# Legislative Assembly

Thursday, 18 May 1995

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

## PETITION - GEMCO PREMISES, RIVERVALE

**MR RIPPER** (Belmont) [10.04 am]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned people of Western Australia, wish to formally protest about the industrial premises of GEMCO situated at the corner of Eyre Street and Knutsford Avenue, Rivervale. This heavy industry is situated in an area designated as Business Enterprise and the company's activities have led to a deterioration of our quality of life because of the constant noise, dust, fumes, heavy traffic, with operations often starting before 6.00am and continuing well into the night often after 10.00pm.
>
> We request that GEMCO either be relocated to another area more suited to its type of operation, or that it be made to comply with the guidelines for the area as stated in the "Design Guidelines for Business Enterprise Zone" and as adopted by the Belmont City Council in May 1994 ie: "3.1. A use of a lot or building shall contain any emission from that use within the boundaries of the lot. Such emissions may include smoke, dust, fumes, odour, noise, vibration and waste products." The operation should also be contained within the hours of 7.00am and 7.00pm as required by law.
>
> 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 155 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 63.]

## PETITION - DENTAL SPECIALIST (ORTHODONTIST), TOM PRICE, PARABURDOO

**MR GRAHAM** (Pilbara) [10.06 am]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned Petitioners, sincerely request that a visiting Dental Specialist (Orthodontist) be established for the Towns of Tom Price, Paraburdoo and surrounding Towns to alleviate the stress and financial burden forced on these Communities.
>
> 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 545 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 64.]

## PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

*Leave Granted to Sit when House is Sitting*

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

That leave be given for the Public Accounts and Expenditure Review Committee to sit when the House is sitting on 18 May 1995.

## COLLIE HARDWOOD PLANTATION AGREEMENT BILL

*Second Reading*

**MR C.J. BARNETT** (Cottesloe - Minister for Resources Development) [10.08 am]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to ratify an agreement dated 4 January 1994 between the State and Hansol Australia Pty Ltd - "the company". The agreement provides the necessary assurances to the company for the long term development of hardwood plantations in the Collie region of Western Australia for the production of pulpwood for export. The agreement was negotiated on behalf of the State by officers of the Department of Conservation and Land Management with technical assistance provided by the Crown Solicitor's Office and the Department of Resources Development.

As Minister responsible for the administration of state agreement Acts and with the concurrence of the Minister for the Environment, I will be responsible for the administration of the agreement, subject to its ratification by Parliament.

For the information of members, Hansol Paper Company of Korea, the parent of the company, is the largest paper producing company in Korea. The company has been formed to establish a 10 000 ha hardwood plantation estate in partnership with landowners with suitable landholdings in the Collie region. This will involve investment in excess of $30m in plantation establishment and management over a 20 year period commencing in 1993. Further expenditure of $10m per year will eventuate after year 10 when the plantations will be harvested.

Members of the House will be aware that during 1993 the Department of Conservation and Land Management, as agent for Hansol, established 500 ha of Eucalyptus globulus, more commonly known as blue gum, on Western Power land at Collie. These plantings will form part of the 10 000 ha of plantations to be developed by CALM on behalf of the company.

The company's selection of Western Australia for this project illustrates the growing recognition by major international investors of the technical skills developed by CALM in the growing of Eucalyptus globulus and the exciting potential of the south west region for fast growing, high quality pulpwood production. The project will deliver to participating landowners, and the State as a whole, significant economic and environmental benefits.

The development of hardwood plantations on cleared farmlands will provide land care benefits as well as improving farm income by -

assisting crop and pastoral activities through the creation of windbreaks and shelter belts;

controlling surface water runoff which will reduce erosion; and

lowering ground water levels, thereby reducing surface salt contamination and salinity in streams.

This project will play a significant role in reducing the high salinity levels in the Wellington catchment area and in turn the Wellington Dam itself. Other significant economic benefits will flow throughout the term of this project from the creation of jobs resulting from CALM's use of subcontractors to perform most of the operations. The majority of the investment made by the company will flow directly to the local

community through subcontracting. To facilitate this project the company has appointed CALM as its agent and will provide funding for all costs incurred by CALM, including management fees, in the course of establishing plantations on its behalf. Section 34 of the Conservation and Land Management Act provides the executive director of CALM with the authority to enter into the agency arrangement with the company. CALM, as agent, will undertake the establishment and management of the plantations at costs and performance levels agreed between CALM and the company.

The agreement scheduled to this Bill before the House was considered necessary to assure the company that the Government of Western Australia would not place constraints or impose or permit any state agency or instrumentality to place constraints or impose discriminatory taxes, rates or charges on the timber and woodchips produced from plantations established by CALM with funds provided by the company. The agreement contains similar provisions to those in the Albany Hardwood Plantation Agreement Act of 1993.

I now turn to the specific provisions of the agreement scheduled to the Bill before the House. Clauses 1 and 2 are consistent with the current form of state development agreement opening clauses and deal with the initial obligations of the State with regard to the ratification of the Bill, and the coming into operation of the agreement. For the information of members of the House, by letter dated 13 December 1994 the parties to the agreement agreed to extend the date referred to in clause 1 to 30 September 1995. Clause 3 requires the company to comply with and observe the laws from time to time in force in Western Australia as regards its operations in this State.

Clause 4(a) provides that the State shall not expropriate or confiscate from the company any timber or woodchips produced by or on behalf of the company under the timber sharefarming agreements entered into with CALM. Under clause 4(b) the State shall not impose or permit or authorise any of its agencies, instrumentalities or any local or other authority of the State to impose discriminatory taxes, rates or charges of any nature on or in respect of the timber sharefarming agreements or timber and woodchips produced under those agreements. Clause 4(c) requires that the State shall not discriminate against the company in processing its applications made in respect of its activities relating to the production of timber by or on behalf of the company under the timber sharefarming agreements or made in the process of producing woodchips from that timber. Under clause 4(d) the State shall not impose restrictions which prevent the export of the company's timber produced under the timber sharefarming agreements.

Clause 4(e) provides that the State shall not, subject to relevant safety considerations, materially obstruct, nor shall it permit or authorise any of its agencies or instrumentalities or any local or other authority to materially obstruct the company's operations in respect of the timber sharefarming agreements or the transportation of timber produced thereunder and woodchips produced from that timber. Under clause 4(f) the State shall, at the request of the company, make representation to the Commonwealth concerning the grant of any licence or consent under the laws of the Commonwealth necessary to enable or permit the company to export woodchips produced from timber produced under the timber sharefarming agreements. The State, under clause 4(g) shall not cause the executive director of CALM to breach any contractual agreements with the company.

Clause 5, the agreement variation clause, is similar to other modern state development agreements providing that the agreement may be amended from time to time and details the process in such instances. Clause 6 provides that the agreement shall expire at the time the company ceases to have any rights or obligations under any of the timber sharefarming agreements or 30 June 2030, whichever is earlier.

Finally, clause 7 requires the agreement to be interpreted according to the laws of Western Australia and the parties to irrevocably submit to the exclusive jurisdiction of the courts of Western Australia and the courts hearing appeals from these courts. I commend this Bill to the House.

Debate adjourned, on motion by Ms Warnock.

## LEGAL PRACTITIONERS AMENDMENT BILL

*Second Reading*

**MRS EDWARDES** (Kingsley - Attorney General) [10.13 am]: I move -

That the Bill be now read a second time.

This Bill is a response to a request by the Legal Practice Board that the Legal Practitioners Act be amended. The Bill will facilitate disciplinary proceedings where it is alleged that a legal practitioner has been guilty of illegal conduct. The board is responsible for the supervision and control of persons practising law in Western Australia. Recently there have been proceedings where practitioners previously found guilty of criminal offences by courts have subsequently appeared in the Legal Practitioners Disciplinary Tribunal and denied that they are guilty of illegal conduct. This is an unprecedented development in disciplinary proceedings, requiring amendment. Under common law principles, which govern such a situation, the tribunal must retry the matter entirely. Therefore, the practitioner endeavours to persuade it to reach a different conclusion - that is, in effect, to find the practitioner not guilty of the criminal offence. That procedure is an undesirable and inappropriate way of challenging the validity of a criminal conviction. It is entirely wasteful of the tribunal's resources. For example, a corporate fraud trial can take many weeks. Additionally, it is undesirable for a disciplinary tribunal to question decisions of a criminal court.

For the past 99 years practitioners convicted of an offence have accepted the conviction in subsequent disciplinary proceedings. Therefore, the Legal Practice Board has requested an amendment to enable such a conviction to be treated as conclusive evidence of illegal conduct. This Bill will allow convictions by courts in Australia, external territories and New Zealand to be treated as conclusive evidence of illegal conduct. The provision has not been generally extended to foreign courts. This is because of the possibility of differences, for example, in their procedure and jurisdiction. However, the Western Australian public is protected by a further provision in the Bill. Legal practitioners who have been struck off the roll or suspended from practice in any other jurisdiction will be prohibited from practising law in Western Australia without the Legal Practice Board's consent, which can be subject to conditions. Also, foreign jurisdictions may not necessarily use the expressions "struck off the roll" or "suspended from practice". The Bill extends the meaning of those expressions to include any consequence of judicial or disciplinary proceedings which, however it may be described, is substantially similar in effect. I commend this Bill to the House.

