary producers to be licensed for weapons in that category. This is contained in schedule 3, paragraph 2, which says that an approval of permit can be granted or a licence can be issued in accordance with paragraph (b) of item 1 to a person who would as a result be authorised to use a rifle or shotgun in category C on land on which another person is the holder of a licence permit or approval who, in accordance with that paragraph, is already authorised to use a rifle or shotgun of that category only if the commissioner considers it appropriate, having regard to the size of the land and any other relevant factor. Given that that is not in compliance with the agreement to which the Minister for Police was a signatory on 10 May, as modified on 27 July, we are seeking to undo that draft regulation and to insert it in the substantive Act in a way that complies with the agreement. That power, for people to obtain more than one firearm, in both the shotgun and rifle category - that is, category C - is limited to the terms in which were proposed by the Police Ministers' council meeting on 27 July, so that those on very large properties will be the only people who will be able to get more than one weapon of each category. We also propose amendments that will confine the category C exemption to primary producers, not to their nominees.

We have here an enabling amendment that will deal with the next two amendments that I will seek to move. It will make sure the restrictions on category C firearms are implemented on the agreed terms, and not in the far broader terms in which we believe the Minister has now cast the amendments. I move -

> Page 16, line 28 - To insert after (1) the passage "Subject to sections 11BA and 11BB".
>
> Page 17, after line 9 - To insert the following -
>
> **Restrictions for category C firearms**
>
> **11BA.** (1) An approval or permit shall not be granted or a licence issued for a firearm of prescribed category C unless -

(a) it is for a shotgun, and is granted or issued to a person who is described in section 11A(2)(a) and who requires the firearm for use as described in that section for the purpose of training for, and participating in, an approved national or international discipline;

(b) it is for a rifle or shotgun, and is granted or issued to a person who -

(i) is a primary producer; and

(ii) requires the rifle or shotgun for the purpose of destroying vermin or stock as described in section 8(1)(I)(I);

(c) it is for a rifle or shotgun, and is granted or issued to a person who requires the rifle or shotgun for the purpose of destroying vermin or stock in the person's capacity as a professional shooter; or

(d) it is granted or issued for Commonwealth or State government purposes.

Limit on number of category C firearms

11BB. Any category C licence holder under section 11BA(1)(a) shall be limited to one rifle and one shotgun of the types prescribed in category C except that in the case of a primary producer with a very large property or with a number of separate properties, more than one licence for a category C firearm be permitted for use on that property or those properties; and that the licence enable employees of licence holders to use the employer's firearms only while working on the property.

The last amendment picks up almost precisely the wording that was used at the Australasian Police Ministers' Council meeting on 17 July. At that meeting a limitation on the use of category C firearms to one shotgun and one rifle was agreed between Police Ministers. I am not sure whether Western Australia or Queensland raised the issue of what happens on very large properties. In any event, the agreement on agenda item 1.12 of the APMC meeting deals with the requirement for more than one firearm of each type in category C for very large properties.

The resolution of the Police Ministers' council is that in the case of very large properties, or where one primary producer owns a number of separate properties, more than one licence for a category C firearm be permitted for use on that property or those properties; and that the licence enable employees of the licence holders to use the employers' firearm only while working on the property. The wording of the Opposition's proposed section 11BB is exactly in those terms. The Opposition has sought to implement fully the Police Ministers' council agreement that where someone qualifies for an exemption to the general prohibition on category C firearms - that is, a primary producer - there is a limit of one rifle and one shotgun. In the case of a primary producer with a very large property the Opposition has reproduced the wording from the Police Ministers' council. Generally, when someone is granted an exemption, he will be allowed to obtain one firearm of each variety, except in the case of very large properties for which the Opposition proposes exactly what the Police Ministers want.

The problem that exists with the legislation at the moment - this was conceded by the Minister during the second reading debate - is that there is no limit on the number of category C firearms that can be held once an exemption is granted. Where a need exists for very large properties or separate properties, the Opposition seeks to allow the capacity for property owners to have more firearms, otherwise the restriction is imposed. To not agree to an amendment to something like this would be walking away from the agreement to which the Minister was a party. I suspect this exemption has something to do with his work in this area. I urge him to consider a restriction of this nature.

Mr WIESE: It is not the Government's intention to accept the amendments. The Opposition's proposed section 11BB refers to proposed section 11BA(1)(a), which refers to primary producers, whereas that part of the legislation refers to gun club members. Therefore, the wording of the Opposition's amendment is not right. However, I will deal with the intent of the amendments, because I think that is more appropriate.

This clause picks up the final resolution of the 17 July meeting combined with the Australasian Police Ministers' Council 10 May resolution. It endeavours to cope with the reality of what happens in the real world of primary producers. Some stations are extremely large - 100 to 150 kilometres from one end to the other. Many primary producers have properties that are separated by 200 to 250 km, or more. Even if the Government does what is proposed in this amendment and allows more than one category C firearm to deal with that situation, the reality is that it will not necessarily be the owner who destroys the vermin. If that property is run from 200 km away, often the owner will get somebody to come out - it might be an adjacent farmer or somebody in an adjacent town - to destroy the vermin on that property. That has happened in the real world for as long as I can remember - 40 or 50

years. If the Government goes down the route that is proposed by the Opposition, it could permit a second, or even third, firearm to be owned. However, the problem then is how the owner goes about the mechanics of allowing somebody to use that firearm if he does not have a permanent employee on that property. If it were an employee, that would be fine because he could use the second firearm to destroy the vermin. However, if a person who was not an employee had been doing the job for the past 20 or 30 years -

Mr McGinty: A professional shooter, for example.

Mr WIESE: No; professional shooters would not do that job because they could not earn enough money.

Mr McGinty: You could get a friend to do it.

Mr WIESE: Yes. A professional shooter is not an alternative, but it is possible to allow the person who has been doing the job for 20 or 30 years to continue to do it. The proposals in the regulations will allow that. That will not introduce more firearms into the community. I do not know how else the situation could be covered if there were no employee on the property. It would not be practical for the owner to travel 250 km to the property at night. The proposal is a practical means of dealing with a very difficult situation in the real world. It will not result in a proliferation of firearms. All applications must be assessed by the Commissioner of Police to determine whether, firstly, there is a vermin problem; secondly, the person is suitable; and, thirdly, an exemption will be given. Only the Commissioner of Police can give that exemption.

Mr McGINTY: Did the Minister put that proposition to the APMC? Even if he did not, did he support it? In that connection did he raise the issues to which he is now referring and was he rolled at the conference?

Mr WIESE: I cannot claim total credit for it. Western Australia, the Northern Territory and Queensland put this proposition together because they must all deal with the practicalities of their situations. It applies to some extent to the more distant country areas of New South Wales, but it had already locked itself into legislation that had been passed before this matter was addressed. The proposal cannot be attributed to any one person because it arose from discussions we had while trying to find a workable solution.

Mr McGinty: Do you support it?

Mr WIESE: I totally support it.

Mr McGinty: Why are you now going further than the resolution that you supported?

Mr WIESE: Although we have tried to deal with the proposition, there are substantial difficulties in the practical implementation of the resolution. One person cannot be in two places 250 km apart.

Mr McGinty: The reason might be one of practicality, but this legislation enables people to be licensed who would not be entitled to be licensed under the federal agreement.

Mr WIESE: I accept that. A couple of other changes have been made to the legislation which, likewise, deal with the practicalities of the situation. For instance, the proposal to limit the quantity of ammunition. In practical terms that cannot be implemented because some people use 50 rounds a year and others on stations use between 20 000 and 30 000 rounds a year. Clay target shooters competing at national and international level use between 20 000 and 30 000 rounds a year. It is impractical to place a limitation on the quantity of ammunition, as was suggested at the APMC. That is evident by the legislation that has been enacted in other States. It was suggested that people should be allowed to have a year's supply of ammunition. That is a nonsense. I have retained in the legislation provision - for some reason there must be a figure - for a limitation on the quantity of ammunition but I do not intend to put in place regulations to implement that. With regard to the category D firearms, the APMC resolved there should be provision for them to be licensed. That is not included in the Western Australian legislation. I have always said I will not include any APMC resolution which weakens the Western Australian legislation.

Mr McGinty: That is the only area in which you have gone tighter than the resolutions at the conference.

Mr WIESE: It could be said that the proposal for the ammunition is a tighter control.

Mr McGinty: That is debatable.

Mr WIESE: It is a sensible application but it is not picking up the direct wording of the APMC resolution. I have tried to put in place those laws that have been in place in Western Australia for 50 or 60 years. This State has had good, sensible, practical and workable firearms legislation and this proposal will continue that in relation to category C firearms. However, the ultimate control rests with the Commissioner of Police. He will assess the situation and will grant or refuse exemptions.

Mr McGINTY: The Coalition for Gun Control WA has written to all members dealing with the issues raised in my proposed section 11BA. Its first and major concern relates to the number of people who can be authorised by a primary producer. The letter states -

> While we understand the concerns of the Minister to allow appropriate use of firearms in a primary production settings, the provision 8(i)(ii) places no limits on the number or duration of exemptions able to be given by primary producers to another party to use category c firearms. We wish to see this provision tightened significantly to ensure that primary producers do not become de facto licensing agents.

The Opposition has tried in its amendment to provide the sort of limitation to which the Police Ministers agreed, reflecting the concern of the Coalition for Gun Control on this point. What is the Minister's response to the concerns raised?

Mr WIESE: There is no way that a primary producer will ever become a de facto licensing authority. The primary producer can only nominate the person, but the Commissioner of Police must grant the exemption. All applications must be dealt with at that level. Of course, the Commissioner of Police may delegate to the superintendent of the firearms branch. This matter will be dealt with at the highest level of supervision. An assessment must be made, firstly, that the situation on the station warrants the licence; and, secondly, that the person nominated is a suitable person. My original proposal was to allow two persons to be nominated. I had that in earlier drafts of the amendments. When we tried to address the practicalities, we realised a person could own three or four properties, which would make it difficult to deal with the problem. If we restricted the provision to two persons, the primary producer and one nominated person, there would be nobody on the other properties to destroy vermin. In many cases, he has a statutory requirement to remove vermin from those properties. In the finish, I decided that we could not deal with it by including a number. I decided that the only practical way to deal with it was to allow the Commissioner of Police to assess the situation and deal with it in his way. I assure the Committee that all Commissioners of Police believe there is a need to restrict the free, easy and ready access to firearms. I guarantee there will not be a proliferation of these category C firearms as a result of this measure.

My case is a classic example of an individual property owner. Many farmers have never owned a category C firearm and have never been involved in the destruction of vermin on their properties. They have utilised the services of people who enjoy destroying vermin as a sport. The legislation encourages people to be involved in their sport. For 20, 30 and 40 years, those people have been going onto those properties and destroying vermin. Under this provision, as a primary producer and a property owner, if I do not want to own a category C firearm and I do not want to destroy vermin on my property, but, as I have a statutory requirement to do so, I will nominate someone, in many cases someone who has been doing it for 20 or 30 years, to own that firearm. There will not be extra firearms as a result of this measure.

Mr RIEBELING: Is it the Minister's intention with this legislation to allow as many people as the farmer or station owner considers necessary to -

Mr Wiese: No.

Mr RIEBELING: Say he gives permission to 50 people from the town of Narrogin to go onto his property -

Mr Wiese: It is not a permission; it is nominating a person.

Mr RIEBELING: Say he nominates 50 people. In my area stations are as big as the southern part of the State and there might be a reasonable argument for that. How will the Minister be guided by the legislation about the appropriate number of approvals. Will someone who has five properties be able to nominate five people or will 10 be nominated because they might go out to the property every second weekend? What sort of guidelines is the Minister giving to the Commissioner of Police to exercise his jurisdiction? After all, the purpose of the legislation is to restrict the general public's access to category C weapons. I understand why farmers possess those weapons. I find it difficult to understand why we need to expand the number of people who are able to hold those weapons.

Mr WIESE: We are not expanding the number of weapons in the way the member is indicating. It is not a granting of permission as is the case with category A firearms. That has been used and abused in the past. We are not dealing with that; we are dealing with category C. It is not a granting of permission; it is nominating a person. In the case of a property that is big enough for only one person to handle the vermin, there are two alternatives: First, the property owner will be required to seek a category C firearm to control the vermin.

Mr Riebeling: What size property?

Mr WIESE: That will vary. It will be different in my area from the wheatbelt and the station country. The judgment will have to be made by the licensing people in the different areas. It will vary from place to place. In some cases there will be no justification at all and I hope the commissioner refuses in those cases. Secondly, if I have a property

that is big enough for only one person to control the vermin, I will be able to nominate somebody in my place if I do not want to do it. If I have an exemption, I cannot nominate somebody to do it. One category C firearm will be allocated to a property. However, the APMC resolution makes it clear that if there are three or four properties under one ownership, there will be a need to destroy the vermin on them. It will be valid for the owner or an employee living on those properties to have a firearm for those properties, provided that employee meets all the criteria. If the owner did not want to give the employee the exemption, but wanted to use somebody who had been doing it for years, the owner could nominate that person and the employee would not have an exemption.

Mr Riebeling: What about three people doing it for the last 40 years on a rotating basis?

Mr WIESE: They will miss out; one will be picked. There will be pain. That is why so many people are upset with these proposals. Some people who have been destroying vermin satisfactorily, safely and responsibly for 20 or 30 years will under this proposal not have access to firearms. I can understand why they are upset. I would be upset. I am trying, as closely as I can under the resolutions of the APMC, to pick up the resolution of 17 July which acknowledges the problem associated with properties that are widely separated or very large, and provide a practical solution. The Commissioner of Police, I believe, will ensure there is no proliferation of firearms ownership and I do not intend that there should be. That is not the intent of the legislation. If it were, I have no doubt that the commissioner would ensure otherwise.

The DEPUTY CHAIRMAN (Mr Johnson): The question is that the amendment be agreed to. The noes have it.

Point of Order

Mr RIEBELING: I clearly heard only one voice not agreeing to the amendment in that vote, with two voices supporting them. The Deputy Chairman may have been wrong. I refer him to paragraph 193 of chapter 18 of the standing orders and suggest that his call was incorrect.

The DEPUTY CHAIRMAN: I believe I heard the noes. No division was called.

Mr Graham: The point of order is that you ruled incorrectly. There may yet be a division.

The DEPUTY CHAIRMAN: That is a point of view. Standing Order No 192 relates to a division. A division cannot be called unless there is more than one voice. A division has not been called. There is no point of order.

Committee Resumed

Amendments thus negatived.

Mr W. SMITH: I draw the Minister's attention to proposed section 11(1)(b), where the commissioner has the discretion to withhold a licence if he is of the opinion "it is not desirable in the public interest". The words "in the public interest" are rather ambiguous and a rather wide interpretation can be placed on them. A narrower interpretation would read "by reason of public safety". After all, the intent of that proposed section is to look after the public's welfare or safety. Many issues are in the public's interest, so it is open to a wide interpretation. I will not go into all the interpretations by the judiciary in relation to public interest. Proposed section 11 is too wide; the interpretation of public interest is virtually left to the commissioner's discretion. I would like to see an amendment to replace those words "in the public interest" with "by reason of public safety".

Dr WATSON: Because of my recent experience in the court I would be interested in a definition of "public interest" as well as "fit and proper person". Proposed section 11 goes to the heart of determining who will hold a licence. Will the Minister elaborate on his understanding of public interest?

Mr WIESE: On the information available to me, and I have sought clarification, the expression "public interest" is a term frequently used by Parliaments in setting parameters on decisions. It could be a decision to grant a licence or refuse a licence. When used in legislation that expression allows a discretionary value judgment within the scope of the various matters one is dealing with. If the matter is challenged, it must be sorted out in the court system. In this case it allows the commissioner to make a broad judgment of what is in the public interest.

The member for Wanneroo suggested replacing the words "public interest" with "public safety". That would restrict the decision to purely safety matters. When one is considering whether to give a person a licence to own a firearm a wider range of matters arise than purely public safety. I would not suggest this Parliament should go down that route. A number of suggestions were made about that, but my judgment is that to give the commissioner the sort of scope he needs to deal with the wide range of possible situations that come before him, the term "in the public interest" is best. A number of concerns were expressed in submissions made to me as a result of the Green Bill. My comfort to those people would be that this legislation provides an additional avenue of appeal for a person whose licence application is rejected on the grounds of public interest - not to a Magistrate's Court, as in the past, but to an

independent, non-legalistic tribunal that allows commonsense to be exercised in making a judgment. We have gone a long way to address the concerns of those who say that the interpretation of "public interest" is far too wide.

The legislation also requires the Commissioner of Police to provide his reasons for rejecting an application in the public interest, where previously he could just say, without providing details or an explanation, that the judgment had been made that it was not in the public interest to issue a licence. It is not appropriate. A requirement in the legislation is that the Minister must detail in writing the reasons he reached his decision on the grounds of public interest. The question has been adequately and responsibly addressed. The Government has already addressed the concerns of those people who think the provision is too wide ranging; therefore, it is not desirable to go down the route of narrowing it down to public safety because it would give people who should not have access to firearms the ability to obtain them.