Debate adjourned, on motion by Ms Warnock.

## CARAVAN PARKS AND CAMPING GROUNDS BILL

*Second Reading*

**MR OMODEI** (Warren - Minister for Local Government) [10.16 am]: I move -

That the Bill be now read a second time.

As members will recall, in December 1994 I introduced into the House a Caravan Parks and Camping Grounds Bill. With Parliament being prorogued, parliamentary counsel made some technical and structural changes to improve the Bill. This Bill now reflects those changes. The Bill will deliver long awaited initiatives and reforms in caravan park and camping related matters.

For approximately 16 years the caravan industry and local government have been calling for revised uniform caravan legislation. In 1987 the then Government, following an approach from Mr John Wood, President of the Caravan Parks and Trades Association, approved the establishment of a working group to review existing caravan legislation. The report of the working group was released for public comment in 1989. The report in essence recommended that there be a separate Act dealing with caravan parks and camping grounds and for new regulations to apply uniformly across the State. The previous Government agreed with the recommendations and approved the drafting of a

new Act. Although promises were made to progress drafting, the legislation was never given a priority to permit this to occur. This Government gave an election commitment to implement the proposed Act and regulations and accordingly gave it the priority it deserved. The first part of that commitment has been achieved today by the introduction of the Caravan Parks and Camping Grounds Bill. Over the years there have been many innovations in the caravan industry and legislation in this State has not been updated to reflect those innovations.

People have been living permanently in caravans in caravan parks contrary to many councils' by-laws. In addition many people have park homes in caravan parks which are also contrary to by-laws. This Bill does not limit the period of time a person can stay in a caravan park and provides for minimum construction standards for park homes to be prescribed by regulations. Caravan parks are currently licensed under by-laws made by each council and this Bill will continue that requirement. Proprietors of caravan parks must comply not only with the Bill but also with regulations which will prescribe a range of matters for the construction and operation of caravan parks. As a transitional arrangement existing parks will be permitted to continue to comply with existing regulations and by-laws as applying to caravan parks. Councils will be required to inspect caravan parks at least once every year for compliance with the Bill and regulations. Where a park does not comply, work orders may be issued by the council. Compliance with the legislation will apply equally to council caravan parks and where a council does not carry out its responsibilities the Minister will be able to direct it to comply.

The Bill enables parts of the State to be exempted from the application of this legislation and there is also provision for the Minister to approve of particular exemptions from some standards in particular cases. For serious breaches of the Act a licensee can by notice be prohibited by a council from admitting new occupiers or collecting rents from existing occupiers. The prohibition remains in force until the council is satisfied that the breach no longer occurs. A licence can be cancelled where the licence holder has been convicted of an offence or because there has been a breach of a condition on which the licence was issued. A licence holder will have the right of appeal to the Minister against a prohibition notice or cancellation of a licence. Where the Bill gives a council power to approve or make decisions on various matters, a person who is aggrieved by such a decision may appeal to the Minister. The Minister may uphold or dismiss an appeal. Such appeals can be against the refusal of a licence, a condition attached to a licence and against particulars in a work order.

Under the Bill local governments will be able to appoint persons to enter and inspect caravan parks and caravans, including park homes and other premises. Such persons would invariably be a council's environmental health officer. Where a caravan or any other premises on a caravan park is to be entered, at least 24 hours notice must be given. Exceptions to this would be in the case of an emergency as, for example, in a cyclone, fire or flood. It is considered necessary that there be general powers of entry because caravans can decline quickly in maintenance standards resulting in gas, electrical and other safety problems. In addition, many caravans are provided as on-site rental units by caravan park proprietors. Such caravans will be required to be maintained to standards to be prescribed in regulations, and it will be necessary to enter them to check for compliance.

Councils have for many years been asking for power to be able to issue infringement notices for minor offences. The member for Vasse in his comprehensive report on illegal camping which was completed last year strongly recommended that councils be given the ability to issue on-the-spot fines. The different types of offences for which an infringement notice may be issued will be prescribed in the regulations.

I have made a number of references to matters being prescribed in regulations. The Bill provides for many requirements to be prescribed by regulation for the purpose of the Act and for regulating caravanning and camping; the development and operation of caravan parks and camping grounds; the construction of park homes; and the conduct of people in those places. Councils will also be permitted to make by-laws for some of those matters.

The Bill will not apply to government departments or agencies but, as indicated previously, it will apply to all privately and council operated parks and camping grounds.

Finally, the Bill will amend the Strata Titles Act to prevent land used, or to be used, as a caravan park from being subdivided under the Strata Titles Act. Although about 10 developments have already been subdivided into strata lots, this type of development has been found not to be appropriate for caravan parks. Invariably problems arise in the management of such parks with individual lot owners believing they do not have to comply with caravan legislation. The 1989 report on the review of caravan legislation recommended a moratorium on the subdivision of such land. In 1990 the then Minister for Planning imposed the moratorium, which has been reaffirmed by successive Ministers.

In closing, I would like to thank the many people who have contributed to the development of the work that has culminated in this legislation, particularly representatives of the Caravan Parks and Trades Association and members of the Interim Caravan Parks Advisory Committee. I would also like to express my appreciation to the member for Vasse and Hon Bruce Donaldson, member for Agricultural Region, in his previous capacity as President of the Western Australian Municipal Association and then member of the advisory committee. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock

## FINANCIAL TRANSACTION REPORTS BILL

*Second Reading*

Resumed from 20 October 1994.

**MR BROWN** (Morley) [10.23 am]: The Opposition supports this Bill. I will firstly make some general observations about it and what it seeks to achieve. Secondly, because the Bill relates specifically to the Commonwealth Financial Transaction Reports Act 1988, I will look at some of the salient features of that Act. Thirdly, I will deal with some of the salient clauses in this Bill. Fourthly, I will make some comments about the implications of the data collecting, data analysing approach, which is the hallmark of both the commonwealth Act and the state Bill; how that impacts on government activities; the obligations on cash dealers; and the way that changes the relationship between cash dealers and their clients. I will also deal with the way in which the state Bill and the commonwealth Act seek to influence human behaviour.

Much has been said about the need for government to take action to try to detect large sums of money being exchanged or used in the drug trade or money laundering. Seldom a month goes by when we do not hear calls for additional laws to track the money trail. It is true, as a number of royal commission and other significant reports have recommended, that one way of seeking to detect significant crime is to follow the money trail. By doing so, we are able to try to detect drug money and money laundering, and to tackle what is known as the black economy. Detection is not always universally supported because it involves an examination of all financial transactions, irrespective of whether they are for illegal or legal purposes. It is not possible simply to keep the scrutiny to illegal transactions alone. The question for an analysing agency is to try to discern which of the transactions are for legal purposes and which may be for illegal purposes.

Concerns have been raised in public forums from time to time about the degree to which Governments, law enforcement agencies and the like should be involved in intervening or requiring cash dealers to report various transactions. For example, in the community psyche there is a high degree of support for government action to try to detect financial transactions related to the drug trade or to money laundering. When people are asked whether they support initiatives for that purpose, we will generally find that the answer is yes. However, that does not mean there is universal agreement that the State should intervene in looking at all transactions, or at least requiring reporting of them. In a more sensitive issue of collecting tax, especially when attempts may have been made at tax

evasion, the community has been divided. Generally speaking there has been a view that certain matters should be kept between contracting individuals and should not be the subject of government scrutiny. If that is the predominant view, it simply does not allow the State to try to intervene in the transactions in such a way that it can pick up where tax evasion is occurring.

Members will be aware that some years ago there was a plan to introduce what was called an identity card which would have had the effect of clamping down on the cash and black economies in such a way that all Australians, irrespective of the way in which they receive an income, would be required to pay their fare share of taxes. It would have made it a lot easier to track money moving around the economy so that an attack could be made on the black economy and all Australians would shoulder a fair burden in the tax system. Of course, as everyone is well aware, the proposal to introduce an ID card was defeated, therefore attempts to tackle the black economy were held back.

Mr Bloffwitch: The tax file number has gone some way towards helping that.

Mr BROWN: I accept that. The only difficulty with the requirement for people to have a tax file number is that in many instances people and corporations which have a tax file number are generally legitimate taxpayers as opposed to those people who operate under fictitious names and move around in the underground cash and black economy. The notion of detection of ill-gotten gains is universally supported. From time to time reservations have been expressed about the role the State should play in intervention in order to determine which transactions are ill gotten gains and which are legitimate. The balancing act provided by this Bill and the Commonwealth Act, with which it seems to work in tandem, is a decision by the State to say what is more important. Is it more important to have privacy or to have detection? We cannot have both. It is not a perfect world where we can have both those two safeguards.

This Bill represents a decision by the State - with which I agree - about the balance between detection and privacy, where detection is seen as somewhat more important than notions of privacy. I speak to many people in my electorate who are adamant they are honest taxpayers who pay tax on every dollar they earn, and, quite frankly, they do not care who knows about it. They have nothing to hide. Many people are quite happy to see those authorities charged with this responsibility to be aware of their financial affairs and to ensure that all citizens, not only certain groups of citizens, are shouldering their fair share of tax. This is particularly important in not only tax collection but also law enforcement.

This Bill covers the law enforcement aspect. However, it is important to deal effectively with the black economy from a taxation point because of the amount of black market money circulating. It has been estimated by some commentators, whether correctly or otherwise, that as a consequence of the operation of the black economy, uncollected taxes amount to approximately $1 billion. If that money were able to be detected and collected it would lower the burden on all those other legitimate taxpayers and law abiding citizens in the community who wish to go about their affairs happy in the knowledge that whatever the tax regime may be, irrespective of whether they agree with it, they are law abiding citizens and pay what is required in accordance with the law. The Bill must be seen to complement that process.

I refer to some of the salient features of the federal Act. Unless one understands the federal Financial Transaction Reports Act 1988 it is difficult to comprehend in real terms exactly what is the intention of this Bill. The commonwealth Financial Transaction Reports Act came about as a result of a Bill introduced in 1987. That Bill was then known as the Cash Transaction Reports Bill 1987 and dealt at the commonwealth level with the same manner of things as are in the current Act. However, some concerns were expressed at the time by the banking industry about the stringency of reporting requirements. After subsequent discussions with the banking industry, further changes were made and they are reflected in the current Act.

In the Senate Estimates Committee, the then Minister for Justice, Senator Tate, is recorded at page 2 413 of the Commonwealth *Hansard* as saying -

> This Bill represents one of the most significant initiatives to counter the underground cash economy, tax evasion and money laundering. It is notorious that the underground cash economy provides great scope for tax evasion both domestically and internationally. It is clear that traditional investigative techniques have been ineffective in identifying financiers of major crime, because of the ease with which such persons are able to distance themselves from the actual criminal conduct. However, experience both in Australia and overseas has shown that criminal financiers associate more closely with the profits of crimes. That experience also shows that cash is an important part of financing criminal activity.

We can see what was the objective of the Bill. He goes on to explain a small amount about the Bill and observes -

> This Bill will give law enforcement agencies the ability to monitor the movement of large amounts of cash and thus to identify tax evaders and the recipients of proceeds of crime. The legislation is consistent with calls by a number of royal commissions and other inquiries in recent years for stronger measures to deal with the widespread abuse of the facilities of financial institutions in relation to tax fraud and other criminal activities. The Bill implements a scheme for the reporting of certain large currency transactions conducted through various institutions and certain transfers of currency into and out of Australia.

This federal Act is very detailed and covers the mechanism by which this information is collected. I refer to some of the key parts of the Act to get an understanding of what it does. Clause 7 of the Act provides -

> (1) Where a cash dealer is a party to a significant cash transaction, the dealer shall, before the end of the reporting period:
>
> (a) prepare a report of the transaction; and
>
> (b) communicate the information contained in the report to the Director.

Essentially that requires what is defined as a cash dealer to report significant cash transactions before the end of the reporting period. A cash dealer is defined in the legislation under a very wide definition. It can be a financial institution, a body corporate, an insurer or insurance intermediary, a security dealer or futures broker. A cash dealer which is a financial institution can include a bank, building society or credit union.

For the purposes of that section a significant cash transaction means a cash transaction involving currency of not less than $10 000 in value. We can see that the requirement of those cash dealers to report to the director is created. The director is equally defined under the Act. That means transactions of $10 000 or more must be reported by cash dealers. In addition, the cash dealers are required to make reports in relation to the transaction of currency into Australia or out of Australia. Section 15 of the Act provides -

> (1) Where:
>
> (a) a person:
>
> (i) transfers Australian currency or foreign currency out of Australia; or
>
> (ii) transfers Australian currency or foreign currency into Australian; and
>
> (b) the amount of currency involved in the transfer is not less than $5,000 in value;
>
> the person, subject to subsections (2), (3) and (4), commits an offence against this subsection unless a report in respect of the transfer has been given in accordance with this section.

In relation to transactions in and out of Australia, a cash dealer is required to report those transfers where they are $5 000 or more. Additionally, the cash dealer is required to report in accordance with section 16 of that Act, which deals with reports on suspect transactions. Section 16 places an obligation on the cash dealer to report where the cash dealer has reasonable grounds to suspect the information that the cash dealer has concerning a transaction; where that transaction may be relevant to an investigation of an evasion or attempted evasion of tax; where it may be relevant to an investigation or prosecution of a person for an offence against a law of the Commonwealth or a Territory; or where it may be of assistance in the enforcement of the Proceeds of Crimes Act 1987. The cash dealer is required to report where the cash dealer has a reasonable suspicion that one of those provisions may be offended against.

The nature of the reporting is quite detailed. It is set out in schedule 1 of the Act. One can see there in terms of the reportable details in respect of section 7, that in those areas where one is required to make a report of transactions of $10 000 or above, 12 questions are required to be satisfied. Some of them have six or seven sub-parts. Therefore, quite an attempt is made to try to ascertain from cash dealers not only the basic information but also the information in relation to why a cash dealer may have a suspicion about certain transactions. In that context it is important to understand that the Bill sets up what is referred to in the Attorney's speech correctly as AUSTRAC, a collection system. The Act creates an obligation on a cash dealer to report. It creates a system for the central collection of data and data analysis and indicates what happens once that analysis is made. An article that appeared in the Australia and New Zealand journal of criminology puts it more succinctly than I can. The author wrote about this AUSTRAC system -

> After receiving the above reports from 'cash dealers' ... AUSTRAC) acts as a clearing house, channelling the information to a variety of other agencies. Among these bodies are the Australian Taxation Office (ATO), Customs (ACS), the National Crime Authority (NCA), the Australian Federal Police (AFP) and the Australian Securities Commission (ASC). The AUSTRAC has devised systems for analysing its data holding to discern money laundering and/or tax evasion.

One can see from that article that the idea behind this is to try to ensure that a central collection system seeks to identify those areas of transactions where there is a suspicion that certain of them relate to ill-gotten gains. So much for the federal Act.

Why is it necessary to have the Bill that is before the House? As the Attorney General has correctly pointed out, it provides that a cash dealer who has provided information to the director under the commonwealth Act can be required to provide information to the Commissioner of Police or a police officer in this State. Therefore, there is an opportunity here for the police to go to a cash dealer on the basis of information received from AUSTRAC about suspicious transactions, and to seek from that cash dealer additional information relating to those transactions. Equally, clause 7 of the Bill creates an additional obligation on cash dealers and it expands the obligations of cash dealers to do additional things. Whereas the commonwealth Act imposes obligations of a commonwealth nature on cash dealers, this Bill imposes on the cash dealer the obligation to report information where the cash dealer has a suspicion that the transactions may relate to an offence against the law of the State or where advice of a transaction may be of assistance to the enforcement of the Crimes (Confiscation of Profits) Act 1988. It creates an obligation on the cash dealer to report such transactions. Indeed, in reporting those transactions, cash dealers are required to provide a statement of why they hold a suspicion that the transaction may be offensive in a particular way.

The Bill contains various other provisions but essentially, as I perceive it, that is the central obligation cast upon the cash dealer in relation to reporting cash transactions. I have made the point that it is important to be able to follow the money trail in trying to detect criminal activities. We have seen an example of this recently. Members may be aware of an article in *The West Australian* on 3 May concerning the arrest of members of the Rajneeshee sect. It states -

> Federal police and the NCA began working on the case about 18 months ago after

> receiving reports of suspect cash transaction from Austrac - the agency which monitors cash transactions of more than $10,000.
>
> Banks and other financial institutions are required to report transactions of more than $10,000 to Austrac.

Members can see that the commonwealth legislation had the effect of certain cash transactions being reported. Through the reports the authorities picked up some suspicions about what was occurring and, as a result, charges were laid against the sect. The newspaper article reports further that -

> Task force officers charged seven people with a string of offences, including conspiring to import ecstasy, possession of ecstasy and amphetamines, possession of 7kg of cannabis, conspiracy to cultivate and sell cannabis and conspiracy to defeat the cause of justice.

One can see the importance of being able to follow the money trail to detect a criminal activity. If we are able to detect crimes of that nature as well as seeking to deal effectively with tax enforcement, the legislation is working and is well worth supporting. For completeness, however, it is important to consider some of the matters always involved with this type of legislation.

I earlier referred to the fact that one must choose between privacy on the one hand and the need for detection on the other. This legislation falls on the side of the need for detection. I agree with that. One must consider also the cost of reporting cash transactions. This matter was taken up by the banks in the late eighties when this type of legislation was mooted. Initially some problems were encountered. The banks in particular raised concerns about the cost to them of being required to report such matters to government authorities. Of course that cost is ultimately met by customers of the bank one way or the other, in the form of either charges or lower returns on income because of the time taken to report. I come down on the side of reporting. However, these matters always raise important questions of balance in looking at what might be detected and the cost of detection. I support the proposition that it comes down ultimately to a cost benefit analysis. In doing that analysis one must be careful about the degree to which a significant burden is placed on cash dealers.