Mr McGINTY: I move -

Page 17, after line 12 - To insert the following -

Applicant deemed unfit where certain criminal or medical history etc.

11D. (1) An applicant for a licence or permit or the renewal of a licence or permit under this Act may be considered by the Commissioner to be unfit to hold such licence or permit where -

(a) at any time in the period of 5 years preceding the date on which an application for such licence or permit is made, the applicant -

Has been convicted of -

(i) an assault with a weapon;
(ii) an offence involving violence;
(iii) any offence against this Act;

or

Has been the subject of -

(iv) a restraining order or similar order; or

(b) the applicant -

(i) does not meet the mental or physical conditions of fitness referred to in section 5C (4)(d) for owning, possessing or using a firearm; or

(ii) has been admitted or detained for mental disorder under the *Mental Health Act 1962* or similar legislation,

in this State or any other State or elsewhere outside of Australia.

This amendment seeks to give full effect to the resolution of the Australasian Police Ministers' Council agreement. For those members who are not aware, resolution 6 of that council meeting of 10 May resolved under the heading "Grounds for Licence Refusal or Cancellation and Seizure of Firearms" -

(a) that jurisdictions set out in legislation circumstances in which licence applications are to be refused or licences are to be cancelled. The following minimum standards are proposed:

general reasons - not of good character; conviction for an offence involving violence within the past five years; contravene firearm law . . .

specific reasons - where applicant/licence holder has been the subject of an Apprehended Violence Order, Domestic Violence Order, restraining order or conviction for assault with a weapon/aggravated assault within the past five years;

mental or physical fitness - reliable evidence of a mental or physical condition which would render the applicant unsuitable for owning, possessing or using a firearm.

They were the minimum conditions agreed to be prescribed in the legislation of each State. During the second reading debate I used as a yardstick the New South Wales legislation which includes those provisions. In this amendment I have sought to insert those provisions. They stand in stark contrast to the provisions of the Act proposed by the Minister. Members will bear in mind the very specific conditions which were agreed to by the Police Ministers which included the conviction of an offence involving a firearm, an offence of violence in the last five years, a restraining order and mental and physical fitness.

The Minister has sought to insert in the legislation proposed section 11(2) which reads as follows -

> Where the Commissioner is satisfied that a person has a history of, or a tendency towards, violent behaviour, the Commissioner may take it into account in deciding whether that person is a fit and proper person to hold an approval, permit or licence.

It does not deal with restraining orders, mental illness, people who have had a relevant conviction in the last five years or offences against the Firearms Act. These are all matters which the Minister agreed to insert in his legislation. Why has the Minister not inserted a provision similar to my amendment in the Bill? My amendment controls the discretion to be exercised by the commissioner. If the Minister were to include in the Bill the provisions agreed to by the Police Ministers, he would be erecting the guideposts to assist the commissioner when he was required to exercise his discretion. The amendment is discretionary and the word "may" has been used to ensure that the Commissioner of Police takes those matters into account. There are plenty of circumstances which he would encounter and I can think of some of the technical charges of assault which could be upheld. For example, the blowing of a puff of smoke in someone's face is an assault, but it should not bar somebody from being granted a licence even though technically it is an assault. It is still discretionary and to insert these provisions, which have been taken from the Police Ministers' conference, is the way to go.

Mr RIEBELING: This amendment is supported by the vast majority of the gun lobby, station owners, farmers and sporting shooters associations. Every person I have spoken to who fits into that category supports this amendment. Those people agree that if a person has been convicted of an assault or violent behaviour while having a gun in his possession, he gives them a bad name. They are keen to see firearms removed from the possession of people who have been convicted.

This amendment would allay the concerns of many people. All it is saying is that if a restraining order is issued against a person, that person should forfeit his firearm. There is nothing in the amendment to say that if the restraining order is revoked the firearm cannot be returned. The Deputy Leader of the Opposition stated that the amendment gives the Commissioner of Police discretion in the case of a technical assault. People who have a violent nature should not have firearms, especially if their behaviour has come to the attention of the police and they have been convicted of an offence. The amendment uses the word "may" and I want to assure the Minister that the Opposition is not referring to technical breaches of the Act, but to major breaches of the Act. This amendment should be enshrined in the legislation so that everyone knows exactly what is the situation. I urge the Minister to agree to this amendment. It will make his job easier and it will instil confidence in the community, especially as most people think the State is adopting uniform legislation which is designed specifically to enable the police, as the enforcing agency, to do what the amendment provides. The gun owners, who wish to be seen as being responsible, support this amendment.

Dr WATSON: I support the comments of the Deputy Leader of the Opposition and the member for Ashburton. It was the understanding of Australians that uniform gun legislation would include the decisions made by the Australasian Police Ministers' Council in May and July.

For a number of reasons - where people have a history of assault or violence, of a restraining order in this State, or of an apprehended violence order that has been granted in one State and by which the woman has been protected while she has been in Western Australia - this legislation should have a proposed section that complies with the recommendations and understandings that were reached at the Police Ministers' council.

We know there is a link between gun ownership or the availability of guns, and the level of gun violence. That is confirmed by any kind of data that one can examine from both Australia and the United States of America. We know that about 20 per cent of all firearm deaths are homicides, and the greatest proportion of those deaths occurs in families. Women family members comprise the highest number of victims of that kind of homicide by either their current spouse or a recently separated spouse. There is absolutely no reason that where a person is known to have this history, those guns should not be surrendered, and if not surrendered, confiscated, and an application for a firearm licence refused. Until we take that step, we are not embracing the recommendations for national gun legislation in a wholehearted way.

During the second reading debate, I referred to a number of studies. One of the issues that we must be concerned about is impulsive behaviours. It would seem from what recovered victims tell us and what is disclosed in coronial inquiries that often a firearm is used in a moment of heat and argument simply because it is there. If we regard firearms legislation as being able to make a substantial contribution to public health, there is no reason that these amendments should not be accepted.

Mr WIESE: The Deputy Leader of the Opposition asked why have we not gone down the exact route that is promoted in the APMC resolution. The answer is simply that in many cases, those matters are already picked up in our legislation. For instance, violence is dealt with in proposed section 11(2), which states -

> Where the Commissioner is satisfied that a person has a history of, or a tendency towards, violent behaviour, the Commissioner may take it into account in deciding whether that person is a fit and proper person . . .

The history of violence is already taken into account by the commissioner in the licensing process. For that reason, we have not put it in exactly the same words as the APMC resolution.

Mr McGinty: You agreed that offences against this Bill would be taken into account in deciding whether to grant someone a licence. That is not a criterion there.

Mr WIESE: I will deal with that in a second. The mental health or physical suitability of a person is covered in proposed section 11(4), which gives the commissioner the power to request an applicant to provide whatever information the commissioner considers necessary to enable the application to be properly determined; so if there is any indication that the person has mental health problems, the commissioner can request that person to provide that information. That was not in the legislation before.

The Opposition has suggested that an assessment be made of whether the person has been admitted or detained for a mental disorder. Under the opposition proposal, how will the commissioner make that assessment?

Mr McGinty: The next amendment will ensure that the commissioner ascertains the available information about a person's mental history.

Mr WIESE: The commissioner is already able to request that information. The firearms regulations contain the application form for a firearm licence, which asks the question: "Do you suffer from any physical or mental disability which would affect you in the control of a firearm? If yes, state the full details." If the person said "No" and it was discovered subsequently that the person did suffer from a mental problem, the fact that the licence had been obtained by supplying false information would be an immediate reason to revoke that licence. We have already made provision for that matter.

Mr McGINTY: It is disappointing that in this important area - a person's right to have a firearm licence - if the Minister does not accept the amendments that we are proposing, we will be left with such broad and vague notions as the public interest, whether someone is a fit and proper person, and whether someone has a history of or a tendency towards violent behaviour, as being the necessary tests. When talking about someone having a history of or a tendency towards violent behaviour it could be argued that a conviction for assault with a weapon or an offence involving violence may be significant evidence towards that end. The deficiency in the legislation is that the Minister agreed that an offence against the firearms legislation would be part of the criteria. It appears that as an offence against the Firearms Act is not specifically referred to, the commissioner would need to bring that in either as a matter of public interest or on the basis that the person is not fit and proper. It is against everyone's interests to have such vague criteria. When dealing with matters such as a right to have a licence, the more specific the criteria the more people will know exactly where they stand, and they will feel they can apply to meet the criteria. The more it is left with such broad generalised notions of the public interest and of a fit and proper person, the less acceptance there will be of the legislation. I suspect that is why the APMC decided that a conviction for assault with a weapon, a conviction for an offence involving violence, a conviction under the Act, and the issuing of a restraining order are all very specific indicators of the criteria that should be applied rather than the more nebulous criteria we have here.

Not all mental illnesses are an indication of a propensity to violence. Very few are. Mental illness is not really a criterion unless it fits the "not desirable in the public interest" or "a fit and proper person" criteria. It will be better for all concerned to spell out the criteria. That is what we seek to do. When the Commissioner of Police exercises his discretion, he will consider these matters. He will look to the mental condition of the person, because that is not expressly a criterion here. He will look to the issuing of a restraining order, to breaches of the Firearms Act, in addition to indications of a history of or propensity to violence. This legislation is deficient in this regard. The Minister has stopped well short of what he agreed to at the Australasian Police Ministers' Council meeting when he said he would spell out the specific criteria to be contained in the legislation. I remind the Minister of the words "the minimum standards are proposed to be set out in legislation"; that is, the general and specific reasons and the mental and physical fitness aspects. We seek to address those.

These provisions are a disservice to both sides of the debate, both the gun owners and the antigun lobby, because the criteria must be clear for the right to hold a gun licence; while allowing a measure of discretion, it must be unequivocal.

Mr WIESE: The member's amendment includes the words "an applicant for a licence or permit or the renewal of a licence or permit under this Act may be considered by the Commissioner to be unfit to hold such licence or permit". That covers not only firearms but also permits for a warehouseman or a commercial carrier. That is not the intent, but that is what the wording will do.

Mr McGinty interjected.

Mr WIESE: The amendment goes too far. The amendment also uses the words "at any time in the period of 5 years preceding the date", so we are talking about five years, and the person "has been convicted of an assault with a weapon . . ." The commissioner will take that into account anyway. I will not dwell on that because if a person has been convicted of an assault with a weapon, the commissioner will consider the specifics of the offence. In most cases such a person, in my opinion, should be refused a licence and probably would be. The next qualification is "an offence involving violence" and, as the member said, that could be blowing in a police officer's face; it could be fighting in a public place or it could be spitting on someone in a public place. The categorical requirement of it being an offence involving violence goes too far.

Mr McGinty: We do not seek that.

Mr WIESE: Again, the commissioner "may" - but the commissioner already does that. He takes into account the specifics of the offence. "Any offence against this Act" could mean an offence of failing to produce a firearm licence.

Mr McGinty: Will the commissioner take that into account at the moment?

Mr WIESE: Of course.

Mr McGinty: Under which provision?

Mr WIESE: That of someone being a fit and proper person. It could be a person failing to notify a change of address. Therefore, the categorical picking up of those matters is not sufficient. The commissioner must have the flexibility to make those judgments. He has that currently.

I will deal with some of the offences against the Firearms Act.

Mr McGinty: The wording you used at the APMC meeting was mandatory. You said all these things, including minor offences, are circumstances where applications are to be refused and licences are to be cancelled.

Mr WIESE: Does the member think it is sensible?

Mr McGinty: You agreed to it; I did not.

Mr WIESE: Western Australian legislation has always tried to be sensible. With these provisions the Opposition is going too far.

Mr McGinty interjected.

Mr WIESE: The APMC is going too far. We are trying to put in something sensible and practical.

Mr Riebeling: At the end of the day, I thought you agreed.

Mr WIESE: I lost many arguments over there. We did not have much choice.

In relation to offences against the Firearms Act, the Sentencing Bill has been passed and is awaiting proclamation. That legislation deals with the whole question of firearms sentencing. Clause 106(1) relating to firearm licence etc and disqualification reads -

> A court sentencing an offender for a firearms offence may order that, for a term set by the court, the offender be disqualified from holding or obtaining a licence or a permit or an approval, or any particular licence, permit or approval, under the *Firearms Act 1973*.

The court already has the ability to deal with that situation when passing sentence. The commissioner already takes account of it in his judgment when he is issuing a licence. The Sentencing Bill deals with firearms offences: Stealing or attempting to steal or conspiring to steal a firearm or ammunition; receiving or attempting to receive or conspiring to receive a firearm or ammunition; an offence where a party to the offence . . . uses or is in possession of - and so on. It is all spelt out in the Sentencing Bill.

Mr RIEBELING: I am surprised to hear that the Sentencing Bill has not been proclaimed. We must have debated that legislation 18 months ago. There must have been more of a problem with it than the four days of debate indicated. I am disappointed by the Minister's response. I have not heard any argument from any member of the

community against the Opposition's proposal. These amendments are widely accepted by gun owners and by those who object to gun ownership, as a primary concern in the community. As I read it, the Government's proposed section 11(4) provides that the commissioner shall write to the applicant seeking information. Why would the Police Commissioner write to an applicant when, as the Minister has indicated, on application for a firearm the capacity exists for the commissioner to have the full record of the individual in his possession? This amendment goes to the specific concerns of the community. It lists violent persons and people who have been convicted of assault with a weapon as being unfit to hold a gun licence. The Minister said that the Commissioner of Police will do that. How can the Minister say he will do that? It is not set out in the Government's legislation. It is in the amendment moved by the member for Fremantle. The public is looking for that sort of requirement to be included in the legislation to convince them that the whole thrust of the uniform legislation across Australia will be met.

This proposed section is at the heart of why people have been so vocal and supportive of uniform legislation. The community is saying that violent people and people who have offended, who have assault convictions and who have mental disorders should not hold gun licences. I cannot work out why the Minister has decided not to include those requirements in the legislation, despite all the information he must have supporting that argument. For some unknown reason he will not include the core requirements for which the public has been asking since the massacre in Tasmania. The Minister is missing the mark if he does not accept this amendment to make the Government's legislation better reflect the public view of why gun control is required.

We are trying to reinforce to the Minister that these people are not acceptable to the general public as gun owners. I am sure the Minister's own research and information will support what I am saying.

Mr WIESE: I understand what the member is saying. I have dealt with the Firearms Act; it is covered in the Sentencing Act. The court has the ability to do it. The Police Commissioner may make a judgment. He does that already.

A restraining order is not just a domestic violence restraining order. It could be that someone was mowing their lawn at 3 o'clock in the morning, someone's dogs or cats were making a mess on the neighbour's lawn, someone was having a noisy party or someone keeps parking his car on the lawn. To automatically restrict someone who has been the subject of a restraining order during the previous five years is not acceptable. The commissioner takes account of all those matters.

Approval has been given by Cabinet to print legislation to amend the Justices Act to provide for two types of restraining orders. One will be a violence restraining order under which the subject will be automatically prohibited from owning a firearm. The new justices Bill will provide for a misconduct restraining order. Again, the person issuing the order will have the ability, but not the automatic requirement, to prohibit the subject from owning a firearm. Those constraints are far stronger than what members are referring to now.

I reiterate that the commissioner already has the ability to take account of whether someone has had a restraining order when he is making his assessment. If the Bill dealt only with a restraining order per se it would pick up all the other matters which are not relevant to whether a person should own a firearm.

The commissioner already exercises his power in relation to someone's mental or physical suitability. The member referred to a person who had been admitted or detained for a mental disorder. To prohibit every one of those people from owning a firearm would be putting a lifetime sentence on them. That may not be relevant to the application. Again the commissioner already takes account of that. I dealt with the requirement under proposed section (4) which allows the commissioner to seek information. The commissioner does not have access to the medical records of the applicant. However, he has the ability to require that person to provide, for instance, a letter from his doctor indicating that he does not have a medical condition.

Under the proposals in this legislation, the commissioner will be able to enter into an area where nobody is able to go at present. We cannot compel a doctor to provide medical records; nor should we be able to. This Bill provides for the commissioner to seek from a person a letter from a doctor to say a person is fit and proper to hold a firearm. We have also provided the ability for a doctor to provide that information, without any legal impediments. We are doing everything we can to encourage doctors to provide that information. We will create more problems by trying to spell it all out in this legislation as the amendment suggests.

Mr RIEBELING: Despite what the Minister says, I think he is dead wrong and has missed the target. It is amazing to me that the Minister can say we will do something in a year's time.

Mr Wiese: My information is that the Bill will be brought into the Parliament in two weeks.

Mr RIEBELING: The sentencing Bill was brought into this place 18 months ago and has not been proclaimed. How long will it be before it will be enacted? We were criticised for using the term "restraining order" which is the correct

terminology. Despite what the Minister says, it is a mechanism used by the court to diffuse those disputes and to avoid the parties resorting to violence. I have witnessed disputes in courts between two people who, by themselves appear quite sane, but put together - unfortunately many times they are neighbours - are like cat and dog. If a restraining order is put in place and one of the parties has a weapon, quite reasonably the community should say that while that restraining order is in existence, neither party should have access to a firearm.