It is also important to understand some of the psychology of these Acts. Some academic researchers have suggested that having Acts such as these does a number of things: On the positive side it can result in a higher level of voluntary compliance with the law because individuals and corporations understand that transactions of this nature might come under the microscope and that if there is any illegality in those transactions, it might lead to an investigation by the authorities. Because that potential exists, it might lead to organisations and individuals complying, for example, with the tax law. However, it is argued that equally this can have the effect of causing different types of behaviour by particular institutions and those seeking to avoid the scrutiny of government and law enforcement authorities. Therefore, there is a need to measure that and to be conscious that whenever a detection system is created which is generally known about, some people will seek to avoid detection by organising their affairs in a different way. A number of successful prosecutions have occurred as a result of this type of legislation. I hope that will also be the case in this State as a result of the legislation before the House.

Related to this type of legislation, which seeks to analyse data to see whether the systems are capable of doing that, is interesting research that has been analysed in the United States where law banks and financial institutions are required to report suspect financial transactions. It has been suggested in that research that some of those organisations are now overreporting as a result of adopting what might be considered to be a defensive strategy: They are reporting everything on the basis that they do not wish to run the risk of potentially not reporting a transaction that should have been reported and, therefore, being held up before the enforcement agencies for failing to do so. Where that occurs, the ability of the system to discern suspect financial transactions from other transactions is made far more difficult.

It is important to bear in mind that despite the best will in the world with these systems, one always has a difficulty in discerning whether certain activities are of a criminal nature. In looking at raw data that comes from cash dealers there is always the complex task of trying to distinguish between criminality and honesty. It is not an easy task; it is not a precise science. Therefore, no-one should be under any illusion that this Bill and, indeed, the commonwealth Act, will lead to any of them identifying all people who seek to rort the tax system or to dispose of ill-gotten gains.

The various devices that have been used over the years to fudge the tax system or to move around ill-gotten gains indicate the breadth of human ingenuity. Some of the research, although not precisely directed to this, indicates the way in which people invent schemes to take more than that to which they are entitled. One notable case involved US crime-linked financier, Meyer Lansky, and the loan operation which he invented which "perfected the technique of the 'loan back'. He returned his money as 'borrowed' funds so that interest was paid off-shore to himself, while deducting interest from taxable income as a business expense - a highly profitable arrangement." He was shifting offshore what were allegedly interest payments, paying them to himself and then having the hide to claim a tax deduction and therefore lowering his tax bill. For those reasons and the fact that the commonwealth Act appears to be working - the Commonwealth is now capable of producing results under its legislation, results that were predicted by Senator Tate - the commonwealth legislation and this legislation are extremely valuable.

In closing, it is worth noting that this is an area on which the Commonwealth and the State are cooperating, and it is pleasing to see. All too often political arguments are advanced about another Government for the sake of a headline or to create misinformation when, in reality, there should be a greater level of cooperation between Governments, particularly in crime prevention and detection. It is pleasing to see that, on this occasion and unfortunately not on others, commonsense has prevailed over politics and there is cooperation in the passing of state complementary legislation.

**MR CATANIA** (Balcatta) [11.04 am]: My colleague the member for Morley has analysed the Bill very well. I will make some general comments in support of the Bill. However, I must criticise the Court Government for taking so long to introduce this complementary legislation. It is three years since the commonwealth and state Attorneys General signed an agreement to introduce this legislation and it has taken that two and a half years for this Government to introduce it into this House. It is important that the Commonwealth and the States cooperate. Some time ago the other States passed their legislation to operate in tandem with the federal authorities to give legislative power to the police to investigate crime, and particularly organised crime, through cash transactions in Australia.

As the member for Morley said, the legislation covers three main areas. It forces cash dealers to report transactions of not less than $10 000 to the Australian Transaction Reports and Analysis Centre and the centre collates that information and reports to the Australian Taxation Office, Customs and law enforcement agencies. It is important that profit and transactions obtained from illegal activities be reported so that the proceeds from those activities can be confiscated and shared to help pay for the law enforcement activities by commonwealth and state enforcement agencies in the apprehension of criminals. It is an important Bill because it is a legitimate tool to be used by both state and federal bodies to investigate the money trails of cash transactions that result from criminal activities.

The state Financial Transaction Reports Bill imposes a responsibility on the state police. In the absence of a formal identity card, as the member for Morley said, this legislation prevents people who deal in the cash economy from escaping scrutiny. The incidence of money laundering and illegal transactions throughout Australia and internationally is increasing. Illegal profits from the sale of stolen goods - by that I am not referring to petty theft - are worth $8b nationally, a substantial amount in anyone's terms, and in the vicinity of $2b in this State. Billions of dollars also change hands from the sale of drugs and the pedlars of these drugs deal mainly in cash. Therefore, a state Bill which complements federal legislation that insists on the reporting of all cash transactions over

a certain sum is of great assistance to law enforcement agencies in their fight against these horrendous illegal activities, particularly the drug trade, which is unfortunately growing in Australia today.

This Bill complements a Bill which was recently introduced into this House by the Minister for Police. I refer to the National Crime Authority (State Provisions) Amendment Bill, which complements the Commonwealth Government's National Crime Authority Act. This Bill also includes a provision to the effect that information requested by the police will not be disclosed for reasons of confidentiality so that police can remain anonymous in their quest for information which will assist them to apprehend criminals. I compliment the Government for introducing these Bills, although it has taken it more than two years to do so. The other States have already enacted similar legislation. The Opposition supports the Financial Transaction Reports Bill and it is about time that it was debated. The Attorney General said in her second reading speech -

> In 1992 the Standing Committee of Attorneys General agreed to model state legislation requiring cash dealers to provide information to state police regarding offences against State laws -

The excuse the Attorney General gave for not introducing the Bill earlier was the 1993 state election. She said the Government wanted to examine the legislation before it was introduced. This Government has a history of opposing uniform legislation and certainly it takes a long time to introduce these Bills because it believes that the Federal Government is robbing this State of its rights. The incidence of illegal trade is increasing and it is irresponsible of the Attorney General and the Minister for Police not to cooperate with the Federal Government. This Government should not oppose uniform legislation which will assist state authorities to eliminate the opportunities for money laundering.

Mrs Edwardes: Your comments are out of order. This Bill is before the House and it is the previous Government's Bill.

Mr CATANIA: My comments are not out of order. At the beginning of the Attorney General's second reading speech she stated that in 1992 the Standing Committee of Attorneys General had agreed to model state legislation requiring cash dealers to provide information to state police regarding offences against state laws. It has taken this Government from February 1993 to May 1995 to bring on this Bill for debate.

Mrs Edwardes: It did; ask the other States where they are with it.

Mr CATANIA: Most of them introduced similar legislation 12 months ago and according to the Attorney General's second reading speech it has been enacted in those States. The Attorney General should read her second reading speech. It has taken two years and three months to introduce a very important piece of legislation which will assist the federal and state law enforcement agencies to fight crime. At a time when illegal cash transactions are leading to tax evasion and money laundering it is irresponsible of the Government to delay legislation for political point scoring purposes. The Government is even more irresponsible when one recalls that it was elected to office primarily on its promise of a commitment to law and order.

It is significant that we are debating the Bill on "crime free day" which has been organised by some very responsible citizens who invited every member of this Parliament to attend the activities it is holding. What reaction did the organisers get from this Government which says it is committed to law and order? They did not receive one response to the invitation it sent government members. However, the Government did respond after a one page advertisement was published in *The West Australian* yesterday, probably because the names of the people participating in the crime free day forum did not include one member of this Government. Can the Attorney General tell me what is the theme of crime free day?

Mrs Edwardes: If you sit down we will be able to get to those activities.

Mr CATANIA: The answer to my question is money laundering; the very thing that this Bill is trying to stamp out. The Court Government has not had the courtesy to support

good citizens, like Mr Terry Donnelly, who have organised the activities for crime free day which emphasise the dangers to the community of money laundering. I reiterate that the Court Government came to office on the basis of its commitment to law and order, but it has not bothered to help responsible citizens, either financially or with the presence of the Minister for Police or the Attorney General at today's activities.

It is evident, from the time it has taken for this Bill to be debated, that this Government is not committed to law and order. It is not prepared to assist the law enforcement agencies to fight the black economy which assists those involved in criminal activities to evade taxation and launder money from illegal businesses to legitimate enterprises.

The Opposition urges Western Australians to consider the Court Government's commitment to law and order. The way in which this Government has treated the Police Force and delayed debate on important Bills does not demonstrate its commitment to law and order. If people are not apprehended for offences of money laundering the honest people of this State will end up paying more taxes. The Opposition supports the Bill, but expresses its concern at the time taken to introduce it into this House.

**MRS EDWARDES** (Kingsley - Attorney General) [11.20 am]: I thank members opposite for their support of the Bill. It is extremely important legislation which deals with the enforcement of laws in Western Australia. It is a cooperative approach. The Government came to office on a major law and order platform and the number of Bills introduced in the Parliament in the past two years indicates its commitment to that platform. The political grandstanding in which the member for Balcatta has engaged does him no credit, and it is most unfortunate. Members opposite say they want to deal with these matters in a bipartisan way but they are not open and honest. They have no intention whatsoever of supporting the Government's actions in this matter.

On the subject of money laundering, I advise members that the forum will be held in the Town Hall at 4.30 pm today, if they are interested in this aspect. The National Crime Authority will be represented by two speakers and the Western Australian Deputy Commissioner of Police will open the forum.

Mr Catania: Are you attending?

Mrs EDWARDES: I shall be in the Parliament this afternoon.

Mr Catania: Is the Minister for Police attending? Do you have a representative?

Mrs EDWARDES: Our first commitment is always to Parliament. I will shortly be going to Forrest Place, as I know are several members of the Opposition. People have access to members of Parliament. If the member for Balcatta goes to that forum and starts his political grandstanding, the only person he will damage is himself. He certainly will not damage the Government.

Question put and passed.

Bill read a second time, proceeded through remaining stages, and transmitted to the Council.

## MOTION - STANDING ORDERS SUSPENSION

*Censure the Premier for Misleading Parliament; Agent General and Quit Campaign*

**MR McGINTY** (Fremantle - Leader of the Opposition) [11.23 am]: I move, without notice -

> That so much of the standing orders be suspended as is necessary to enable consideration forthwith of the following motion -
>
> > That this House censures the Premier for misleading the House over the actions of his Agent General, Bill Hassell, in seeking sensitive anti-smoking campaign documents from the Health Department and requires the Government to recall Mr Hassell from London forthwith.

If the Premier has inadvertently misled the Parliament, he has a duty to correct that position at the earliest available opportunity. When Parliament resumed this morning,

the Opposition gave the first one and a half hours to the Premier to enable him to set the record straight in what is clearly now a matter in the public arena of his having misled this Parliament. The Premier did not take up that opportunity, notwithstanding the time made available for him to do so in the light of the coverage in this morning's *The West Australian*. Therefore, the Opposition can assume only that he feels he did not mislead the Parliament. The Opposition has a duty, in matters of a serious nature such as misleading the Parliament, to raise that matter at the earliest available opportunity. The Opposition knows that at six o'clock this afternoon Parliament will rise for five days until next Tuesday, and that means this matter can be raised today only by suspension of standing orders. It is, therefore, appropriate that the Government agree to suspend standing orders to enable this most serious matter to be debated. The proposed motion will censure the Premier for having misled the Parliament, because he can no longer plead to the House that he got it wrong, made a mistake or inadvertently misled the Parliament. If it is substantiated that the Premier has misled the House, a censure is the most appropriate action. In addition, from what has been said by the Government's Agent General in London, Mr Bill Hassell, it is apparent that he has either lied to or misled the Premier. That is a most serious matter because this State cannot afford to retain a dishonest person as Agent General in London. We must get to the bottom of these matters forthwith. They are the reasons standing orders should be suspended.

It is a simple case of dishonesty by the Premier or the Agent General in London, Mr Hassell. Either the Premier has not told the truth to the House or, at best from the Premier's point of view, Mr Hassell has given false and misleading information which has led the Premier into error. However, the failure by the Premier this morning to correct the matter and place his view on the record suggests that he is at fault. I touch briefly on the facts of the matter. In *Hansard* of 20 December 1994 is the following statement by the Premier -

> Mr Hassell has advised us that he has undertaken no action with regard to this matter since 17 August this year.

That statement was made in response to a question from me to the Premier about the role of the Agent General in London in pursuing the Health Department to obtain very sensitive Quit campaign information on behalf of tobacco companies. Those companies were obviously seeking to undermine the State Government's policy on this matter. Before turning to the exact words used, it must be said that the impression created by the Premier - no-one could seriously argue with this - was, firstly, that Mr Hassell was representing tobacco companies prior to his appointment to the position of Agent General in London, but upon his appointment he terminated that representation of the tobacco companies. There is a minor discrepancy between the date of his appointment being announced and the date on which the Premier said that he had taken no further action with respect to these matters. Clearly, the Premier sought to give this House the impression that in August 1994 that Mr Hassell had terminated his representation of private interests in order to take up his position as Agent General in London. It is now patently clear that the representation continued after the date the Premier told the House Mr Hassell had terminated that representation.

The second impression generated by the Premier in the matter raised on 20 December 1994 was that the Quit campaign information was being vigorously sought through the freedom of information process by tobacco companies using Mr Hassell as their agent, but that the pursuit of the freedom of information based legislation had also stopped. The third impression generated in the minds of members on both sides of this House by the Premier's answer was that Mr Hassell considered his representation of tobacco companies to be inconsistent with his appointment to the position of Agent General in London, and that the two could not continue side by side. That is the impression generated by the answer given by the Premier in this place that "Mr Hassell has advised us that he has undertaken no action with regard to this matter since 17 August this year". The facts now are considerably different. It has been revealed, ironically using the processes of the freedom of information legislation, that on 16 December last year, four days before the Premier stood in this place to declare that there had been no involvement

by Mr Hassell since he had taken up the position of Agent General in London, the law firm Clayton Utz, acting on behalf of Mr Hassell, some four months after he was purported to have ceased his involvement and severed his links with the tobacco companies which he was representing, wrote to the Health Department, demanding access to the documents which the Premier had led this House to believe would no longer be pursued by Mr Hassell. Those document are, as we are all aware, very sensitive and deal with matters of enormous political controversy. The public was outraged that Mr Hassell, on behalf of the tobacco companies, was seeking to have those matters brought into the public arena. The letter which was quoted in today's *The West Australian* was sent on 16 December from Clayton Utz to the Health Department's FOI Coordinator, Carol Harris, and states -

> We refer to the decision of the Information Commissioner delivered on Tuesday 13 December 1994. As the claims for exemption have now been disallowed our client wishes to obtain copies of the documents to which access was sought. Would you please advise us when the copies will be available for collection.

That letter was received by the Health Department on 19 December, the day before the Premier stood in this place and misled us all.

The plot thickens as a result of what Mr Hassell said on Radio 6PR this morning in an interview with Howard Sattler, when he admitted that Clayton Utz had acted on his behalf, or as his agent, in sending to the Health Department, when he was the Agent General in London, a letter seeking access to those documents. Mr Hassell admitted that the letter was sent with his knowledge. This is where the matter becomes extremely serious for the Premier. Howard Sattler put this question to Bill Hassell -

> But maybe your lawyers kept doing it without your knowledge, is that possible?

Bill Hassell replied -

> No, no, no the lawyers didn't do it without my knowledge . . .

There can be no doubt or confusion that the Agent General in London, Bill Hassell, who was appointed by this Government, knew that the lawyers acting on his behalf had made a demand for access to those documents, yet the Premier said in this place expressly that Mr Hassell's involvement in the pursuit of those documents ceased on 17 August, some four months earlier. That was not true. It is painfully obvious that was a misrepresentation and an untruth. Mr Hassell has now admitted that he knew that the lawyers whom he was paying to act on his behalf were pursuing that matter with their letter of 16 December. It is incumbent upon the Premier to set the record straight, and he has not accepted the opportunity to do that which is provided for in the standing orders.

This was a matter of major political controversy during the time leading up to when Clayton Utz wrote that letter. I have some 15 pages of newspaper cuttings of public comments and headlines in *The West Australian*, and we are all aware of what was said on radio and television at the time. One cannot say that Clayton Utz was in any sense unaware of the major political controversy that was raging about this matter. No major law firm would head off on a frolic of its own and undertake such highly sensitive action without the knowledge, consent and instruction of its client, and it would be professionally negligent of Clayton Utz to proceed without instruction from its client, yet that is what has been suggested by the Premier in today's *The West Australian* and also hinted at by Mr Hassell in that newspaper. Anyone who would suggest that a responsible law firm would head off on a frolic of its own in regard to such a highly sensitive matter cannot be believed.

Mr Hassell admitted in that interview that he had knowledge of that letter before it was sent by Clayton Utz. Mr Hassell has not yet answered the question that should be put to him; namely, did he issue an instruction to Clayton Utz to continue along those lines? However, I am confident that Clayton Utz would not have done that without an instruction from its client, Bill Hassell, to continue to pursue this matter in the interests of the tobacco companies, with which he had supposedly severed his links some considerable time earlier.

Mr Hassell told Howard Sattler in the interview this morning that he had wound up all of his private activities. He said -

> . . . since I became the Agent General I haven't acted for anyone in any private capacity at all because I, my job is to work for Western Australia and that's what I'm doing. So I wound up my activities.