A restraining order realistically is not worth much more than the paper it is written on. If a person has a weapon and goes next door and shoots his neighbour, the least of his problems is a breach of a restraining order. The conditions we wish to impose will send a clear message to the public. Whether provisions exist in other Acts under which people are protected is of no concern to the people who are interested in the Government's legislation under which firearms will be controlled. The Minister is saying to the people of Western Australia, "You have the Firearms Act. Don't bother reading all that, because all the provisions that refer to the protection of the community are contained in other pieces of legislation." It is important that people have confidence in this primary piece of legislation and that they can read it with ease. If one read clause 11(4) literally, one would know nothing about the contents of the Sentencing Act or the amendments to the Justices Act, which have not been introduced yet. One would not recognise it as part of a national agreement because it is unrecognisable in comparison with what was agreed by the Minister on 10 May.

Sitting suspended from 6.03 to 7.00 pm

Mr RIEBELING: I have already indicated that in the public's opinion this clause is the key to the success of the legislation. It is not good enough for the Minister to say that even though some of the controls have not been included in this Bill they have been included in a piece of legislation which has not yet been introduced into the Parliament. He cannot tell the public that. The Minister said that the legislation would be introduced in a couple of weeks. Some people think we will not be here in a couple of weeks!

Dr WATSON: As the member for Ashburton said, the Opposition has grave reservations that the agreements reached at the Australasian Police Ministers' Council, particularly the agreement which addresses the fitness of people to hold a licence, are not included in the legislation. The fitness of people to hold a licence falls into two categories Firstly, those people with convictions or records of violence and, secondly, those with a history of mental illness.

In 1990 the Institute of Criminology made the observation that the area in which police could make a difference in addressing matters of violence was domestic violence and that was through appropriate record systems and responses from women who had been subjected to violence. The Minister said that while the Committee is debating a component of uniform legislation, the major areas that address those issues are contained in two other pieces of legislation. One is in the form of the Sentencing Act, which has been awaiting proclamation for a long time, and the other is in the form of legislation which is yet to be introduced into the Parliament. That legislation should have been introduced a year or more ago. I understand, from what the Minister said, that legislation will take up some of the recommendations of the Chief Justices' report on gender bias in the law. I do not think we will have one piece of legislation in this place which will reflect the provisions agreed to at the Australasian Police Ministers' Council meetings in May and July.

I refer specifically to the issue of restraining orders. I take on board the Minister's criticism about the drafting of the amendment; that is, that it should relate to restraining orders for violent behaviour. We must look at the circumstances in which these orders are sought and obtained. It does not always follow that a woman must be physically assaulted in order to get a restraining order. Very often a woman will apply for this kind of protection when she receives threats of intimidation after she has separated from her partner. She could be living either in the family home or forced to move out of the family home. If she had been in a violent relationship and separation it is highly likely that her partner will seek to establish where she is living. We have had debates in this place on a number of occasions on issues colloquially known as stalking. It is in those cases where this kind of order is applicable.

Mr Johnson: Police already take away firearms in those cases.

Dr WATSON: No, they do not. The member should listen to women living in these circumstances because all too often they will say that their partner has guns or access to guns.

Mr Johnson: The police can take them away.

Dr WATSON: I beg to differ. It depends on the police officer and the person who owns or uses the firearms.

Mr RIEBELING: This provision was considered important by people on both sides of the argument. The debate on this clause highlights a very small number of incidents where violence and guns are involved in our community. We are focusing on a small percentage of people and people on both sides of the argument agree that those people should not be in possession of weapons. The Minister may think that this Bill contains sufficient protection, but I

am telling him that the general community expects the provision proposed in the amendment to be in the legislation. The Minister says the amendment is not necessary because of the legislation that will be introduced and the provisions in other Acts which cover offences involving weapons.

The people of Western Australia expect this legislation to contain prohibitions on people who have used weapons in assaults, who have been involved in a violent situation and who have court orders or restraining orders against them to stop them being violent towards someone else. The community believes that people who have violent tendencies towards another person should not have the capacity to own or use a weapon.

This clause does not affect as many people as does suicide. However it does affect those people concerned and has a devastating impact upon the victim and their family. It is not sufficient for the Minister to say that the Police Commissioner will not do this or that or that future amendments will clear up the problem when the Sentencing Bill is proclaimed. I am staggered that that legislation still has not been proclaimed 18 months after it was debated. Who knows how long it will take to pass the Justices Act amendments to which the Minister has referred? If that piece of legislation were so vital to this legislation's working, it should have been lodged at the same time to allow the proclamation of those provisions when this legislation is enacted. However, we do not have that situation.

A restraining order does not have different classes, so our amendment is accurate. That at least should be agreed. My only concern with the Opposition's amendments relates to proposed section 11D(b)(ii), which states that a person who has been detained for a mental disorder is prohibited from holding a firearm licence. I do not know whether that is too strong. To prohibit someone simply for having been detained may be a bit draconian. However, in this context, the issue of people with psychiatric problems is a real concern in our community. A large number of people think that that is more important than the gun control legislation. People to whom I have spoken point to that as one of the key issues. Not to have it in the legislation specifically is a mistake.

Dr WATSON: I remain concerned that the agreed reference to domestic violence and restraining orders is not in the body of this legislation. I am not sure how the Minister will address that. I cannot be persuaded that this reflects the agreements that were reached. Very often the police will respond to a breach of a restraining order only after there has been a threat of violence or intimidation.

We must also consider the experience of many women who have faced intimidation and threats to kill. Those threats are reinforced if the woman knows that her partner or former partner has a firearm or access to a firearm. Some very telling research was done in rural New South Wales. Data relating to spousal murders indicated that a huge proportion of those murders was by firearm and that many occurred in rural New South Wales. In response to the questionnaires and interviews, many women said that firearms kept them in a violent situation. Their partner would say, "You leave and I will find you." The women who live with this kind of violence know their partner well enough to know that that threat will be carried out.

Indeed, we know that the most vulnerable time for women to be killed is in the first three months after they leave a violent relationship. They might leave and be harassed and intimidated. It is a common pattern for men to send bullets through the post. They do not need to send a letter; the women know exactly where it has come from and they know exactly the message conveyed. The ex-partner might shoot a pet - a cat or a dog - and leave it on the doorstep. The women know exactly what that is about. Two women have told me about being sent brochures for wheelchairs with the message that they will end up paralysed. Those kinds of threats can contribute to a woman's deciding that she must stay in a violent relationship. We are not addressing those issues. We should deal with them by including a suitable form of words in the legislation. Until we do so, we cannot be said to be enacting the spirit of the agreement and we are certainly not complying with it.

I am most concerned about issues related to so-called mental health. Many people see mental illness as florid, rampant, overt, lunatic behaviour. Probably the people about whom we need to be most concerned are those who are depressed, particularly young people and young men in the country. We know there has been an alarming increase in suicide by firearm over the past 30 years in rural Australia, including rural Western Australia. I hope that we will have legislation that allows medical practitioners, parents and other family members who know that a person is depressed to advise the commissioner that that person should not have access to weapons.

Mr WIESE: Again, we are running through material that we have covered previously. As I have said so often during this debate, most if not all of the matters being raised are either dealt with in practice now or this legislation as amended or other legislation to which I have referred enables them to be dealt with. It appears that we need to go over some of this material. I am prepared to do that. Part of the problem we face is that we received these amendments only 30 hours ago.

We have not had a chance to carry out the sort of assessment we have carried out in the Chamber. I indicate to members that I am willing to revisit these amendments and the concepts envisaged in them with a view to seeing

whether we can put together amendments in a form which is appropriate to the legislation. I will not guarantee that we will achieve that, but I am certainly willing to try.

I find that most times when I am responding to matters raised, I answer that the Bill already meets those requirements; they are already in the Bill in various forms. We should be able to pull things together and make changes to meet the intent of members opposite for inclusion in the legislation in the upper House. We can address many of those issues. I am not sure whether it will be possible to reflect the concepts that are already in the restraining orders Bill, the amendments to the Justices Act, in this legislation. However, I am willing to discuss the matter with the Attorney General to see whether we can satisfy those aspects. If not, I am sure we can make reference to the legislation, as has been done in the past. Problems arise in that area. Nevertheless, I am willing to see whether we can implement those suggestions.

My intent and that of the member for Kenwick is very much the same. She referred to threats and the mental health problem. Those could be solved simply if we could get doctors to come forward with the information at the appropriate time. They become aware of this information long before anybody else.

Dr Watson: There will be a committee, won't there?

Mr WIESE: The committee is already working on that aspect. It will make recommendations to the Australasian Police Ministers' Council meeting in November in Brisbane. We will get the report of that committee and deal with the issue. I have tried to deal with it in several clauses of the legislation already. To some degree, I have given the commissioner some power to pick up matters outlined in the amendment to be moved next. Those powers are already provided to require an applicant to bring forward information from the doctor. I would not go as far as the Opposition does with that amendment, but the power is already in the Bill. If I can embody that intent into amendments, I am willing to try to put it in the legislation. Many of the matters raised by members opposite - I understand that they are not happy with the format - are already part of the legislation. Therefore, I am willing to see whether I can bring it together in a format which meets the members' needs, my needs -

Dr Watson: The community's needs.

Mr WIESE: - and, more importantly, the community's needs. I am prepared to do that and incorporate the amendments in the upper House.

Dr Watson: That is very decent, Minister.

Mr WIESE: If there are other matters to raise, members opposite should get them on the agenda. I give that undertaking as to how I intend to deal with the Bill from here on in.

Amendment put and negatived.

Mr McGINTY: I move -

Page 17, after line 12 - To insert the following -

Police and other records to be checked before any licence or permit issued

11E. (1) The Commissioner shall ensure that no permit is granted and no licence is issued or renewed to any person under this Act unless that person's fitness in relation to the matters identified in section 11D has been considered by reference where feasible to -

(a) records held by the Police Force in the State;

(b) records held by any person or authority under the *Mental Health Act 1962*; and

(c) where lawful, any other relevant records held in the State or in any other State in Australia, or anywhere outside Australia.

(2) For the purposes of ascertaining the matter identified in paragraph (b)(I) of section 11D the Commissioner may require an applicant to provide a certificate of physical or mental health from the applicant's medical practitioner and on the provision of such certificate the Commissioner may request further information directly from that medical practitioner.

I am very much heartened by the commitment just given by the Minister; it is rare and welcome. I share his view that we are seeking to achieve the same things, and it comes down to how we can give best effect to these intentions. The central point of the amendment is the question of onus. At the moment, the way in which the firearms legislation is cast means the Commissioner of Police cannot grant a licence under the Act if the commissioner is of the opinion

that a person is not fit to hold that licence. A positive opinion must be formed that the person is not a fit person to have a licence.

The power is in place but it may not necessarily be used to enable certain checks to take place. There is a power in relation to medical conditions for the commissioner to require information to be supplied, but it does not cast onto the commissioner a positive duty to undertake those checks prior to granting a licence. I return to the occasion which precipitated these laws; namely, Port Arthur, which indicates the need for a reversal of that onus. Rather than placing the onus on the Police Commissioner to come positively to the view that the applicant is not suitable to have a licence, the applicant should prove that he or she is a suitable person for such licence.

The Opposition wants the police to have reference to the police records, any record held under the authority of the Mental Health Act and any records in other States or, where possible, outside Australia. It is a matter of reversing the onus by which the Police Commissioner must grant a licence until he can decide that somebody is undesirable. The onus should be on the applicant to establish certain things. Also, the Police Commissioner should have a duty to make positive checks to ensure that the person should be granted a firearm licence.

There are obvious difficulties in matters currently being addressed by the commonwealth-state committee set up pursuant to the Australasian Police Ministers' Council resolution on how to address mental health in relation to an applicant for a firearm licence. The issue of police records is a matter of course. Police can easily run a check on an applicant. However, mental health poses a significantly different privacy and confidentiality issue. The matter is being addressed. How one affords a person privacy and, at the same time, does the right thing by the community is a balancing act. No doubt that will be part of the recommendations put before the Police Ministers in November.

The Opposition seeks to cast a duty on the Police Commissioner to ensure that the police do not grant a licence unless a person's fitness is considered by reference to those matters. Currently, a Police Commissioner has no statutory duty to look at either the criminal records or mental health as they affect an applicant. A duty may apply in relation to criminality as a matter of course, but it is desirable to apply the power as a matter of law so licences are not granted in inadvertence, mistake or failure to properly investigate applicants.

Mr RIEBELING: I thank the Minister for his comments last time he spoke about endeavouring to get our amendments included in the legislation, if possible. Proposed section 11E is one of those provisions to which the Minister referred.

The Minister indicated that he does not know how the police will get hold of some of the records under the Mental Health Act. The amendment to proposed section 11E(1)(b) refers to that provision. It is like gaining access to hospital records generally, rather than records that indicate a specific problem. Under our amendment, where a record from a mental institution indicates a person has been an inmate, the commissioner would be in a position to require that person to allow access to the record showing the problem, rather than the confidentiality of that person's records being invaded completely. The police would have an indication of the fact that a person attended a mental institution. If the person wished to pursue a licence, it would be up to the individual to convince the Commissioner of Police that either the problem no longer existed or that it was an ongoing problem that did not adversely impact on that person's right to hold a firearm. Alternatively, the person would not pursue the application for a licence. Many civil libertarians would object to this suggestion of granting access to records. Our amendment takes a broad brush approach, rather than specifically identifying the person's problem. The overall benefit to the community outweighs any harm caused by accessing medical records of an individual who is seeking the licence.

The support for this legislation is based on the premise that the overall good of the community overrides the need of the smaller group of people who wish to own weapons. The whole argument has been based on the smaller groups in our community making the sacrifice for the betterment of the entire population. Therefore, the rights that some may see as being whittled away under the Mental Health Act are something we, as a community, must accept - albeit reluctantly - to enable the policing authorities on our behalf to access mental health records to ensure that the people, who hold weapons that can inflict severe damage on our population, are of stable mind. I hope the Minister will tell us that he hopes to incorporate proposed section 11E into the legislation when it reaches the upper House, presumably in the next week or so.

Dr WATSON: I am delighted at the decency the Minister has shown in agreeing to examine the amendments that have been proposed by the Deputy Leader of the Opposition. We deem them to be critically important. When the Minister is considering proposed section 11D, he must also examine proposed section 11E.

Mr Wiese: It is part of the whole lot of them.

Dr WATSON: The onus is on the commissioner to ensure no permit is granted or licence issued or renewed until those steps of examining records have been attended to. When the Minister says that it is the whole lot of them, is he referring just to proposed sections 11D and 11E?

Mr Wiese: We have already done a couple; the next one, No 8, and the one after that must be looked at to see whether there is an ability, with some changes and fiddling around, to incorporate them.

Dr WATSON: It is true that proposed sections 11D and 11E are part of the same process.

Mr WIESE: This clause made me reassess how we were handling this issue. I was almost inclined to accept the amendment as it was put forward. The problem is that it refers to the previous amendment. We cannot deal with it in that way. We would be going about this in the wrong way. I will run through some of the matters that have been dealt with. The matter of the commissioner ensuring that no permit is granted or licence is issued or renewed unless the person's fitness in relation to their criminal record, for instance, has been assessed has already been dealt with. I had no problems with picking up that part of the amendment.

The member for Ashburton referred to proposed section 11E(1)(b). I do not know whether that proposal will be as easy to pick up; in fact, I do not think it will be. The APMC is now grappling with that issue to see how it can be dealt with. As the member indicated, some very significant civil rights issues are involved in adopting the concepts that form part of that issue. We are talking about records that are very private to the individual, and have been greatly guarded by medical practitioners and by the medical profession. If there is a way of accessing those records, I am very keen to do that, as is every other police Minister. I am not sure how we can handle that, but I am willing to go back and look at this issue. The intent of it is already covered. The commissioner is already able to request that information. That is picked up in subclause (2) of this amendment.

Mr Riebeling: He will not merely say to every applicant that a certificate must be provided that shows that the person has not been subjected to mental health treatment. It must be identified in some way.

Mr WIESE: That is why a question will be inserted on the licence application, but that will not provide all the necessary information either. Obviously applicants who are seeking a licence will not want to admit they have been inmates at a mental institution or have medical problems or mental health problems. We are trying to tackle this matter in every way we possibly can. I am willing to go back to the other police Ministers to see whether something can be done about this issue. As I said, I am very keen to ensure something can be done in that regard.

Mr Riebeling: It might be that a question on the application form asks whether the person has been to a mental institution, and that person will answer no. As a matter of course perhaps the records of the mental institutions could be sent to the licensing agency to verify the situation.

Mr WIESE: That is where we come to very large civil rights issues. I do not know whether that is a feasible way to go. If the APMC says it can be done in that way, that will be terrific; however I doubt that it will agree. My feeling is that it will not.

Dr Watson: The argument is about public health, not individual civil rights.