Clearly Bill Hassell had not wound up his activities. Clayton Utz would not have made the demand for those documents on Mr Hassell's behalf if he had issued an instruction to it that the activity on behalf of the tobacco industry was to come to an end. That action by Clayton Utz is incompatible with Mr Hassell's assertion that he had wound up or terminated his activities on behalf of the tobacco companies. Someone is not telling the truth, and that is what this motion to suspend standing orders is all about.

Let us look at the major players. We are talking about a former president of the Liberal Party, a former Cabinet Minister and a controversial former member of this House, who is now occupying the position of Agent General in London. We are dealing here with the Bill Hassell-Noel Crichton-Browne-Richard Court triumvirate. It is obvious from the nature of the connection and the friendships that they will move to protect each other's backs and to look after each other. We saw that in this place a month and a half ago when the Premier defended his friendship with Noel Crichton-Browne, until the heat became too much. We are now seeing a process of cover-up between Bill Hassell and Richard Court, where old mates are looking after each other's interests. However, the freedom of information legislation has worked just too well because it has now been exposed that Bill Hassell was up to his armpits in this matter and was continuing to get information which he wanted not to paste on his wall in London but for the tobacco companies which he was representing when he started this matter. There should be a full accounting of this matter to the Parliament.

The Premier has a duty to explain the situation and Mr Hassell must answer a number of serious questions about his conflicts in this matter. He said that he had wound up his activities. I would like to know, as would the public of Western Australia, who are paying his salary and propping up his lifestyle at the moment, the nature of the winding up of his activities with the lawyers. What are the details of his role beyond having knowledge of the letter that went from Clayton Utz to the Health Department on 16 December? What other conflicts of interest has he taken with him to the Agent General's position in London? We need to know whether he was told the truth. We cannot have a proposition where he has told the truth and the Premier has told the truth; one of them is lying. We should carry this motion today to recall Bill Hassell from London to get to the bottom of this matter and to ensure that we have the truth. At the moment there is grave disquiet in the community and there is a strong belief that one of these two - a former Liberal Party president or the current Premier - is not telling the truth, and that cannot go unresolved.

**DR GALLOP** (Victoria Park - Deputy Leader of the Opposition) [11.43 am]: I support the Leader of the Opposition in his move to suspend standing orders on this matter. There is a very interesting group of people who operate on the world stage who could best be described as the "puffing billy brigade". The brigade includes retired conservative politicians who then go into the pay of the tobacco companies. The most famous of this brigade is the former Prime Minister of Great Britain, Mrs Thatcher. It also includes retired test cricketers and others who have taken up the cause of the tobacco industry around the world. These members of the puffing billy brigade have taken it upon themselves to try to undermine some of the most effective public health campaigns conducted in the democratic world in the past decade.

It is a very sad thing that one of our own former members of Parliament and former Leader of the Liberal Party in this House, Bill Hassell, who is now the Agent General for Western Australia, has chosen to become a member of this brigade.

*Point of Order*

Mr C.J. BARNETT: This motion is to suspend standing orders. On this side of the

House we allowed the Leader of the Opposition to present his case without interruption. However, Mr Acting Speaker, I draw your attention to the fact that we are debating the suspension of standing orders rather than making speeches about the merits of smoking or otherwise.

The ACTING SPEAKER (Mr Johnson): I accept the point of view. I ask the Deputy Leader of the Opposition to return to the matter before the House.

*Debate Resumed*

Dr GALLOP: The point of this motion is that there are very important issues at stake in relation to both the position of our Agent General in London and the answers given by our Premier in the Parliament. I simply want to establish the context in which we are moving this suspension motion; that is, a very intense campaign is going on to undermine a very effective public health program. I point to the two important reasons why this suspension motion should be passed. The first relates to our Agent General in London and his credibility in the position. The Agent General has made it clear since he was appointed to the position that he sees the role as diplomatic and that he will be above politics. There is no mistake that the campaign against the Quit program is very much political activity on behalf of specific interests and certainly, interestingly at the time, working against the programs that his former colleague Hon Peter Foss was pursuing as Health Minister in this State.

The second relationship in terms of the possible political activities of the Agent General is revealed in his comments on the radio today. I will quote from Mr Bill Hassell, who spoke on Radio 6PR this morning. When asked a question by Howard Sattler in relation to *The West Australian* newspaper our diplomat Bill Hassell - who is above politics, not involved in the ruck that is Western Australian politics in 1995 - stated -

> Well, you know, that's the "West Australian" newspaper. You know I think Paul Murray's got a bit of a problem in his attitude to Richard Court and it shows in the way he runs the newspaper.

This is the apolitical Agent General in London acting as a diplomat on behalf of the State of Western Australia. He is right in there putting in a punch against Paul Murray as editor of that newspaper and playing a role in the political process in Western Australia today. That is an important issue: Is the Agent General continuing to play a role in politics? Was he continuing to play a role against the Quit campaign on behalf of the tobacco companies throughout late 1994? Is he continuing to play a role in the politics of Western Australia today in his criticism of Paul Murray as editor of *The West Australian* newspaper? That is the first important reason why we have moved this suspension.

The position of Agent General is very important; it should be apolitical and it should be undertaken by someone who enjoys the confidence of all Western Australians and who is seen to be acting on behalf of all of us. When I was in London at Christmas I visited Bill Hassell and Neal Blewett, representatives of Western Australia and our great nation in London. It is important that we can all do that in the confidence that the people in those positions are acting in an apolitical way.

Mr Court: Did he help you in an apolitical way?

Dr GALLOP: He did; in his dealings with me he acted in an apolitical way. The other reason that this matter is of some importance and justifies the suspension of standing orders is that we are looking at the answer to the question put to the Premier in this Parliament on 20 December 1994. It is very important for the integrity of the processes of Parliament that the Premier give honest answers to the questions that are put to him. The answer to the question put to the Premier on 20 December was unequivocal. The Premier stated -

> Mr Hassell has advised us that he has undertaken no action with regard to this matter since 17 August this year.

It was a very clear answer to a very clear question. We need to know whether the Premier was answering faithfully according to the information that he was given by the

Agent General. In that case there are real question marks over the information passed from the Agent General to the Premier. These are not minor matters on which we are calling upon the House to suspend its standing orders. These are major issues that impinge upon the apolitical nature of our Agent General and his credibility in that position. They also impinge upon the truthfulness or otherwise of the answers that the Premier has given to questions put to him in this Parliament. For those important reasons, I support the Leader of the Opposition in his move to suspend standing orders. I conclude by reminding all members of this House that this year we can expect 1 800 Western Australians to die as a result of their addiction to cigarette smoking. That is the underlying issue being addressed here in respect of the campaign being conducted against Quit and other very successful programs to reduce cigarette smoking in this State.

**MR COURT** (Nedlands - Premier) [11.50 am]: The Government does not support the suspension of standing orders. I will take this opportunity to comment on a matter relating to the motion. The Leader of the Opposition said that taxpayers were propping up Mr Hassell's lifestyle. One could make the same comment about the Leader of the Opposition.

Mr McGinty: And you.

Mr COURT: And about me.

Mr McGinty: But I am not secretly representing tobacco companies.

Several members interjected.

Mr COURT: That is a cheap shot.

Several members interjected.

Mr COURT: I listened to the member in silence. I turn to the comments of the Deputy Leader of the Opposition regarding the Quit campaign and others surrounding it. The Quit campaign has been very successful. The campaign was established by the previous Government, and it can take credit for that. In some ways it may be improved but the end result has been a move in the right direction, as far as community attitudes go. I am strongly anti-smoking; I cannot stand it. One notices the difference when one travels to other countries, particularly France, where at meetings an ashtray and cigarettes are offered freely. That is something I do not accept. I place on the record that I am anti-smoking. The Quit campaign has been effective overall. We know that people work on campaigns. We know from publicity in recent weeks that Richard Farmer, who has close connections with the Labor Party, has been very active. He has been directly involved in a campaign against the Quit campaign, both federally and in New South Wales. What is the Leader of the Opposition's attitude regarding Richard Farmer's work?

Mr McGinty: I disapprove of the campaign.

Mr COURT: The member has spoken about who works for whom, and he should be fair in his comments -

Several members interjected.

Mr COURT: I will go through the chronology of the matter. An important issue is at stake here: Any citizen can use the freedom of information legislation. It seems that Mr Hassell has been targeted because he wanted to use the FOI legislation, and a perception has been created that it was wrong for him to do so.

Mrs Hallahan: For what purpose?

Mr COURT: Who is to make the judgment regarding who can apply for what under the FOI legislation? On 13 December 1993 Mr Hassell made an FOI application to the Health Department of Western Australia. On 31 January 1994 he was advised by the Health Department that the documents requested contained exempt matter. Mr Hassell was given access to four documents with certain matters deleted. To the best of my knowledge, he has never received any documents in relation to those matters.

Dr Gallop: That is not the issue.

Mr COURT: He was given access to the documents. On 17 February 1994 he sought an internal review by the Health Department of its decision. Does the Opposition have a problem with his using the FOI legislation for that purpose?

Mr McGinty: I do, as he was the Agent General.

Mr COURT: Before that.

Mr McGinty: As a private citizen - no.

Mr COURT: I am glad that the Leader of the Opposition said that he has no objection to that use of the legislation. He is now on the record as saying he has no objection to Mr Hassell's using the legislation as a private citizen. I advise that Mr Hassell's application was made as a private citizen.

On 17 February Mr Hassell sought an internal review. On 25 February as a result of the internal review the initial decision was varied and additional documents were released. However, the exemption for other material in the documents was upheld. On 4 March 1994 he was advised regarding the internal review decision of 25 February. On 24 April 1994 he applied to the Information Commissioner for an external review of the decision of the Health Department to refuse access to the edited material.

On 1 July Mr Hassell was provided with a copy of the Health Department FOI submission in support of its claim for exemptions, and invited to comment. On 12 July Clayton Utz replied to the Information Commissioner, on Mr Hassell's behalf, regarding the submission from the Health Department of 1 July. I am told that 12 July was the last time that he had any direct involvement regarding the information. On 8 August, I announced Mr Hassell's appointed as Agent General to London. On 17 August the Health Department's solicitor provided the Information Commissioner with a further submission on behalf of the department. On 1 September Mr Hassell took up his appointment as Agent General. On 13 December 1994 the Information Commissioner decided to set aside the Health Department's decision of 25 February. It was decided that the matters deleted from the disputed document were not exempt. Accordingly, as a consequence of the decision delivered by the Information Commissioner, Clayton Utz wrote to the Health Department - because a decision was made on 16 December - asking for copies of the documents for which access was initially sought.

On 14 December Mr Hassell received a letter from *The West Australian* concerning the FOI application. He replied, stating that since his appointment as Agent General he had had no other engagements, employment or occupation. Again, yesterday he said that at no time since his appointment as Agent General had he acted for any private client - as he stated previously. Does that answer the question?

Mr McGinty: But at the same time he is taking action through his lawyers.

Mr COURT: Mr Hassell made it clear when I answered the original question and, today, that at no time since being appointed Agent General has he acted for any private client. He stated that previously. I emphasise that point.

On 16 December Marnie McKimmie asked me a question. I replied that any citizen in Western Australia can use the FOI legislation to seek access to information which he or she believes should be released; and that the Information Commissioner has responsibility to oversee these matters as an independent officer who reports directly to Parliament. I said that what Mr Hassell or any other citizen of Western Australia does as a private citizen is his own business. I said that it would be improper for me to instruct a person in the way suggested by the Australian Medical Association. The article in *The West Australian* again mentioned that the British Medical Association had contacted Mr Hassell, or communicated with him or put pressure on him to do something. He has advised me, and he has given this information to *The West Australian*, that he has never had any communication, written or verbal, with the British Medical Association. The comments have been repeated a number of times as if it is a fact; but Mr Hassell has said that he has never had contact -

Dr Gallop: The comment was made in the media by the British Medical Association.

Mr COURT: Mr Hassell has never been contacted by the association.

Mr McGinty: On 3 February this year *The West Australian* stated that the Western Australian Agent General in London withdrew his FOI application for sensitive Quit data 24 hours after receiving a warning letter from the British Medical Association.

Mr COURT: Mr Hassell wrote to *The West Australian* stating that he had not received any communication from the British Medical Association. We are talking about a factual situation. I am telling the House what Mr Hassell said. He has given that information to *The West Australian* in writing - and the statement was repeated today.

Mr McGinty asked a question regarding the matter. In reply, I said that Mr Hassell had advised that he had undertaken no action with regard to this matter since 17 August. As a private citizen Mr Hassell can use the Freedom of Information Act to obtain information. Mr Hassell made that request in December 1993 as a private citizen.

Mr McGinty: He was President of the Liberal Party at the time. One needs to be a bit more discreet. He is hardly an ordinary citizen.

Mr COURT: He was also a father and a few other things at the time. Everyone knows what Mr Hassell has done. He made that application as a private citizen. As the Leader of the Opposition has said publicly, he has every right to use the freedom of information legislation in that way. That matter was in train when he became the agent general. Once he became agent general he was not acting for anyone and a decision was made by the Freedom of Information Commissioner, which is a part of that process. The commissioner said that Mr Hassell could have that information, and his lawyer, who was instructed to go through this process, wrote to the commission saying, "You have made that decision, now give us the information." Mr Hassell has never collected that information.

Mrs Hallahan: We do not accept that.

Mr McGinty: Mr Hassell said on radio this morning that he knew that letter was going on his behalf from Clayton Utz. That is the problem.

Mr COURT: I accept what Mr Hassell said on the radio this morning. My answer to the question was that he had advised me that he had taken no action on this matter since 17 August this year.

Mr Marlborough: He did not say that. Your explanation is that he is not working for a tobacco company.

Mr COURT: I said that at no time since his appointment as agent general had he acted for any private client. He made an application to the FOI Commission, and it was going through its processes. A ruling was given that he could have that information, and his lawyers wrote to the commission and requested that information. Mr Hassell has never collected that information. The Health Department appealed the commission's decision, and Mr Hassell did not object to the appeal; in fact, an instruction was issued to Clayton Utz to withdraw the action. On 25 January Mr Hassell instructed Clayton Utz to inform the Health Department that he was withdrawing his original application dated 13 December 1993. This was contained in a letter from Clayton Utz to the Health Department. It is important to understand that Mr Hassell made the application to the FOI Commission as a private citizen. It went through all the processes. When Mr Hassell became the agent general he was acting for no-one; he was no longer working for those clients. That application continued through the processes. He was then granted access to that information, and he made a decision not to pursue it. He did not collect that information. As of today Mr Hassell has not received any information on this matter.

Mr McGinty: To focus on this problem of the law firm requesting the information on Mr Hassell's behalf, why did *The West Australian* on 17 December 1994 say that yesterday the FOI Commissioner confirmed that law firm Clayton Utz had represented Mr Hassell in the FOI bid since he moved to London?

Mr COURT: That does not say that he is acting for a client. He requested information

and his application went through the normal processes. He had the opportunity to collect the information, but he did not collect it.

Dr Gallop: There was a political campaign going on at the time and he backed off; that is why.

Mr Thomas: Why did he discontinue the action?

Mr COURT: Mr Hassell had every opportunity to obtain the edited information and the full information, and he did not pursue the matter.

Mr McGinty: I accept that he has never received the information, but he was pursuing it.

Mr COURT: The Leader of the Opposition cannot say that when Mr Hassell made a decision not to collect the information.

Dr Gallop: It was because the heat got too great.

Mr COURT: I understand the point the Opposition is making. In my answer I stated that Mr Hassell advised us that he had undertaken no action with regard to this matter since 17 August. I was asked whether I was satisfied that Mr Hassell was no longer trying to get this information. On the advice given to me I was satisfied, because he had never collected the information. In his words, it was a natural consequence of the decision. Mr Hassell did not ask for the information before a decision was made. He was informed that the information was no longer exempted, and that like anyone else he could get the information. That is what his lawyer did.

I understand the point made by the Leader of the Opposition. If one were pedantic, one might say that he was still pursuing the original case. No-one has said that he had pulled out of the original case until he formally withdrew the application. The fact of the matter is that he never received any of that information. The Leader of the Opposition knows that if I have given an answer to a question and later found it was wrong, I have always apologised to this House. Mr Hassell advised me that he had undertaken no action. After considering all the information I have received today I accept that he was not acting for anyone, and that he never got the information, which is the final test, when he had the opportunity to get both the edited information and the full information. I also accept that the process was continuing. When the Freedom of Information Commission advised that Mr Hassell could have that information, his lawyers stated -

> Accordingly in the ordinary course and as a consequence of the decision which was delivered, this firm wrote to the Freedom of Information Co-ordinator at the Health Department of Western Australia by letter dated 16 December 1994 asking for copies of the documents to which access was initially sought.

If members opposite believe I have misled them in that regard, I apologise to them. However, on the judgment as to whether he was actively pursuing that information, his request for information was going through the normal course of any freedom of information application.

I am satisfied that Mr Hassell was not working for anyone after he was appointed as agent general. I have found Mr Hassell to be one of the most trustworthy people I have ever dealt with. I have satisfied myself that he was not working for a client and has not received that information. Any citizen may use whatever means are available to him to obtain information, whether on smoking or any other issue. I do not care whether a person is the President of the Liberal Party or the Labor Party, or whether it is Richard Farmer running Labor Party campaigns: Everyone is equal in the eyes of the law and has equal access to that information. It is wrong to say that a person should not get certain types of information because his name is Bill Hassell, a high profile politician and President of the Liberal Party. I do not think any of us would want to live in that sort of society.

Dr Gallop: Are you aware of a major royal commission in the United Kingdom on the standards of public office holders? One of the things it is saying is that former Ministers and senior public servants should not take on consultancies in areas where they have had privileged information.

Mr COURT: If that were the case, half of the member's former colleagues would be out of work.