Mr WIESE: I have no argument with that. I refer to proposed section 11E(1)(c), which deals with the commissioner being able to access records held in other States. That can already be done through the national exchange for police information system. There are no great problems there and there is already the rider that the commissioner can be required to obtain that information, where feasible. If it is not feasible, clearly it cannot be done. We are more than three-quarters of the way to accepting this amendment. With regard to subclause (2), "for the purposes of ascertaining the matter", that power is already given to the commissioner. I am willing to see whether we can incorporate this into amendments in the upper House, and I am confident that we can.

Dr TURNBULL: I commend the Minister on his commitment to look further at how best to determine whether a person is fit to hold a gun licence. However, we must recognise that this Bill cannot be the whole prescription. One member of the Opposition talked about the terrible situation of a woman, or even a man, being intimidated following the breakdown of a relationship. I can assure members of the Opposition that it would not matter how tight we made the gun laws, there would always be people who would find some way of intimidating another person in such a situation. That could be with a knife, or with petrol. We have read about the terrible tragedy that is being tried by the courts at the moment of the young woman whose husband set her on fire.

We must not kid ourselves into thinking that this Bill will cover absolutely everything. The Minister knows as well as I do that one of the areas that we must tackle is the new mental health Bill. Our Government is committed to that legislation. How would we classify a person like Bryant, who allegedly committed the atrocity at Port Arthur? One of the triggers that showed up in his history was his use of pornographic material. Many people in our society do not want censorship of pornographic material, for civil libertarian reasons. Those people would argue that there is no way that we can say that a person who has 20 X rated or pornographic videos is not a fit person to hold a gun licence; yet those people may be far more unsuitable to hold a gun licence than many other people in our community. I agree with the Minister that this is a difficult area. It is not an area in which we can prescribe things. We cannot come

down to issues such as whether a person has five or 20 pornographic videos. I regard that as a far better indicator that a person has a personality trait that may lead him to abuse women than some other trait such as that he had had a punch up with another man at an end of year party. These factors must be kept in balance. The Minister's commitment to see whether it is possible to do what the Opposition wants to do is good, but I agree with the Minister that most of these matters will be dealt with in other areas.

Mr WIESE: The member for Collie is correct; threats can be made by a range of means. Those issues will be difficult to deal with no matter what changes we make. If those threats then materialise into a firm belief that harm may result, the police already have the power to deal with those situations under the amendments that I brought into the Parliament in 1994. To some degree, we have dealt with the issues which are tangible and where a threat can be identified, but the unidentifiable threats that have been referred to are very difficult to deal with; and, no matter what we put in here, they will continue to be difficult to deal with. Perhaps the only way they will eventually be dealt with is by the person under threat going to the court and getting a restraining order; and under the legislation that the Attorney General will bring into the Parliament in two weeks, the court will be able to order that any firearms be removed. That will remove that threat of violence by firearm. The other physical threats, be they bashings or mental terrorism - that is a very common problem - will remain and will be very difficult to deal with under any circumstances.

Amendment put and negatived.

Dr TURNBULL: A primary producer may nominate another person to operate his property, and that other person may require a category C firearm in order to conduct that activity. The size of the property and the farming activity may vary from a large area in the north west of the State to different circumstances in the south west. Orchardists may have a number of orchards on their property. The vermin that I am concerned about is parrots. Various people want different types of guns to shoot parrots.

Mr Graham: Carrots!

Dr TURNBULL: The member for Pilbara is not quite as deaf as he pretends to be. Parrots can be very destructive of carrots!

Mr Graham: Shoot them both!

Dr TURNBULL: We will shoot them all! Parrots can also be very destructive of tree plantations. Horrendous damage is done to plantations in my area by a huge influx of parrots. It will take some interpretation by the licensing officers or even the appeals tribunal to consider the different types of property in which primary producers are involved. The strength of the Western Australian legislation - not the weakness, as the Opposition argued - is that it will be able to adapt to Western Australian conditions and to deal with the needs of the environment, as well as the activities conducted throughout the State that may result in plagues of vermin that will have a disastrous effect on primary production. Where will the Department of Conservation and Land Management fit into the scene? CALM has professional shooters operating on government land - taxpayers' land - to protect the land from destruction by vermin. In the south west some of those areas are much smaller than other areas where professional shooters would be able to make a livelihood. Therefore, in the south west, people who have permission to shoot vermin on CALM properties are not professionals. I do not say that all these people will want category C firearms, because many will use only single shot bolt action guns. Has the Minister considered that situation? At page 21 of the regulations it is stated that a category C firearm can be issued for commonwealth or state government purposes. Perhaps this situation may fall within that category.

Mr WIESE: I will deal with the last query first, because I am still coming to grips with the carrots! Currently professional shooters operate on CALM properties; therefore, they are able to have access to categories A, B and C firearms. I do not foresee any problems for those shooters if they can prove that they need to use that type of firearm. For government purposes, organisations such as the Agriculture Protection Board are able to get access not only to category C firearms but even to category D firearms for the purpose of vermin destruction, especially the larger vermin in the north west.

People have entered and continue to enter CALM properties with permission to shoot vermin. Wild pigs are one of the most obvious vermin in the south west. Some fairly heavy calibre, hard-hitting firearms, which would be at least category B, are necessary in that situation. There may be a case sometimes for issuing category C firearm licences. I foresee some problems there in future, because unless they have access to category C firearms via another route of exemption some people will have difficulty getting hold of category C firearms to operate on a CALM property. If there is a way it can be done for government purposes, people will have that ability. I cannot give a categorical answer.

As to the primary producer nominee, it does not work quite as the member for Collie indicated; that is, some other person - presumably the primary producer nominee - says he needs a category C firearm. It is the primary producer who believes he does not want a category C firearm to deal with the vermin who will nominate a person in his stead to receive that exemption. That nominee will then seek the exemption and be dealt with in the manner that I discussed at length previously. The member for Collie has highlighted one of the reasons I strongly believed we needed to allow for nominees and for the size of the properties to be taken into account when assessing whether there should be more than one category C-type firearm. Situations will arise where small property owners in the south west, such as the orchardists referred to by the member for Collie, may have valid reasons for requiring a category C firearm. Those persons will have to go through the processes we have outlined. Ultimately the Commissioner of Police will make a judgment whether a problem exists, and whether a category C firearm is an appropriate way to deal with it. If he believes that is the situation, I expect he will grant an exemption.

The member for Collie has highlighted the problem of parrots in the south west, in my area, and further inland. Parrots are a problem not only for the orchardists in the south west but also for the plantations in which hundreds of thousands of trees have been planted. Parrots have taken out up to 40 or 50 per cent of plantations. They are a menace, and it is a difficult situation to deal with. However, I do not know whether the use of firearms is the way to deal with parrots.

Dr TURNBULL: I turn now to another point about category C firearms. I have discussed the matter with the Minister before, but he did not have an answer. This is an item that should be raised, and it relates particularly to the Commissioner of Police's discretion regarding what is an appropriate gun for a certain job. It has become very apparent to me that there are many different categories of primary producer, sporting shooters and other gun owners. Some of them are very good shots. They use their single-shot, bolt action guns and hit the target every time. Often they may need only two shots and the job is finished in no time. Those people stick with their single-shot gun because that is the most appropriate weapon for what they want to do. However, some people, particularly primary producers, are not very good shots. Therefore, when they are trying to kill vermin, they want semiautomatic guns. I assure the Minister that this is not a facetious item; it is legitimate and reasonable. If people are going to shoot an animal, they must have enough shots to do the job. If the primary producer is the one who must do that, he will need the gun. There are women who run farms. They do not want to have a single shot gun. In these cases the Commissioner of Police, or even the appeals tribunal, must take into account the requirements of the people who seek the gun. If the gun is a tool that is required to run their properties, this item must be taken into account. It will be taken into account in some sporting clubs that have women members. I think the Minister indicated that it would be considered as an appropriate requirement.

Mr WIESE: I was just bet that I would not be game to stand up and say that we beat the Japanese with a category B firearm. I think I have just won the bet!

I am not in a position to give a definitive answer to the member for Collie on whether people being a good shot or a bad shot is a factor in whether they get a category B or category C firearm. For category B and C firearms a requirement exists to show a need. If people are able to show need and convince the commissioner that whether they are a good shot or a bad shot is an indication of need, perhaps the commissioner will take account of that. I would be surprised if he were to do so. This legislation really requires people to show need for factors such as whether vermin are required to be destroyed, and it is those factors that should be taken into account by the commissioner.

In some circumstances the sort of argument mounted by the member for Collie has a degree of validity. For instance, there is a good case for the use of a category C shotgun to deal with the emus that come in plague proportions on the fringes of the eastern wheatbelt. That is how they have been dealt with in the past. It would not be possible to deal effectively with them with a double barrel or single barrel shotgun, and certainly not with any of the rifles. Each case will be dealt with according to its circumstances.

Dr TURNBULL: I thank the Minister for that comment because he has acknowledged that requirements exist for appropriate tools for jobs in appropriate places. I am concerned about people who seek a replacement for the category C firearm they hand in and who must show a genuine requirement for a gun. People find it difficult that they must go through the process of application for another gun, whether it is a category A or B firearm. People who already have the required supporting documentation for the category C gun must provide all the documentation again.

This process is particularly difficult for some professional shooters, who could have kept their category C guns and applied for them. Professional shooters have already been through the problem of applying for the guns. Now that it is harvest time many people employ professional roo shooters. To have to reapply step by step through the application system is excessive. What is the Minister's position on that?

Mr WIESE: I direct the member for Collie to proposed section 18(10) of the Blue Bill, which enables a person to seek an expedited licence to deal with the sorts of situations to which the member refers. It states -

> Where a licence has been issued to any person and that person applies for an additional licence of the same kind in relation to a further firearm that additional licence may, on presentation of an application for expedited approval accompanied by the prescribed noting fee, be noted on the original licence in any case where the Commissioner is satisfied that the public interest does not require that the applicant should proceed by way of an originating application.

That deals with an additional licence. It has just been pointed out to me that the intent of the legislation is that it would cover the replacement of a category C firearm that was handed in. I may need to seek some guidance on whether it does that. However, my belief is that the legislation covers the situation to which the member refers.

Mr RIEBELING: This is a matter on which the member for Collie and I agree. I was concerned about how people changed their illegal weapons for now legal weapons. I believe we should encourage them to obey what the community wants and not put obstacles in their way. I do not think "additional" means anything other than another weapon. If people hold a licence, any new weapon that is put on it is additional; therefore, what the Minister says is correct. The only part of this clause that concerns me is the provision on the noting fee. If people hand in a firearm licence, presumably that licence, which they have paid for a period, ceases to exist.

I hope the balance of the firearm fees can be transferred without any large noting fee being involved. We do not want to put obstacles in the way of people complying with the new rules. If the noting fee is a dollar or something along those lines, that would not be a great obstacle. People at the moment are not happy about handing in their weapons. They feel insecure about whether they will get value for their money. When they go to the police station with their new weapons they do not want an additional expense for complying with rules that they probably did not want in the first place.

Mr WIESE: I do not believe the fee of $11 is extortionate and I doubt whether it covers the costs involved. I do not believe it will cause any problems.

Mr Riebeling: Is it possible to waive that fee for a 12 month period to encourage people to do the right thing?

Mr WIESE: I have some sympathy with the member's point. However, we are talking about a person spending between $500 and $2 000 to replace a semiautomatic shotgun with a double-barrelled shotgun. The $11 fee will be paid instead of their going through the process of applying for a new licence, and it is a good way of dealing with the situation.

Clause put and passed.

Clauses 13 and 14 put and passed.

Clause 15: Section 16 amended and transitional provision -

Dr TURNBULL: I commend the Minister for Police on the clauses in this Bill which deal with firearm collections. I have had many representations from people in connection with guns that are valuable from a monetary or sentimental point of view. They may not be antique guns, but may be good working guns that fall into category C and that have been passed down from father to son. Some elderly people also possess guns that have sentimental value. I understand that even though there may be only one firearm, that does not prevent it from being a genuine firearm collection for the purposes of this legislation. Will the Minister explain how people can secure such a gun as a collector's item?

Mr RIEBELING: Can the Minister give an example of a weapon that would not fit into this broad definition of a firearm collection? A firearm may be part of such a collection for a range of reasons from sentimental to historical value. Any weapon could fall into that category. I hope this area will be far more restricted than appears to be the case.

Mr W. SMITH: I am somewhat surprised that the Commissioner of Police will have an expert opinion on all things, including collectables of an antique nature. It strikes me as unusual that although we hear much of uniform legislation across the States, in the Eastern States firearms manufactured before 1900 are not required to be licensed. I ask the Minister why, for example, a collector's firearm which is muzzle loaded and does not require cartridges must be licensed. There is no evidence at all that these types of firearms have ever been used in contravention of the Firearms Act either in Western Australia or the Eastern States.

Mr WIESE: The provisions in the clauses dealing with firearm collections are substantial. That has partly picked up the APMC resolutions that were substantially debated at the 10 May meeting. I was probably the only voice to indicate the potential problem with collections, and the proposals mooted by John Howard would have resulted in the destruction of thousands of extremely valuable firearms across Australia. In my opinion that would have been criminal. I am aware of a firearm that cost $60 000 to manufacture, and that would have been destroyed under the

Federal Government's original proposal. By 17 July I and some other Ministers, who by then had also recognised the problem, were successful in achieving a very sensible legislative proposal to deal with firearm collections that would allow many of the more valuable firearms to be retained in collections.

There are significant restrictions on collections. They are not able to be used and they must be secured and licensed in the same way as they are now. Virtually the same restrictions apply to those weapons as to normal firearms. In Western Australia we do not allow pre-1900 weapons to be free of the licensing requirements as occurs in the Eastern States because we had a regime of licensing curios for many years. The pre-1900 and muzzle loading firearms, in the main, are in collections or on curio licences here. We have retained that provision in this legislation. They are still capable of firing a projectile and of being lethal.

As in the past, we believe that the curio licence, now a collector's licence, is appropriate for those firearms as for all the new firearms that can be put into a collection. The provision for a "collection" was included to deal with some of the realities in the community. Many people have collected firearms for their significant commemorative value. Many have had firearms especially manufactured as commemorative items. In many cases they have very high values and have not been fired.

Mr Riebeling: What firearms will fall into that definition?

Mr WIESE: The category D firearms. The only way to put them into a collection is by rendering them permanently inoperable.

Mr Riebeling: Only an assault type weapon would not come under that area?

Mr WIESE: That is the major type that could not be included.

Mrs Parker: What about the muzzle type?

Mr WIESE: The firearms that will continue to be prohibited are machine guns, hand grenades, mortar guns, bazooka guns and fully automatic firearms. They could all be in a collection but rendered permanently inoperable.

Dr TURNBULL: What will be the requirement for securing just one firearm? Will it be necessary for the valuable collections, some items of which have not been fired and which are kept locked in vaults or special security areas, to be rendered temporarily inoperable?

Mr WIESE: Certainly if category C firearms are collected there will be a requirement to render them temporarily inoperable by removing the firing pin or the breach block. If nothing like that can be done a trigger lock could be installed. We are flexible about that. The intention was to make sure those valuable firearms were not permanently disabled and as a result totally lost their value. The requirement for storage in general is much the same as for normal firearms.

One would have to convince the commissioner that those firearms had significant commemorative or historical value, that they could be part of a thematic collection or that they were heirlooms. That has been raised in many submissions to me. People may wish to keep firearms passed down through families from the early 1900s as heirlooms. The collection enables them to do that. The same applies to the sentimental value. The provision to allow these collections will meet a very strong need in the community. They will not be able to be fired and persons will not be able to keep ammunition for them. That will ensure that they are safely stored and kept and that we meet a strong requirement in the community.

Mr W. SMITH: In other States collectables are not required to be licensed when they are about 300 or 400 years old. Here they must be licensed. Interference with such valuable antiques will afford the owners of them in other parts of Australia a huge price advantage. Collectors in WA will be disadvantaged by this legislation.

Mr WIESE: I reject the comments that people in Western Australia with those firearms will be disadvantaged. We have retained the same provisos as existed before. Nobody will be disadvantaged. Sure, in many aspects our legislation is different from the Eastern States legislation, as it has been in the past. It has been substantially better than their legislation.

Mr W. SMITH: This legislation has been introduced to gain uniformity with gun laws in other parts of the country. The Minister is saying now that aspects of this legislation will remain different from legislation in the rest of the country.

Mr WIESE: That indicates some degree of misunderstanding of the Australasian Police Ministers' Conference resolutions. It covered the minimum standards. It was always understood in discussions that nothing would prevent a State from having individual requirements. I clearly indicated on many occasions that we would not lower our standards in order to achieve the so-called goal of uniformity. This is one of those areas. I see no reason for lowering

our standards. The people who have had those firearms in collections in Western Australia have always had them on a licence and will continue to do so.

In relation to other firearms, the provisions that we have incorporated into this legislation will be received with a great amount of satisfaction by the people of Western Australia. People have been collecting those firearms for many years. I have come across people who have been collecting these firearms for 50 or 60 years. They faced losing them. They are now satisfied that the provisions we put in at the Police Ministers' council meeting are a satisfactory, sensible solution to the potential problems.

Dr WATSON: It seems that any person employed by a government department, bank, or state instrumentality, for instance, will be able to use firearms or ammunition either on the premises of the organisation or in the course of carrying out a function on behalf of that organisation. I would like to be assured that the people within the organisation will have to meet the requirements of fitness that apply in other circumstances; that is, that they have no known record of violence or of mental illness.

Mr WIESE: There have been only minor changes to the corporate licence parts of this legislation. They are exactly as they have operated for many years. There are only those few proviso clauses.

Dr Watson: I hope that those people authorised to use firearms and ammunition on behalf of an organisation will have to meet the criteria that anybody else must meet outside the organisation.

Mr WIESE: Subsection (2) refers to employees or agents of the organisation or persons acting at the request of and on behalf of the organisation. Many of those licences do not relate only to the firearm licence. They relate to a dealer's licence, a repairer's licence and a manufacturer's licence. We are empowering an employee of an organisation to handle firearms, whereas in the past there was no requirement. It was happening. It might involve somebody employed by the organisation picking up that firearm from the firearm owner and transporting it to the repairer. We needed to empower those people and pick up what has been happening in the past, probably illegally.

Dr Watson: An employee of Agriculture Western Australia might be using one of these weapons, but the commissioner may not have made any decision about whether that person is a fit and proper person or whether there has been a history of or tendency towards violent behaviour.

Mr WIESE: The Agriculture Protection Board is a good example. The commissioner, in granting the corporate licence, may impose a condition that the agency provide the names of all the persons who will be using those firearms. The commissioner will do the appropriate checks of those persons. If he believed somebody on the list were unsuitable, he would notify the agency that that person was unsuitable to use a firearm under that corporate licence.

Dr Watson: You are confident that that system has been working.

Mr WIESE: That system has been operating since the legislation has been in place. It was an amendment that was put into the Firearms Act during the term of the member's Government. Somewhere around 1985 or 1987, an amendment was made to the Firearms Acts to enable the APB to have that corporate licence. I think it empowered it to use silencers and high powered semiautomatics. It has been operating successfully for about 10 years.

Clause put and passed.

Clause 16: Section 16A amended -

Dr WATSON: I have grave reservations about this clause. It provides that an organisation for which a security agent's licence is held can permit an employee to possess a firearm or ammunition. I am concerned that, increasingly, security officers will be armed. Recently, security officers were employed on Westrail trains. I made my concerns well known that these security guards were dressed in uniforms that were very like those of police officers. Their epaulets and badges were very like those of police officers. They wore black and white check caps rather than blue and white. At first glance, they resemble police officers. They carry batons. I said that it would be only a matter of time before these people were armed. That will be realised with the insertion of a clause like this in the legislation. It seems to be plain that an employee will be able to possess a firearm or ammunition if he is authorised as a licensed security officer.

The whole community should be concerned because when one looks at countries in which police are armed and not armed and compares and contrasts Australia and, say, Great Britain, data and experiences are available. We know that there is less violence in societies in which police are not armed. We are adding to the potential for increased violence with armed security officers.

Mr WIESE: The Security and Related Activities (Control) Act 1996 which we passed earlier this year set up a range of categories of security officers, one of which was a special category of security officer who is enabled to carry a firearm. Built into that legislation were very strict controls over security officers' ability to have and carry a firearm. All security officers must be licensed. An armed security officer also must be licensed to carry a firearm. They must carry that firearm only while they are engaged in activities authorised by their licence. One of those activities is when they are escorting money and valuable articles.

Dr Watson: Is it likely that a security officer on trains will be armed?

Mr WIESE: They would never be given a licence to carry a firearm. Quite clearly that is not one of the activities which would enable security officers to be endorsed as armed security officers. The authority granting the permit for security officers to carry firearms is able to impose very strict requirements on the licence. The licence can be endorsed with any conditions or restrictions that need to be placed on it. It is strictly controlled and has been in operation for many years without problems. It will be watched very closely to see how it operates.

Clause put and passed.

Clauses 17 to 19 put and passed.

Clause 20: Section 19A amended -

Mr WIESE: I move -

Page 29, after line 5 - To insert the following subclause -

(2) Section 19A of the principal Act is amended -

(a) in subsection (1), by deleting "firearm licence" and substituting the following -

" Firearm Licence, Firearm Collector's Licence, or Ammunition Collector's Licence ";

and

(b) in subsection (2), by deleting "his licence" in the first place where it occurs and substituting the following -

" a licence of a kind specified in subsection (1) ".

This clause deals with the ability to impose a penalty by way of an infringement notice. The current clause restricts the ability to impose an infringement notice fine to a firearm licence only. With this amendment we are extending that provision to pick up firearms collectors' licences and ammunition collectors' licences. This amendment is an acknowledgment of the fact that we have firearms and ammunition collectors' licences, whereas previously we did not. It seems sensible to be able to impose penalties for infringements against all of those licences rather than for firearm licences only.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 21: Section 20 amended -

Mr RIEBELING: I understand that page 18 of the Notice Paper contains an amendment in the name of the Deputy Leader of the Opposition. Once again the Minister has missed the opportunity to enact legislation which the major groups of the population are expecting. Earlier in the debate the Minister indicated that he would tend to accept what we were saying and endeavour to get amendments before the other place as a result of our suggestions. The clause at present fails to refer to people having been convicted of assault with a weapon, which is clearly what we debated in dealing with clause 11. The offence involving violence is missing. The member for Collie said that people wishing to harm people did not necessarily use firearms. She referred to the recent incident at present before the Supreme Court of a male who poured petrol over his spouse and set alight to it. Even though it is a horrific offence, one could imagine what would have happened had that gentleman had a pump action shotgun. We would not have had a victim who was able to give evidence in court. Many people say that a gun does not kill people; it is the person behind it who causes the injury. That is absolutely true. However, it is imperative that this legislation clearly spell out that if a person is subject to a restraining order or has been convicted of violence, such as assault with a knife and not necessarily a gun, the Minister or Commissioner of Police would not consider giving that person the opportunity for a better go next time. We are targeting people who have committed violent acts. If a person engages in violent

acts, he should forfeit any ability to gain access to a firearm because the consequences of violent people mixing with weapons, especially in domestic situations, is not acceptable at any level in our society.

It is not even a matter for debate in the community; it is accepted as the basic starting point for this legislation. The Minister knows that, and because of his earlier comments I am sure he will support the amendments about to be moved by the member for Fremantle.

Mr WIESE: Most of the matters raised by the Opposition are dealt with in the Bill. Where a person has been convicted of those various offences the court will be able to order revocations and suspensions of licences, and that type of thing. I will deal with those issues as I have dealt with similar matters: I will not agree to this amendment now; however, we will come up with an amendment that will pick up the thrust of what the Opposition has proposed and what is already the situation before the Bill is dealt with in the other place.

Mr McGINTY: I move -

Page 29, after line 25 - To insert the following -

(iv) has been convicted of -

(A) an assault with a weapon;

(B) an offence involving violence;

(C) any offence against this Act;

in this State or another State or elsewhere outside of Australia; or

(v) has been the subject of a restraining order, or similar order; or

(vi) does not meet the prescribed mental or physical conditions of fitness for owning, possessing or using a firearm; or

(vii) has been admitted or detained for mental disorder under the *Mental Health Act 1962* or similar legislation,

in this State, or in any other State or elsewhere outside Australia; or

(viii) has failed to notify the Commissioner of a change of abode;

Page 30, after line 30 - To insert the following -

(iv) been convicted of -

(A) an assault with a weapon;

(B) an offence involving violence;

(C) any offence against this Act;

in this State or another State or elsewhere outside of Australia; or

(v) has been the subject of a restraining order;

(vi) does not meet the prescribed mental or physical conditions of fitness for owning, possessing or using a firearm; or

(vii) has been admitted or detained for mental disorder under the *Mental Health Act 1962* or similar legislation, in this State, or in any other State or elsewhere outside Australia; or

(viii) has failed to notify the Commissioner of a change of abode;

The two amendments have substantially similar wording. They each seek to add to section 20 of the Act an additional basis upon which a firearm licence can be revoked. I appreciate the point of view put by the Police Minister. These amendments have been drafted to accord with what the Australian Police Ministers expressly decided at their meetings, particularly on 10 May. These amendments will expand the basis for revoking a licence to include crimes such as assault with a weapon, an offence involving violence, as well as any offence against the Firearms Act. The same sort of wording is proposed to be inserted in the second part of this section as the basis upon which the commissioner may give notice in writing of his intention to revoke or vary a licence. Given the undertaking of the

Minister to consider this matter in more detail before it is dealt with in the upper House, I will leave the matter for him to consider.

Mr WIESE: I will pick up a couple of areas in which there are problems. We will address the provision relating to mental and physical conditions, as it appears conditions must be prescribed item by item or disease by disease. The latter parts of this legislation will not be changed very much by these amendments. However, under proposed section 20(3) the commissioner shall give notice in writing of the revocation to the holder. The commissioner is now required to give his reasons for that decision and that will have significance in the appeal process at some later stage. That process provides a strong basis for an appeal.

[Quorum formed.]

Mr RIEBELING: It is imperative that the public have confidence in this legislation. People expect to find those provisions in this legislation. I have no doubt the Minister is correct and the commissioner has the ability to do all of what the Opposition wants. However, people reading the legislation who do not have the Minister's knowledge may believe that what is contained in proposed section 20(1)(a)(1a) are the reasons for the revocation of a licence. I accept absolutely the Minister's statement that other legislation, and parts of this Bill, will have the same impact. However, when dealing with legislation that has been debated so widely in the community, the expectation is, for example, that the revocation section will set out the circumstances for revocation. That is why it is imperative for the sake of the Government and the public that the legislation give a clear indication of where people stand on this issue. I am pleased the Minister has decided to consider including in the legislation the circumstances in which there would be a revocation of someone's licence. It may be beneficial for the offences outlined in (A), (B) and (C) of the amendment to be printed 10 times throughout the legislation, but it will give a clear indication to the public that the Minister has addressed its concerns. Those concerns primarily revolve around violent people not holding a firearm licence. It is the main concern of the gun lobby because they are constantly saying they are responsible people, not the problem people. They, like the rest of the community, do not want the problem people to have guns. Even though the Minister said the commissioner has the power to revoke a licence, it must be clearly spelled out in the legislation so that the general public understands that the Parliament has decided, although it is covered in other provisions, that this legislation must be clear and clearly understood by everyone. These provisions must be contained in this Bill.

Amendments put and negatived.

Clause put and passed.

Clauses 22 and 23 put and passed.

Clause 24: Section 22 repealed and a section substituted -

Mr CATANIA: I move -

> Page 37, lines 8 and 9 - To delete the words "on the grounds that it was made on an improper or irrelevant consideration".

I have moved this amendment because the Committee should broaden the base of appeal. Proposed section 22(2) is not drafted in terms which properly define an appeal. If an appeal process cannot be defined in loose terms, the definition should be broadened to enable the appeal to be made in general terms. The spirit of the amendment is to enable a person who is aggrieved by a decision made by or on behalf of the commissioner, within two months of receiving written advice of the decision, to appeal against the decision. A person should not be confined by the nebulous boundaries of improper or irrelevant consideration. My amendment is simple and practical and is good housekeeping. I hope the Minister agrees with it.

Mr W. SMITH: I support the amendment. This Bill should include the provision in the parent Act which reads as follows -

> A person aggrieved by a decision made by or on behalf of the commissioner may, within two months of receiving written advice of the decision, appeal against the decision.

The amendment changes the nature of the appeal. Under the existing legislation the appeal process requires the magistrate to consider afresh the application made to the police by the applicant. Under the Bill the decision would not be looked at afresh and the applicant must prove an improper or irrelevant consideration was taken into account by the police. It would be impossible to prove because some of the information may be confidential to the police. In fairness, the whole process should be looked at in its entirety rather than narrowing down the position. In my experience the relevant provision in the parent Act worked extremely well.

Mr McGINTY: I suggest the Minister have a very close look at the clause. A number of points need to be made about its shortcomings. When one looks at administrative decisions and the review of those decisions there are a host of grounds on which they are normally reviewable. The sorts of categorisations that occur are the denial of natural justice, a perception of bias, that the decision was made on no evidence, and that due weight had not been given to relevant considerations. These are in addition to the single ground of irrelevant considerations. I do not know why the other grounds of review of administrative decisions have not been included in this clause if one wanted to limit the basis upon which an appeal could occur. Each of the bases I mentioned, while being standard grounds of review of administrative decisions, can often introduce different dimensions to the argument than the fact that the commissioner, in making his decision, acted on the basis of irrelevant consideration. I suggest that as a minimum, the grounds of review should be extended to the full range of the bases upon which that might be done in the normal course of administrative review. It is important to look at the situation that can arise. In the absurd situation where, for example, the commissioner did not like someone who was bald, he might bring that bias to bear.

That would not necessarily constitute the irrelevant consideration referred to in this clause, but it might, depending upon the circumstances. If the Minister believes that he needs to consider the bases of appeal as being expanded to include the normal bases, that can constitute the grounds for review in administrative law.

Secondly, the wording "improper or irrelevant consideration" appears to suggest two grounds on which one can lodge an appeal. To the best of my knowledge there is no such basis of appeal as an "improper consideration". There might be an "irrelevant consideration" or an "improper purpose", as it is more traditionally couched. I am not aware that the phrase "improper consideration" has any legal meaning in this context. If it were cast as an improper purpose or an irrelevant consideration that would pick up the six or eight bases upon which judicial review might be made of administrative decision making. That has not been properly expressed. I do not know what is meant by an "improper consideration".

Finally, it is important, given the commissioner's powers to reject applications for gun licences, particularly against the backdrop of the controversy leading up to the making of this decision, that gun owners and potential gun owners be given their day in court and the opportunity to contest, as a matter of merit, decisions about their right to hold a licence. This clause limits that merit appeal. We need an appeal system that enables the merit of an applicant's case to be tested rather than the system established here, which not only does not extend the full range of bases upon which administrative decisions can be reviewed but, further, seeks to limit them to only one or two. The amendment moved by the member for Balcatta will achieve two purposes. First, it will enable a full merit review of the decision. Therefore, when the decision goes before the tribunal, the applicant can present his or her whole argument. Secondly, it seeks to do away with the limitation of what is really only one ground of appeal - irrelevant consideration - because there is no such thing as an improper consideration.

Mr WIESE: I need to explain why this amendment is being moved. In the past, a person lodged an application for a licence. In many cases, the person would provide minimum information to support that application. Based on that, in many cases the licensing officer refused the application. The applicant then went to the appeal process. The previous appeal process involved an appeal to the Court of Petty Sessions; it was an appeal de novo with an ability to introduce a range of new information. In many cases, when all that new information was brought forward, the appeal was upheld. The whole process was unnecessary because if the information had been supplied in the first place the licensing officer would have granted the licence. We had a whole series of totally unnecessary and unjustified appeals being upheld because the information required to make a judgment about the application was not supplied with the initial application.

An earlier clause contains a requirement that all the information be supplied with the first application. If the commissioner is not satisfied that all the information has been supplied, he can require the person to present whatever other information he requires to make his judgment. The commissioner or licensing authority will now have all the information on which to base a decision. If the application were then refused, it would be a totally pointless exercise to go through an appeal process, reintroducing all the information and going through a totally new hearing, either before the Magistrate's Court or the Court of Petty Sessions or, as will now be an option, before the independent tribunal.

We are trying to ensure that we get all the information up front and that the commissioner's decision is based on all the information. Clearly, if the application is then refused, the appeal should be only on the grounds that it is being refused on the wording in the clause; that is, that the decision was made on "improper or irrelevant considerations". We should not be required to go through the whole process of reconsidering the total application. The commissioner will be required to give his reasons for rejecting the application and the appeal will be based on that. That is the process we are endeavouring to put in place. That is why we are limiting the grounds of appeal to those considerations.

Mr McGINTY: What is an "improper consideration"? I do not know that concept. I understand an "irrelevant consideration".

Mr WIESE: Quite frankly, we do not know. The two terms were included by parliamentary counsel. Clearly, the real matter that needs to be dealt with is the "irrelevant consideration" and the judgment would be based on that.

Mr McGINTY: When the Minister is considering these amendments, and all those other bases upon which judicial reviews traditionally take place, he might consider extending it beyond irrelevant considerations to pick up bias and the other matters to which I have referred. There is no doubt a way of drafting that if the Minister still does not want a full merit review. We might still be able to pick up the other issues that can be an error in law because of the way in which the discretion is misapplied.

Mr WIESE: I will certainly ensure that the matter is reconsidered to establish whether that is the appropriate wording. I have explained the intent. If members believe that that needs to be reconsidered, I will do so. I am trying to get away from the existing system, whereby a totally new application is presented in the appeal process. That is certainly not what we are intending to do; we are trying to simplify the process. We have established the tribunal so that we do not get tied up in the whole legislative rigmarole of legal argument. We are trying to do this on the basis of commonsense consideration of the matters before the commissioner and the basis upon which the decision to refuse is made.

Mr McGINTY: In essence, this is removing the right to a merit based appeal, which currently exists. This legislation will provide only a very narrow basis of appeal.

Mr WIESE: We are certainly narrowing the basis upon which the appeal can be made. The intention is to get away from the present situation, which is considered totally unsatisfactory. I do not intend to agree to the amendment at this stage.

I will further discuss that matter. However, unless what the Deputy Leader of the Opposition suggests has substantial backing, I will not make that change. Quite obviously the matter will be subject to further debate in the upper House, which may see the matter a little different from how I see it at this stage. I will look at the matter again.

Mr W. SMITH: I do not want to let this matter go without further comment. Individuals have an enshrined right in a democracy not to have their legal rights affected by our persevering with such legislation. In the appeal cases that I know, even in planning decisions, one can appeal afresh and have the matter reviewed again. If it is a cumbersome procedure - people say other aspects of the legislation will be cumbersome and bureaucratic for police - the fundamental right to a fair go should overrule that problem.

For example, the police might refuse a licence because of a 20 or 30 year old offence, and a magistrate or tribunal might say that a person should have been granted a licence because the offence occurred 20 or 30 years earlier. It is a relevant consideration, but under the legislation the decision cannot be reversed. The right of appeal would give a fair go to the individual rather than looking at the matter from the Minister's or the police's view in that the procedure might be a little difficult. I have been involved in the exercise of such matters, and it has worked before, and the procedure is not as difficult as the Minister may have been told. I would like the Minister to have a close look at this aspect.

Amendment put and negatived.

Clause put and passed.

Clause 25 put and passed.

Clause 26: Sections 23A and 23B inserted -

Mr CATANIA: I move-

Page 42, line 22 - To insert after "practitioner" the following -

in good faith

The proposed section states that "nothing prevents the medical practitioner from informing the commissioner of that opinion". Proposed section 23B states that if a medical practitioner is of the opinion that a patient's mental, physical or emotional condition is such that the public interest would not be served by the person possessing a firearm, he must report that condition to the Commissioner of Police and the firearm will be withdrawn. However, that leaves the situation open to abuse. It does not cover the possibility that a medical practitioner may be biased against a patient. In a case of malicious intent, he may want to ensure that the patient's right to a legal firearm be withdrawn. The

provision is open and leaves it to the medical practitioner to make the decision and advise the Commissioner of Police of that decision. Some accountability should be written into the section.

The Opposition wishes to place "in good faith" in the provision to ensure accountability. It is an amendment of good housekeeping. It will ensure that the medical practitioner reports to the Commissioner of Police in good faith about a genuine belief, not a concocted one. I urge the Minister for Police to consider the amendment because it will ensure that the proposed section will have an equity component. In other words, the patient, who may be in a delicate position, may not receive justice when that medical practitioner, perhaps for some malicious intent, reports him when he does not deserve to have his or her mental condition reported.

Mr WIESE: I certainly understand what the member is endeavouring to achieve with this amendment. However, I wonder whether he understands what I am trying to achieve with this clause. The clause is trying to do everything possible apart from forcing a doctor to provide that information. We do not have the ability to force a doctor to provide that information, although I wish we did have that ability as the information needs to be provided. I am doing all I can to encourage medical practitioners to pass on information if they become aware of a person whose medical condition, physical or mental, makes that person unsuitable to hold a firearm licence. The amendment, if accepted, would put that intent in doubt.

There is no doubt in the proposed section that the medical practitioner can provide the information. Subclause (2) states that despite any duty of confidentiality he may have, nothing done in relation to this provision can give rise to a civil or criminal action or remedy. I am sure that many medical practitioners will provide that knowledge as part of their civic duty in the knowledge that they will not be subjected to criminal or civil proceedings for so doing - we are mainly concerned with civil proceedings in this regard.

The amendment would open up the question of whether the medical practitioner made his disclosure in good faith. Doubt may then arise about whether he is protected. It can be argued that he would not be protected in the way I intend because the information was not given in good faith. On the grounds the member for Balcatta used, perhaps he had malicious intent towards a patient or a strong bias. By raising that doubt in the provision, the member would jeopardise the strong opportunity I am trying to provide for medical practitioners to consider coming forward with information.

The member has raised a doubt where there is none at the moment that if the doctor did not report in good faith, he would be liable to civil action. That is what I am trying to get away from, and that is why I will not accept the amendment.

Mr CATANIA: I am concerned about the Minister's comments because he is saying that he wants to encourage doctors to come forward with information and will give them protection; however, he is not affording the other party any protection. Protection must be afforded to both parties. I agree that the doctor needs it when providing information. There should be no grey areas when a report needs to be made. However, we cannot protect the rights of one party and withdraw the rights of another. The Minister is stating that the doctor should be encouraged to come forward with information, and we agree with that. The provisions in the amendment ensure the doctors are protected; however, the other party needs the same protection. Inserting the words "in good faith" will ensure protection of the second party occurs.

It is not a matter of introducing a basis for a legal challenge or legal questions; it is a matter of ensuring that all rights are protected - both doctor and patient. I am deeply concerned with what the Minister has said: To achieve an end, we protect one party and withdraw the protection of another. It does not make sense. I question the justice of doing that, not to mention the infringement on a person's rights. The Minister is introducing an injustice, and that gives me no reason to praise this clause. The Minister should give consideration to what I am saying. It is a very logical amendment, one about protection. Rather than rejecting it out of hand, the Minister should think of it as a housekeeping matter where it is written into the legislation that there is no bias against any party. By leaving out those words, we are showing there is a bias. It is not a matter of encouraging one party while dissuading another; it is a matter of providing equity for both patient and doctor.

Mr WIESE: The comments of the member for Balcatta emphasise the difficulties in this area. We have talked about it all the time. Against what the member is saying, we must consider what we are dealing with here; that is, whether people are given licences to possess or retain a firearm. That is why we are taking this very strong course. To some degree, the member is balancing that person's rights against those of the community, the people with whom the licence holders live -

Mr Catania: You are prejudging.

Mr WIESE: No, I am not; I am giving an indication of the sorts of problems with which we are dealing. The member is balancing the rights of the applicant for a firearm licence against the rights of the family of the licence holders.

God knows we have plenty of cases - I can think of three or four in my district - where families have been destroyed because the licensing authorities were not made aware that a person probably should not have retained a firearm licence, or probably should not have got a firearm licence in the first place because he or she was unsuitable to hold a firearm licence. I have been made aware of cases where a person was not suitable, and I have passed on that information, as I hope anybody else would. Without that information being passed on to the licensing authority, there is a very real risk that innocent people may lose their lives. That is the judgment the member is making.

Mr Catania: You know I agree with what you are saying.

Mr WIESE: Everybody does. We are trying to draw a fine line to ensure that we do everything we can to encourage the medical practitioners to come forward. We are not forcing them to do so. They do not have to come forward, if they do not want to or if they believe for ethical reasons it is not right for them to do so. However, if they believe there is a real problem, this legislation allows them to provide information without being subjected to the civil, or even criminal, litigation problems they might face. That judgment call is a stronger requirement than the one the member for Balcatta is trying to incorporate in this legislation. It is a very difficult area.

Mr CATANIA: I have some regard for the Minister's words. I reiterate that with this amendment we do not want to discourage the doctors from coming forward with information. We are aware of the dangers of not reporting someone who is not fit to hold a firearm. People who have been involved in this debate and who have thought about this problem will realise that the first thing people should do if they know a person is medically, physically or emotionally unfit to hold a licence is to pass on that information. They have a responsibility to do so. A doctor who is trained to assist will know the situation.

The reason for the change is that we do not want too many mistakes made by doctors reporting people against whom they may have some bias, irrespective of the reason. That is why this amendment was introduced; not to discourage their coming forward. Proposed section 23(a) and (b) encourages doctors to do the right thing. This small amendment allows doctors to do the right thing. It does not open the gate for litigation. It is a simple housekeeping amendment that will ensure doctors examine a specific case in an appropriate manner and make the appropriate report, as the amendment states, in good faith. There is no intent to discourage the doctor from coming forward with information. We believe this provision is required. Doctors may make mistakes, but we are trying to guard against malicious intent and against the probability of someone being reported incorrectly.

Amendment put and negatived.

Clause put and passed.

Clause 27: Section 24 amended -

Mr GRAHAM: I must say that the Blue Bill that has been produced is a great way of handling legislation in the Parliament. I do not know whether it gives rise to a technical difficulty, but it should happen more often.

This is the clause of the Bill about which I have received the most correspondence from people on both sides of the gun debate. Some people supported the removal and registration of guns but expressed concern about this clause. Some people who were serious shooters accepted some form of control and regulation but thought this legislation and the national reaction went too far, and also expressed concern about this clause. Some fringe groups said there should not be any gun control, and also expressed concern about this clause. I received a three page letter from a chap whom I have known for many years - I will not mention his name - who is a shooter and owns a number of guns. Nearly a page and a half of his letter was taken up with his concern about the additional powers that this clause will give to the police.

I am aware of the powers that exist under the Act, which are referred to in subparagraph (2a) at page 61 of the Blue Bill, to give the police the right to enter premises when there are reasonable grounds to suspect that any firearm or ammunition may be found in the possession of a person. The major concern that people have expressed to me is that it is not clear whether the police may enter a person's home without a warrant. I am sure most people understand that the police have the power to enter properties to protect what one would loosely call life and limb; so if a domestic violence situation involved weapons, the police would have the power to enter those premises. That is not in dispute and I would not want to restrict that. This argument is about whether the police, on some grounds, will have the power to enter a person's home and to search for firearms and ammunition without a warrant.

Mr WIESE: The member is correct; this is one of the areas about which there was the most comment. Proposed subsection (2) states that a member of the Police Force may seize and take possession of any firearm or ammunition that is in the possession of a person if, in the opinion of the member of the Police Force, possession of it by that person may result in harm being suffered by any person; or that person is not at the time a fit and proper person to be in possession of it.

Proposed subsection (2a), at page 61 of the Blue Bill, states -

> For the purpose of exercising the powers given by subsection (2), a member of the Police Force may enter and search any premises on which, in the opinion of the member of the Police Force, there are reasonable ground to suspect that any firearm or ammunition may be found in the possession of a person in the circumstances described in that subsection.

That allows a police officer to enter premises. The key clause is proposed subsection (7), at page 62 of the Blue Bill, which is a modifier of subsection (2a) and states -

> The powers given by this section to a member of the Police Force may be exercised without warrant except that the powers given by subsection (2a) can only be exercised without warrant if the member of the Police Force -
>
> (a) is reasonably of the opinion that -
>
> (i) there is an immediate threat of harm being suffered by a person; and
>
> (ii) the delay that would be involved in obtaining a warrant would be likely to increase the risk or extent of such harm;

Proposed subsection (2) allows the firearm to be seized; proposed subsection (2a) allows a member of the Police Force to enter and search premises where there are reasonable grounds to suspect; and proposed subsection (7) allows the powers to be exercised without a warrant if the police officer is reasonably of the opinion that there is an immediate threat of harm being suffered by a person. That is a change from what was in the Green Bill, and it is the Green Bill about which most of the comments were made.

I agree with the submissions that were made to me that the Green Bill could have given police officers power to go into a home and seize firearms without a warrant. That was never the intention. The intention was always that they could seize those firearms without a warrant only if they believed there was an immediate threat of harm to a person. That is the situation with which we are trying to deal. If there is no immediate threat of harm, they must go through the normal process of getting a warrant and exercising that warrant to go in and seize the firearms, as we would expect them to do. We are trying to deal with the situation where the police officer believes there is an immediate threat of harm but is 20 miles away from the nearest justice of the peace and not able to get a warrant to go into the home and seize the firearm.

In addition, there is now the very strong accountability requirement that the police officer, having exercised that power and having gone into a home without a warrant, must give the Commissioner of Police a written report explaining the reasons for his opinion that there is an immediate threat of harm being suffered by a person. That matter is broadened in the regulations.

Dr TURNBULL: This was one of the areas about which we received the most representation from people, whether they supported the Bill or not. I commend the Minister. I went to see the Minister and asked for the qualifying paragraph (b), which provides that the police officers must give the commissioner a written report explaining the reasons that they entered a premises without a warrant. As a local general practitioner, I have been involved in a number of such incidents. It is very important that a police officer must explain an incident a number of days later in an analytical way when such time will allow a clear assessment. The police must explain their actions and behaviour. I commend the Minister for Police for the provision that police may enter a property without a warrant only if there is an immediate threat of harm to a person and any delay involved in obtaining a warrant would increase the risk or extent of harm; and that a written report must be produced. I presume that is because if a member of the public lays a complaint the written report to the Commissioner of Police will be the basis of any examination of the reasons for the incident. I do not seek an explanation; I merely state that many of my constituents will be pleased that the Minister has included that explicit provision in this clause.

Mr GRAHAM: I note the Minister's comments. I accept the flow of the clauses and the connection to proposed subsection (7). If the clause were worded in the way described by the Minister - that is, the police are required to have a strong belief of an immediate threat of harm - I suspect some of the concerns of the people who have written to me would be allayed. However, proposed subsection (2) includes the words "in the opinion of a member of the Police Force". Proposed subsection (2a) states, in part, that a member of the Police Force may enter and search if "in the opinion of the member of the Police Force"; and proposed subsection (7) states that the powers given by this section may be exercised "if the member of the Police Force is reasonably of the opinion that". In each case it is in the opinion of the member of the Police Force. One can never be wrong when one is acting on one's opinion - because it is one's opinion. It cannot be challenged or checked; no third party is involved, because it is an opinion. It must stand the test of time. People have written to me outlining their concerns about that aspect. The Minister

needs to put my mind at rest, as well as those of my constituents, because I do not believe in unfettered powers. I understand the immediacy and emergency that the Minister wishes to promote, but the provision hinges on the opinion of the member of the Police Force; or, as in proposed subsection (7) "if the member of the Police Force is reasonably of the opinion that there is an immediate threat". After the event, it will be very difficult for anyone to say that a person was wrong and should not have taken a certain action.

I do not wish to debate the regulations, but they have been mentioned. The regulations stipulate that within seven days after that power of entry has been exercised a report is required. That report will go to the Commissioner of Police, who has set down what the report must contain. Will such a report be made available to the person whose home has been entered by the police using these powers, either before or after that person has lodged a complaint? That aspect may become an important part of evidence after the event. If the person feels aggrieved because he believes that the police have wrongfully entered his premises or exceeded their powers of entry - bearing in mind that it is all based on the opinion of a member of the Police Force - it seems reasonable that the report outlining the reasons the police officer took such action, or why events took that course, should be made available to the person whose home was entered. In my reasonable opinion, that should be the case!

Another matter raised with me by my constituents is the power giving the police right of entry and search. If in using that right of entry and search the police come across stolen goods or drugs, can they use such items as evidence, or is the right of entry only for the purpose of searching for firearms?

Mr WIESE: I understand that if a police officer discovered items, such as drugs or stolen property, under common law he would be able to remove the articles and take the matter before a magistrate.

Mr Graham: Does that mean that the right of entry and search is for illegal purposes?

Mr WIESE: No.

Mr Graham: Under the pretext of searching for guns, will there be a blanket right to search for anything else?

Mr WIESE: No. Matters relating to entry without a warrant are detailed in the regulations, which require substantial and very tight reporting. An officer must detail the circumstances that led to his exercising his powers, the grounds on which it was suspected that firearms or ammunition were on the premises, why it was necessary to act speedily and why a warrant under section 26(2) could not have been obtained in time. They are tight requirements relating specifically to firearms. If an officer makes an incorrect statement which is subsequently proved to be incorrect, I am advised that that matter will be treated exceptionally seriously. The Assistant Commissioner (Traffic and Operations Support) is strongly committed to ensuring that these safeguards are upheld. Experience and time will tell, but that is his commitment, and that is how it should be. If an officer breaches those requirements he should be very strongly disciplined within the organisation. That is my opinion, and it is shared by the Assistant Commissioner (Traffic and Operations Support). I believe it is also shared by the Assistant Commissioner (Disciplines) because it is such a serious breach.

I understand that, generally, a person whose home was entered by the police, without a warrant, would not have access to any subsequent report. I am informed by my adviser that he is aware of cases in which a freedom of information request was made to obtain information regarding who provided information to the police, following certain action by the police. The Police Service was not required to provide that information, because the informant needed protection. Apparently, a person rang the Police Service and stated that his father was very regularly in a drunken state and wandered around the house threatening members of the household with a loaded firearm. The police would not disclose under freedom of information legislation who provided the information. However, they subsequently provided those details in the closed hearings of the Ombudsman's investigation into those matters. The identity of the person providing the information was strongly protected.

Mr Graham: That couldn't have been through the powers under this legislation.

Mr WIESE: No, that deals with a similar situation, but certainly does not involve the powers under this Bill. I am indicating to the member for Pilbara how strongly the identity of a person providing the information is protected in those circumstances.

Mr GRAHAM: I have some concerns about what the Minister just said. I understand the need to protect the identity of the complainant. However, it seems more than passing strange that people with a legitimate complaint against the authority cannot find out from the authority the official reasons they were wronged. A police officer could enter someone's house using these powers; they are related to firearms. The people may feel aggrieved and find that their house was wrongfully entered or that the police exceeded their powers by entering that house, and a report could be struck. I accept that it is one of the checks and balances under the legislation that the report go to the Commissioner of Police. However, in the circumstances I have outlined, someone with what at that stage would be a legitimate

complaint about an overzealous or wrongful use of powers would not be able to find out the circumstances that led the police to believe they should enter the house.

I understand about the need to protect identity. Examples could be given of FOI applications in which people go to enormous effort to block out names and descriptions and anything that identifies a third party. I have been involved in some FOI applications from Wittenoom about CSR Limited's behaviour. The departments that release those documents and files go to great effort to protect the identity of board members and managers of CSR who made decisions or said things. However, I can still get all the facts I want from the freedom of information application. Can that be done under these processes and procedures?

Mr WIESE: I understand exactly what the member is saying. I have no doubt that in some cases there will be injustices. One of the problems the police officers will face is, for example, a person who, because he dislikes a neighbour, maliciously makes a report that the neighbour is pointing a firearm at the wife or kids. A police officer may have no basis on which to doubt that the report he is given is correct and he must treat it as serious. He must exercise his right of entry, believing on the basis of the report that there is an immediate threat of harm to someone in that house; however, when he goes in that does not eventuate and there is no immediate threat. There may not even be firearms, but the police officer has had to exercise those powers. If in the course of that the police officer finds that another offence has been committed, the situation the member talks about could arise - and I understand that it does arise on occasions. I do not know how that could be prevented - how we could ensure that on the one hand the police officer acts where he believes there is an immediate threat of harm, but on the other, does not act on the basis of false information that has been provided to him.

I am aware of other cases relating to teachers, not police officers, where wrongful information was provided and a person's family and life were destroyed, and that person has not been able to access the information. I agree with the member for Pilbara that such people should be able to access that information. However, they have never been able to access it and in some ways they have never been able to achieve justice. The ultimate recourse - in many cases it would be unsatisfactory - is that if people are not satisfied that the commissioner has dealt with the matter satisfactorily, they may go to the Ombudsman. However, if improper practices are being exercised, it will be difficult to get to the bottom of them and bring to justice a police officer who has acted improperly under those circumstances.

Clause put and passed.

Clause 28 put and passed.

New clause 29 -

Mr McGINTY: I move -

Page 46, after line 6 - To insert after clause 28 the following new clause to stand as clause 29 -

Section 27 amended

29. Section 27 of the principal Act is repealed and the following section substituted -

" 27. (1) Where a person is convicted of -

(a) an assault with a weapon;

(b) an offence involving violence; or

(c) an offence against this Act,

the court before which the person is sentenced may declare any licence or permit to own, possess, carry or use a firearm held by the convicted person under this Act to be revoked.

(2) Where a restraining order is issued against a person, the court issuing that order may declare that any licence or permit to own, possess, carry or use a firearm held by the person the subject of the restraining order under this Act to be revoked.

(3) Where in accordance with this section any court makes a declaration, the clerk of that court shall cause a copy of that declaration to be forwarded to -

(a) the Commissioner of Police; and

(b) the officer in charge of the police station nearest to the place of residence of the person the subject of the declaration. ".

The purpose of this amendment is to give to a court dealing with an offence the power to cancel a firearm licence. The circumstances that are described in the amendment are where there is a conviction on a charge of assault with a weapon; a conviction of an offence involving violence; and any offence against the Firearms Act. Having found that person guilty, the court is given a discretion to revoke any licence or permit to own, possess, carry or use a firearm. Proposed subsection (2) deals with restraining orders. Where a restraining order is issued against a person, the court can declare that the firearm licence be revoked. The remaining part of that proposed subsection is a simple machinery provision.

This amendment is to enable the court, in an appropriate case only, to take action at the time of conviction against someone who in its view should not have a firearm licence. It is discretionary. It would arise particularly in the case of an offence involving a firearm if that firearm were licensed, and it would simply add to the arsenal - if I can use that term - of penalties available to the court. That is, the court would take action at that time rather than rely on subsequent action, particularly by the Commissioner of Police, to revoke an existing licence. In that sense it is complementary to the matters we have already discussed and I hope the Minister will consider enabling that power to be exercised when he is considering the general tenor of the amendments moved.

Mr WIESE: I certainly give an undertaking that the Government will deal with this in the same way that it will deal with other matters raised in discussion, with the aim of putting together an amendment to cover these aspects in a form that is acceptable to the Opposition and the Government. Several of the matters dealt with are included in existing legislation which is awaiting proclamation. I refer to the sentencing legislation in relation to offences against the Firearms Act and the restraining orders Bill which will come to the Parliament in the next couple of weeks. If we can pick those items up in this legislation, we will do so.

New clause put and negatived.

Clauses 29 to 36 put and passed.

Clause 37: Schedules 2 and 3 inserted -

Ms ANWYL: I move -

Page 60, lines 16 to 27 - To delete all words after "; or" and substitute "a legal representative".

The essence of this amendment is to provide that any person appearing before the tribunal, with or without an advocate, may have a legal representative. Fairly sophisticated legal arguments will be presented in an appeal and it is essential that the lay person have an opportunity to be represented by someone who can argue the case effectively. This is not a tribunal such as the residential tenancies, the aim of which is to exclude legal practitioners because sophisticated legal arguments are not put. Sophisticated legal arguments will be put, given the complex nature of some aspects of the legislation.

It would be an extreme denial of natural justice to exclude solicitors. I received a submission from the Western Australian field and game association in response to the Green Paper, and it has been difficult to collate full responses to the legislation because it differs in many ways from the original Green Paper circulated. However, the submission from that association referred to the need for the same rights of appeal to be available across the legislation. Although it was suggested that appeals should be put to a firearm consultative committee, it was clearly intended by that organisation that an appeal tribunal would enable legal advice to be obtained and legal representation to be made to the tribunal.

For all those reasons it seems appropriate that persons wishing to appeal should have legal representation. If people choose not to have a legal representative, that is their right. However, it would be totally unfair to deprive shooters, for example, of that representation to assist with the sophisticated legal arguments that will be mounted.

Mr WIESE: I understand the arguments put forward by the member for Kalgoorlie, who is a lawyer. I indicate that it was intended when setting up this tribunal to get away from legal representation and legalistic forms of appeal. If people want to mount an appeal on the basis of legal argument, they may go to the Court of Petty Sessions. Any person has the option of using the existing appeal system in the Court of Petty Sessions. The Government is trying to introduce a non-legalistic form of appeal, in which cases will be heard by representatives from the firearm owning section of the community, representatives from the police firearms regulation system and an independent magistrate who will be chairman of the appeals tribunal. It is clearly indicated on page 59 of the Bill that the tribunal is to act fairly, economically, informally and quickly in determining appeal.

Clause 6(4) states that the tribunal is to act according to the substantial merits of the case without regard to technicalities or legal form of precedent. That indicates the form in which it is intended this tribunal shall operate. The problem at the moment is that many people whose applications are refused do not appeal against the decision because they are not prepared, or cannot afford, to go through the existing legal appeals avenue. It is too expensive for them to employ a lawyer to argue the merits of the case in the court system. Under the proposed system a person whose application is rejected by the commissioner can appeal through an inexpensive system.

Ms Anwyl: It should be optional in both areas for people to have legal representation. It is already optional in front of magistrates.

Mr WIESE: Immediately legal representation is included in the appeals tribunal system, it will increase the cost of mounting an appeal. We are trying to get away from that. One of the strong reasons for the proposed system is that the Police Service will know that an appeal will be made if an application is rejected on an improper ground or irrelevant consideration. It will place a great deal of accountability with the police to make their decisions properly rather than, as I think they have in the past, hiding behind the well-based belief that a person will not appeal because it will cost too much.

Amendment put and negatived.

Clause put and passed.

Clauses 38 and 39 put and passed.

Clause 40 - Sections 22A, 22B, and 22C inserted -

Mr WIESE: I move -

Page 64, line 5 - To delete the line and substitute the following -

and that person has been issued with an Extract of Licence,

Page 64, after line 24 - To insert the following subsection -

(4) A person does not commit an offence under subsection (3) if, when requested to produce the Extract of Licence, the person discontinues seeking to obtain the ammunition.

We are endeavouring to cover a problem which could arise when a person tries to purchase ammunition. Under this legislation, if he were not carrying an extract of licence card, he would expose himself to prosecution for an offence. This will ensure that that situation does not arise.

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 41 and 42 put and passed.

Clause 43: Section 30 amended -

Mr WIESE: I move -

Page 69, before line 3 - To insert the following -

and inspect either an Extract of Licence or something referred to in paragraph (a),

This provision is included to impose a requirement on suppliers to ensure that a person to whom they are supplying the ammunition is authorised to process that ammunition. The present wording provides that the dealer can meet his obligations merely by requesting the production of a licence permit but it will not be necessary for the licence or permit to be sighted. This amendment will ensure that not only does that provider of ammunition have to request that the licence or permit be provided, but also that he must sight the appropriate documents.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 44 to 50 put and passed.

Title put and passed.

Bill reported, with amendments.

LEGISLATIVE ASSEMBLY CHAMBER - TELEVISION FILE FOOTAGE

THE DEPUTY SPEAKER (Mr Strickland): The Speaker has given permission for television stations to film file footage of the Assembly. This will takes place next Tuesday at 2.00 pm for approximately 20 minutes. Party secretaries will also be advised.

ADJOURNMENT OF THE HOUSE - ORDINARY

MR C.J. BARNETT (Cottesloe - Leader of the House) [10.26 pm]: I thank members for dealing with the firearms legislation. I realise it involved an extra night's sitting, but I am sure everyone agrees it is an important piece of legislation. I move -

That the House do now adjourn.

Question put and passed.

House adjourned at 10.27 pm

QUESTIONS ON NOTICE

GOVERNMENT EMPLOYEES - NUMBERS; WORKPLACE AGREEMENTS

1979 Mr BROWN to the Minister for Water Resources:

(1) How many employees are employed in each agency and department under the Minister's control?

(2) How many of these employees are employed under the terms of a workplace agreement?

Mr NICHOLLS replied:

For the member's information, a table follows which is based on full time equivalents staffing level information collected by PSMO and a recent survey conducted by DOPLAR. The figures relating to the number of employees covered by workplace agreements are the number of employees covered by individual and collective agreements registered with the Commissioner of Workplace Agreements as at 30 June 1996. They are based on estimates provided to DOPLAR by agencies.

Agency	(1) Actual FTEs June 1996	(2) Estimated Total No of Staff Covered by WPAs
Water Corporation	1 605	0
Water Regulation, Office of	4	0
Total	1 609	0

GOVERNMENT EMPLOYEES - NUMBERS; WORKPLACE AGREEMENTS

1981. Mr BROWN to the Minister for Planning; Heritage:

(1) How many employees are employed in each agency and department under the Minister's control?

(2) How many of these employees are employed under the terms of a workplace agreement?

Mr LEWIS replied:

(1) For the member's information, a table follows which is based on full time equivalents staffing level information collected by PSMO and a recent survey conducted by DOPLAR. The figures relating to the number of employees covered by workplace agreements are the number of employees covered by individual and collective agreements registered with the Commissioner of Workplace Agreements as at 30 June 1996. They are based on estimates provided to DOPLAR by agencies.

Agency	(1) Actual FTEs June 1996	(2) Estimated Total Number of Staff covered by WPAs
Heritage Council	16	0
*National Trust of WA	7	0
Planning Commission	50	0
Planning, Ministry for	196	0
*Subiaco Redevelopment Authority	1	0
Total	270	0

Note: The agencies with an asterisk were not part of the FTE monitoring process but estimates have been provided. The number of staff on workplace agreements are estimated "head count" figures as reported to DOPLAR.

QUESTIONS WITHOUT NOTICE

BUDGET (STATE) - IMPACT OF COMMONWEALTH BUDGET CUTS

581. Dr GALLOP to the Premier:

I refer to the Government's need to reduce its spending by $90m this financial year - that is, $60m in the general purpose area and $30m in specific purpose grants - and his repeated claims in Parliament that some time ago the Government identified savings of $40m among a wide range of agencies. If that is true, why did a member of the Cabinet estimates committee say on Monday that the bottom line is that the Government is still not in a position to determine the outcomes on agencies as a result of the federal Budget and that, since the federal Budget was brought forward, the implementation of it and the consequences of decisions arising from it on the various areas still have not been determined?

Mr COURT replied:

In relation to specific purpose payments I have said all along that we still have not got all the information from the Federal Government to enable us to determine what effect the changes will have on the programs.

Dr Gallop: Where is your $40m?

Mr COURT: Hang on! The Leader of the Opposition should not show his ignorance in these matters. There is $30m in specific purpose payments. We have said we will achieve the savings of $60m through savings, through efficiency gains -

Dr Gallop: You told us you found $40m. Where are they Premier? Where is the $40m in specific terms?

Mr COURT: One thing that members opposite have difficulty understanding is that we have been able to stick to a financial plan the whole way through our four years.

Several members interjected.

The SPEAKER: Order!

Mr COURT: There is nothing secret. We have reduced debt in this State by $1.6b. We have delivered everything we said we would deliver with our financial plan. In the previous years not only did we find savings in excess of that but we also found enough savings to continue to reduce considerably the State's debt.

BUDGET (STATE) - CUTBACKS; SAVINGS $40M

582. Dr GALLOP to the Treasurer:

(1) Is it not true that the Treasurer's Government plucked out of the air a 1.4 per cent across the board cutback in spending in the hope of saving $40m and that four months into the financial year he is nowhere near achieving that target?

(2) Was the Legislative Council's estimates committee not told on Monday that -

  (a) Family and Children's Services has not agreed to any cut;

  (b) The Education Department has agreed only to a 0.3 per cent cut; and

  (c) The Department of Commerce and Trade has not agreed to any cut?

Mr COURT replied:

(1)-(2) I will make it clear that the Leader of the Opposition is barking up the wrong tree. Within weeks the Treasury officials advised me that they had identified $40m.

Several members interjected.

The SPEAKER: Order!

Mr COURT: They said they would have no difficulty getting the agencies to accept $60m. I will explain again that the state Budget is some $7b. Within that we have a lot of movement of revenue and expenditure.

Mr McGinty interjected.

The SPEAKER: Order! The Deputy Leader of the Opposition, order!

Mr COURT: If we have a flat real estate market our stamp duty collections are less. Therefore, as a Government we must cut our cloth accordingly.

Dr Gallop: Tell your Queensland colleagues about the tax increases you will make after the next election.

The SPEAKER: Order, the Leader of the Opposition!

Dr Gallop: They will tell you all about it.

The SPEAKER: Order, the Leader of the Opposition again!

Mr Thomas interjected.

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

Mr Thomas interjected.

The SPEAKER: Order! I will formally call the member to order again if he continues to interject as he has done regularly this afternoon.

Mr COURT: We are proud of being able to manage responsibly the State's finances. Instead of debt blowing out at nearly $1b a year, which was the case under the previous Labor Government, we are reducing debt and delivering balanced Budgets. That is something the Opposition fails to comprehend.

Dr Gallop: It is a Queensland solution, and you are concealing it from the Parliament!

The SPEAKER: Order! The Leader of the Opposition!

Mr COURT: I did not want to refer to Queensland in my answer because I have great respect for the people of Queensland. Queensland is a State that, over the years, has had a very strong financial position. Whether or not one likes former Premier Joe Bjelke Petersen, he left the State's finances in a very strong position. A Labor Government has run down those finances and currently the Queensland economy is no longer in the strong position that it was.

Mr McGinty interjected.

The SPEAKER: Order!

Mr McGinty interjected.

The SPEAKER: Order! Deputy Leader of the Opposition again, order!

Mr COURT: I did not want to refer to Queensland in my answer. The Western Australian finances are in a much stronger position than they were four years ago when those opposite nearly made this State bankrupt.

HEALTH DEPARTMENT - ANAESTHETIC TRAINING AND RESUSCITATION FACILITY

583. Dr HAMES to the Minister for Health:

Some notice has been given of this question. I am aware that the Health Department of Western Australia has been involved in talks to develop an anaesthetic training and resuscitation facility for medical students and health professionals in Western Australia. Can the Minister inform the House what stage these negotiations are at and what this facility will allow those people to do?

Mr PRINCE replied:

I thank the member for the question, which is most appropriate in this national Anaesthetic Week. It was with some interest that yesterday I was conducted around the operating theatre of Sir Charles Gairdner Hospital to which many schoolchildren and community groups have been in order to see what the inside of an operating theatre looks like and particularly to look at anaesthetic equipment and machinery. One of the initiatives I am pleased to be able to announce is that we have agreed to expend some $350 000 to buy simulator equipment which will be able to be used by doctors who are currently in practice to update their skills and also by medical students, nurses and other allied health workers who use anaesthesia from time to time.

That equipment has been trialled already; it is being purchased. Exactly where it will be located is yet to be determined. It is state of the art equipment. It provides a patient simulator that replicates all normal functions; for example, breathing, pulse, heartbeat, body temperature, and the twitch of a thumb or finger, which is very important in anaesthesia. It allows health professionals to learn, to test and to be involved in crisis management on a simulator without learning when a person is on the table. I am sure it will increase skills, particularly among those who, perhaps, are not specialists in the area, but who nonetheless need a good deal of skill and training in anaesthetics.

That is particularly important to doctors and nurses who practice in rural areas. It is a remarkable piece of technological equipment; it is a great technological advance. It will also respond fairly accurately to the administration of drugs, particularly those administered through breathing tubes etc. It is an extremely fine piece of equipment to have in this State to assist in the training and education of our health professionals. I am delighted to advise we are buying it and that it will be installed this week, which is focusing on anaesthesia. It is a great step forward in the delivery of health services.

HEALTH PORTFOLIO - COMMONWEALTH BUDGET CUTS

584. Mr McGINTY to the Minister for Health:

(1) Will the Minister confirm what his head of department has told the Legislative Council, but what the Premier refuses to tell this House, that Western Australia's overburdened health system will lose at least $12.3m from its budget allocation and in addition lose $9m as a result of the abolition of the Commonwealth dental scheme; millions of dollars in cuts to the blood transfusion service, dental care and the home and community care program; and be required to pay sales tax on its executive motor fleet?

(2) Will the Minister now detail what cuts to the specific purpose payments will be made in the Health portfolio as a result of the federal Budget, and will the Minister offer more than his callous aside that the health system would cope with these cuts because it had to.

Mr PRINCE replied:

(1)-(2) The only people around here who have been callous are members opposite in what they did to the finances of this State for 10 years.

Mr McGinty interjected.

The SPEAKER: Order! The Deputy Leader of the Opposition will cease interjecting. He has interjected far too much.

Mr PRINCE: A number of cuts have already been advised by the Commonwealth Government. The dental program is by far the most substantial. That has been public knowledge ever since the federal Budget was brought down. That cut will have the effect of reducing dental services that were otherwise paid for by the Commonwealth. Other cuts in the commonwealth Budget relate to the blood transfusion service, and so on. The question of broadbanding special purpose payments is the subject of discussion between Ministers and the Commonwealth at the moment. It has been discussed since the July Health Ministers' Conference in Hobart and most recently in Melbourne two weeks ago. Senior officials are working on the problem of how it will be achieved and whether there will be a flexibility in meeting requirements without specific purpose payments to specific areas leaving other areas perhaps lamenting for want of resources. I am convinced we will be able to meet the demands and needs of the population by having that flexibility, rather than being constrained, as we have been in the past, to particular programs.

With respect to the actual amount that will be cut - as the Deputy Leader of the Opposition has put it - I remind members that we have had significant increases in health expenditure in this State during the past three years. If members look at the outlays, they will see the amount that has been spent has increased every year. We have had a significant increase in the budget not only in the last financial year, but also in this financial year. Everyone knows that demand has increased. Driving that demand, among other things, are the ageing population; the ability for medical technology to put people through elective surgery much faster than previously; and the reduced time that is spent on the waiting list. Much more activity needs to be funded; it is being funded. However, that growth is continuing and still must be met. An amount of $12m out of a budget of $1.534b is a small but important amount. I have had discussions over a long period with the commissioner and other people in the Health Department on how this can be managed. I am assured that will be managed without any effect on patient care; particularly by looking at the administrative services side of the operation of the whole health system. I would prefer the savings to be made there than anywhere else.

Dr Gallop: Can you guarantee that services will not be cut?

Mr PRINCE: It is being worked on at the moment and I give an assurance that patients' needs will come first, as they always have done under this Government.

DENTAL SERVICES - COMMONWEALTH PROGRAM, FUNDING WITHDRAWAL

585. Mr McGINTY to the Minister for Health:

With reference to the abolition of funding under the commonwealth dental scheme, will the Government meet the shortfall, or will the Minister concede there will be a cut to services in that area?

Mr PRINCE replied:

The program which was operative before the Commonwealth came along four and a half years ago provided a very good service to a certain class of people, mostly those who were very disadvantaged. The commonwealth program subsumed that and the Commonwealth has now withdrawn the funding. At that time, it was Labor Party Minister Keith Wilson who expressed reservations about the Commonwealth saying it would fund the program ad infinitum and then not doing it.

Dr Gallop: It was your colleagues who withdrew the funding.

Mr McGinty: Will you maintain the funding or will there be service reductions?

Mr PRINCE: I am trying to maintain the service, but it is a matter of being able to find funds out of the administrative services side of the Health budget.

Mr McGinty: You won't find them because $12m has been taken out.

Mr PRINCE: The amount is $9m and it is phased-in over a couple of years. If the savings can be found, clearly the Government will maintain the service. I cannot guarantee that I will maintain services in areas where the Commonwealth has cut the funding.

Dr Gallop: Thank you John Howard - another cut in Western Australia.

The SPEAKER: Order!

ELECTIONS (STATE) - COMMITMENTS, FULLY FUNDED; DEBT STRATEGY

586. Mr BOARD to the Premier:

Will the Government's election commitments, to be made as part of the next state election, be -

(a) fully funded; and

(b) reflect a continued adherence to the coalition's debt management strategy?

Mr COURT replied:

I am interested in the financial questions which have been asked by the Leader of the Opposition. He is having difficulty with one issue. On Tuesday he said he could not present the Opposition's financial plan unless there was Treasury support. The Leader of the Opposition appears to be willing to commit hundreds of millions of dollars to new commitments.

Dr Gallop: We will put our figures on the table during the election campaign.

Mr COURT: The Leader of the Opposition is now saying that he does not know what the financial position is even though he has a Budget and forward estimates which tell him what the expenditures will be in the next three years.

Several members interjected.

Mr McGinty: There is no integrity in that.

The SPEAKER: Order!

Mr COURT: The Government's election promises will be fully funded and the financial plan will ensure that the current debt strategy remains in place.

Mr Ripper: Can we talk to Treasury about the State's financial position?

Mr COURT: If the Opposition has to talk to Treasury to find out the state of the finances how can it commit literally hundreds of millions of dollars? The Opposition cannot have it both ways.

Mr McGinty: You are as weak as water.

Mr COURT: This will be the first election in which forward estimates have been in place. They have been revised every year so that the Opposition knows the expenditure and revenue situation.

Mr McGinty interjected.

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

Mr COURT: It is obvious that members opposite do not have a financial plan. They come up with a flimsy request to let them speak to Treasury.

Several members interjected.

Mr COURT: I will talk about the State's finances because the Deputy Leader of the Opposition asked the Minister for Health what is happening to a particular health program.

Mr McGinty: You won't answer the question.

Mr COURT: Do members opposite realise that with the moneys lost through the State Government Insurance Commission, 11 hospitals like the Wanneroo hospital could be built?

MINISTERS OF THE CROWN - PECUNIARY INTERESTS

Transcom; Minister for Resources Development

587. Mr RIPPER to the Premier:

Given the Premier's statement that the Government's pecuniary interests guidelines require that at Cabinet meetings Ministers with a possible conflict of interest should declare them and leave the meeting, were those guidelines breached when issues relating to Transcom were discussed in Cabinet with the Minister for Resources Development present?

Mr COURT replied:

I will get some detail as to when that issue was discussed in Cabinet, and I will provide the answer.

Several members interjected.

The SPEAKER: Order! The Deputy Leader of the Opposition will come to order again.

Mr COURT: I said that I would find out whether we ever discussed issues relating to Transcom and whether the Minister declared a conflict of interest. This Government accepts the convention of collective responsibility of Cabinet. It would be nice to have a commitment from members opposite that if they come back into office, they will also accept the concept of collective responsibility of Cabinet.

HEALTH DEPARTMENT - WORKING PARTY ON LOCAL AUTHORITY HEALTH SERVICES TO ABORIGINAL COMMUNITIES

588. Dr CONSTABLE to the Minister for Health:

My question relates to the report of the working party on local authority health services to Aboriginal communities, which is the result of over two years work and investigation and which looked into the worsening environmental health risks to Aboriginal communities.

(1) Has the report of the working party been finalised?

(2) If yes, does the Minister intend to release the report for public comment and scrutiny, and when will it be released?

(3) If no, what is the current status of the report and when does the Minister expect it to be finalised?

(4) What were the total costs incurred by the working party and the consultants who undertook the three projects and how much was each consultant paid?

Mr PRINCE replied:

I thank the member for some notice of this question, because it was not something about which I had any knowledge.

(1)-(3) I am informed that the report has not yet been finalised, but it is intended to release it ultimately. I have also been told by the department that the report is very large and phrased in a technical manner. It needs to be edited and represented to the working party for endorsement. Public release of the report will follow that. I gather that the member has a copy of it, so she might be prepared to comment on it later.

(4) Records of the cost of the working party were not maintained as such, but the estimate of the cost, not including consultancy fees, was less than $10 000. In relation to consultancy fees, $32 764 was paid to Mr Michael Barker for report No 1; $23 040 was paid to KPMG for report No 3; and Dr Darcy Holman was retained on a contract basis to assist in the preparation of report No 2. However, he also worked on a

number of other projects at the same time and the contract fee covered work on this as well as other issues. It is not possible to apportion the cost of his consultancy to this work as opposed to the other work. That is the best information I have at present.

NORTH WEST SHELF PROJECT - EXPANSION PLANS

589. Mr DAY to the Minister for Resources Development:

I refer to the onshore gas and petroleum processing facilities operated by the North West Shelf joint venture partners at Karratha, which I recently had the pleasure of visiting, and also to an article in today's *The West Australian* headed "Shelf growth plans take a step forward".

Mr Graham: You are a good shot if you found them at Karratha - they are at Dampier!

Mr DAY: They are very close - on the Burrup Peninsula. Can the Minister inform the House of plans for the expansion of the North West Shelf gas project and what impact such expansion will have on business in the Pilbara region and on the State economy generally?

Mr C.J. BARNETT replied:

I thank the member for some notice of this question. The events in Japan this week are of immense importance to Western Australia. I am pleased that the six partners in the North West Shelf joint venture have presented a united position to the Japanese utility buyers this week in Osaka. That follows a letter of indication from the customers.

While the companies are adopting a somewhat cautious position for commercial reasons, it is realistic to say that the third stage of the project will get under way in this State. The program is for the North West Shelf to expand from 7.5 million tonnes of production worth $1.35b to about 14 million tonnes of production. That production will come into the marketplace in 2003 or earlier. If one works back from that, this $6b expansion project will get under way during 1998 or 1999.

The next stages of that development involve the finalisation of a commercial agreement, the letter of intent and the final signing of the contract, and that process will take at least 12 months. In the meantime, the State Government and the joint venture partners will work through the various approvals, including the environmental processes.

This represents the third stage in the development of the North West Shelf project and will bring immense benefits to the State. The likely work force will be of the order of 4 000 construction workers and, as I said earlier, the project will start construction during 1998-99.

These projects are extraordinarily complex. It is the largest resource development project in Australia and it will undergo a process of refining the commercial arrangements. We can properly now regard the third stage of the North West Shelf project as under way in this State.

AGED HOSTELS - ON-CALL PAYMENT DISPUTE

590. Mr McGINTY to the Premier:

Today at a series of meetings initiated or attended by the Labor Party, a solution to the on-call payment dispute in Western Australian aged persons hostels was worked out. The Chamber of Commerce and Industry agreed; Archbishop Peter Carnley and 11 representatives of the aged hostels agreed; the Labor Opposition agreed; and the unions covering the hostels agreed. All that was required for a harmonious settlement of this difficult issue was the Premier's agreement to the wording of a minor change to the Minimum Conditions of Employment Act, yet his Government said no. Why did the Premier not agree to that and thereby resolve this pressing problem for the State's aged hostels?

Mr COURT replied:

Boy, that is an interesting twist to an issue! The industrial relations package in the Legislative Council includes a component relating to the minimum conditions of employment.

Mr McGinty interjected.

The SPEAKER: Order! The Deputy Leader of the Opposition has asked the question so he should listen to the answer.

Mr COURT: We have wanted that legislation to be passed. The Opposition refused to do so before last Christmas, and in June of this year it made it clear that it will go to the barricades in relation to this matter.

Several members interjected.

The SPEAKER: Order!

Several members interjected.

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

Mr COURT: The legislation has been in the Parliament for more than a year, and the Opposition has refused to support it. The Government gives the Opposition the opportunity to support those parts of the legislation relating to minimum conditions of employment.

The SPEAKER: Order! The Leader of the Opposition will come to order.

Mr COURT: Interestingly, those provisions were agreed to by members opposite, but Hon Alannah MacTiernan in the other House insisted on trying to make one other little change. Why does the Leader of the Opposition not tell it straight in this House?

Several members interjected.

The SPEAKER: Order! The Deputy Leader of the Opposition will come to order.

Mr COURT: Members opposite will have the opportunity to support the proposal; we will see what happens. We will split those components in the legislation.

Dr Gallop: You're deliberately causing conflict.

Mr COURT: Deliberately causing conflict - what a twist of the story! It was a good try but it will not work.

FISHERIES DEPARTMENT - LAKE CLIFTON, CLOSED TO FISHING

591. Mr MARSHALL to the Minister for Fisheries:

The recently completed boardwalk over the stromatolites at Lake Clifton has created a new fishing spot for local anglers. The bream being caught have been assessed by the Fisheries Department as being a very special and unique breed and consequently the boardwalk has been closed to anglers. Local fisherman do not agree with this assessment and claim that the bream is common to the area. Does the Minister intend to keep the lake closed to fishing, and how long will it take for the scientists to investigate the history of this unique fish?

Mr HOUSE replied:

This is a unique find in Western Australia as we have discovered what we expect to be a new species of fish in an area not fished for some considerable years.

Dr Gallop: Libertas exploitus is it?

Mr HOUSE: It is good to hear from the Leader of the Opposition. I have been wondering about his strategy as we have hardly heard from him since he was elected!

Several members interjected.

The SPEAKER: Order!

Mr HOUSE: We thought the Deputy Leader of the Opposition was still in charge - it was a bit of a worry! In fact, it looks like he is still in charge.

Mr Kierath: He's got the numbers.

Mr HOUSE: He might have, and he still has the staff. I took action to close that area to fishing because the scientific advice given to me was that we needed some time to study that species to ascertain whether it was a different one. If it is, it opens up new possibilities for fish stocks in Western Australia. It is living in an environment in which that species of fish has not survived previously. Because of that, it could be translocated to other areas where it does not exist already. Once those experiments are concluded, we will be able to make a decision. It is a unique situation. Most anglers agree that we had to take those steps to protect that fish stock.

INDUSTRY ASSISTANCE PACKAGES - PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE REPORT

592. Mr THOMAS to the Minister for Commerce and Trade:

(1) Is the Minister aware that the report of the Public Accounts and Expenditure Review Committee tabled this morning criticised the Government's assistance to industry for not being focused and systematic?

(2) Does the Minister agree with the committee, or is he content with an industry policy that fills one paragraph of the Program Statements and does not rate a mention in the annual report of the Department for Commerce and Trade?

Mr COWAN replied:

(1)-(2) I have looked at this report. From my initial reading of it, my first conclusion is that the recommendations of the committee have probably come as a consequence of its discussions with officers of the Department for Commerce and Trade. All of those recommendations have been put in place.

Mr McGinty: You are taking over as the court jester, I think.

Mr COWAN: No, they have. I will give an example. There is no strict requirement for Cabinet approval of the financial assistance package, however, we insist that it be given such approval.
Mr Thomas: I have asked about industry policy, not procedure.

Mr COWAN: We have tried to expand on industry policy. In the past all we have had is a policy that looks at industry, instead of programs. We have tried to reduce that and we have done well at that. We have reduced it and we have put in place a program that gives industry the ability to take in research and development through spending money on science and technology, through research and development programs and attracting research and development bodies to come to Western Australia, such as the Commonwealth Scientific and Industrial Research Organisation. In addition, we are also seeking to ensure we have a higher level of expenditure in this State for infrastructure. It is also appropriate that we have greater accountability. That is why I started the process of delivering to the Parliament the list of the industry incentives.

It was very disappointing for me to read the interpretation that was placed on that package by the media, particularly *The West Australian*. I will tell members why. It is for the simple reason that that newspaper looked at the individual who owned a company; it never looked at what the company was seeking assistance for. In that instance, the assistance was to enhance the capacity of the bloodstock industry in Western Australia to attract overseas buyers. For two successive years that activity has attracted investment worth $3m in bloodstock in Western Australia that would not normally have come to this State. For a $22 000 outlay, we were able to attract between $2m and $3m in investments. *The West Australian* went straight to the individual who owned the company.

I will just put on the record that this State has a cultural exchange program with Indonesia. That program is supported very strongly by both sides of the House. Under this program there is an opportunity for journalists to be exchanged between Surabaya through *Jawa Pos*, and Western Australia through *The West Australian*. That is an excellent cultural exchange program. If we were to interpret that in the same way as *The West Australian* reported the assistance package today, we would see *The West Australian* being the recipient of $2 500 because it got an industry support program from the State to maintain that cultural program.

I believe the Public Accounts and Expenditure Review Committee has done this State a service in that it has reinforced what we in the Department for Commerce and Trade and the Government are doing.