Mr Hassell is doing a good job as the agent general and I have had nothing but compliments from both sides of the House on the work he is doing in London. One should always judge people on their performance. I hope I have spelt out the facts of the matter. I am satisfied that Mr Hassell has not been working for a client and that he did not pursue the information to the point where he received the information. He did not collect that information, either edited or unedited.

**MR C.J. BARNETT** (Cottesloe - Leader of the House) [12.09 pm]: Both the Leader and the Deputy Leader of the Opposition have had the opportunity to present their case for suspending standing orders. The Premier has given a full and detailed answer to all of the issues raised. It is my view, and that of members of the Government, that a case has not been made to suspend standing orders. Therefore, we do not support the motion.

Question put and a division taken with the following result -

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Ayes (19)

| | | |
|---|---|---|
| Mr Bridge | Mrs Hallahan | Mr D.L. Smith |
| Mr Brown | Mr Kobelke | Mr Taylor |
| Mr Catania | Mr Marlborough | Mr Thomas |
| Mr Cunningham | Mr McGinty | Ms Warnock |
| Dr Edwards | Mr Riebeling | Mr Leahy *(Teller)* |
| Dr Gallop | Mr Ripper | |
| Mr Grill | Mrs Roberts | |

Noes (26)

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

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Pairs

| | |
|---|---|
| Mrs Henderson | Mr Wiese |
| Mr M. Barnett | Mr Nicholls |
| Dr Watson | Mr Kierath |
| Mr Graham | Mr Shave |

Question thus negatived.

## SWAN VALLEY PLANNING BILL

*Committee*

Resumed from 17 May. The Deputy Chairman of Committees (Mr Ainsworth) in the Chair; Mr Lewis (Minister for Planning) in charge of the Bill.

Progress was reported after clause 6 had been agreed to.

**Clause 7: Planning objectives for Area A -**

Mr KOBELKE: This clause gives the planning objectives for area A. The planning objectives for the three other areas are set out in clauses 8, 9 and 10. I hope that in the debate on these four clauses the Minister will give us his clear understanding of the planning objectives. The proper functioning of this legislation requires that we have a clear understanding of the objectives laid down for each area.

Area A has been characterised as landscape protection. It covers two areas to the north and west of the area designated as the Swan Valley. I am assuming from the description that landscape protection means that to a large extent it is to be a buffer between the

primary production area and what may be future urban areas immediately to the west of the boundary established under this legislation. Currently those areas have a general rural zoning. There is a mix of uses which might be characterised as being general rural but might also include some rural residential or special residential, depending on the designation we might want to place on the land. The minimum lot size is four hectares under the current zoning, with the potential for it to be subdivided to 2.5 ha lots where there is special consideration for family needs. I hope the Minister can confirm that that is the current situation.

Mr Lewis: Four hectares.

Mr KOBELKE: The objectives stated in this legislation include, firstly, the maintenance of the rural character of the area. Clearly it is rural, but the fact that we will allow hobby farming and adjacent residential development could impact on that. Yesterday we debated the implications of the right to farm. There may be consequences as a result of this legislation which lead to the change of land use. I suspect that what we are putting in the legislation will produce changes in area A.

As I have indicated, it is currently general rural. The objectives in the legislation firstly suggest the maintenance of rural character; and secondly, that we encourage viticulture, horticulture, hobby farming and rural activities compatible with rural residential uses in the area. Where general residential living is adjacent to hobby farming, the spraying of vines, for example on properties which are adjacent to homes, will lead to conflict. This legislation deals with conflict and how it can best be managed. I am not suggesting to the Minister that conflict can be any better handled than is provided for here, but we must acknowledge that in area A that potential exists. In addition to spraying, the noise of machinery throughout the night in certain seasons of the year will have an impact on neighbouring residential areas. A number of properties already see one of their primary uses as the agistment of horses. That may not be compatible with primary production because of the disturbance to the horses caused by noisy machinery.

The third objective, the encouragement of tourism, I gather means tourist facilities relevant to the major part of the valley could be quite ideally situated within area A. Although tourism is to be a focus of the whole valley, there is potential in this area to contribute to the fostering of tourism. The fourth objective in area A again seems to fit in with the overall term of landscape protection by ensuring the tourist potential is enhanced by placing restrictions on the types of buildings. Objective 5 must be taken into account. Objective 6 alludes to the point I made a few moments ago that we must be aware of the current lot sizes within the town planning scheme for the Shire of Swan. A specific minimum lot size is not set down; we will simply give a directive that the current lot size should be adhered to. If we do not adhere to the current provisions when making changes, lot size could be substantially different. What is the Minister's intention concerning area A?

As a result of adjacent and future residential development in the areas immediately outside the valley, area A is also to some extent a buffer zone between the key primary production area in area B and the potential for growth of urban development on the other side of area A. I hope the Minister will give us a clearer view of how he sees these objectives being interpreted. When the various planning authorities and the Swan Valley Planning Committee consider how it will apply these objectives to decisions it must make, there will obviously be considerable room for interpretation. I hope we will be able to refer to the Minister's comments to be clearer about what is intended by these six objectives laid down for area A.

Mr LEWIS: For the sake of trying to get through Committee, particularly on clauses 7, 8, 9 and 10, I direct the member for Nollamara's attention to clause 23 in which it is a requirement of the Shire of Swan to examine these areas specifically, to consider the objectives as designated within the Bill and to bring down town planning scheme amendments that will guide the future development in those areas. The member is endeavouring to have me, as the Government's representative, say that I have clear intentions. I and the Government have no clear predetermined notions whatsoever. If we

had them, there would be no need to put in place an advisory committee. Indeed, the function of this legislation is to allow the committee, in concert with the council and the Western Australian Planning Commission, and perhaps the Government at the end of the day, to make recommendations on the basis of both the objectives within the Bill and general planning objectives. The objectives in clauses 7, 8, 9 and 10 must be germane to the general objectives included in clause 6. I will leave it there on the basis that there is work to be done by other agencies, whether it be the Swan Shire Council or the Swan Valley Planning Committee, after referral from the shire council or the Planning Commission.

The conflict to which the member for Nollamara referred is already there as with any rural area where there is an interface of rural to urban living; nothing has changed. I am puzzled about what the member wants me to say. I do not know whether he is talking for the sake of talking. It has been traditional and conventional to have rural lifestyle and special rural transition from the urban interface to rural living. The Government has no clear intention other than to put in place machinery that will allow the concerns voiced by the member for Nollamara to be worked out over time through the proper process.

Mr KOBELKE: This clause is crucial to the function of the legislation. Perhaps the Minister and I are at cross-purposes. I do not suggest this legislation will carry through the detailed planning process. The requirement will obviously be for the Shire of Swan to amend its town planning scheme to conform with this legislation. It will be necessary for the Shire of Swan to look at the objectives of clause 7 and the following clauses and to interpret the intentions of the Government and Parliament. The Minister has said that there are no clear predetermined intentions. His words do not make sense. The Government has the clear intention in its objectives laid down in the clause. If the Minister feels that no further clarification can take place, I will accept that. The meaning that is to be drawn from the six objectives laid down in clause 7 and the following clauses could potentially be elucidated. The people in the valley are uncertain of what is meant by those six objectives. It may be a matter of communication. For most people those objectives stand by themselves. However, many people wish to understand what is to be the difference between the four areas designated as making up the Swan Valley. Anything that the Minister can do to clarify the clear intention of this Bill will help. I hope the Minister will clarify the following clauses.

The Minister also said that conflict exists. I recognise that. This legislation will try to minimise, and possibly even do away with, the conflicts that arise between different land usage. It may not be totally successful, but a clear objective of this Bill is to lay down what activities will take place in different areas in such a way as to minimise the potential for conflict between the various users of the land in the area. The wording in the second objective seems to reflect an ongoing conflict in that area. One of the key objectives is for area A to act as a buffer between the primary production area and what looks like becoming an adjacent residential area. To that extent we see area A being the subject of conflict in the second objective.

Mrs van de KLASHORST: I wonder why the member is muddled about this. I was not muddled when reading it. Yes, this is a landscape protection area. It is between the proposed urban development and the rural planning area of the Swan Valley. The maintenance of the rural character is paramount to the protection of the Swan Valley. We cannot have a densely populated urban area right next to the vineyards. This area takes us from the larger to the smaller units and reflects the viticulture, horticulture, hobby farming and rural activities which exist in that rural protection area. This clause reflects that. Subclause 3 refers to the encouragement of tourism. When driving along Swan Valley Drive, which is now a designated route, a green belt can be seen on both sides of the road. This landscape protection is part of that drive. One does not drive into the valley with residential development on one side of the road and a rural outlook on the other. This reflects the fact that the whole area will encourage tourism by its aesthetic value. Due consideration of building setbacks, retention of vegetation, suitable building materials and suitable boundary fencing add to the aesthetic value of the Swan Valley. It is important that we do not allow ad hoc development which does not tone in with the

area. An example of this is Bali, where a strict restriction on the height of buildings means that no buildings are above the tops of the trees and they blend in. Subclause 5, which refers to overstocking, clearing of natural vegetation and activities causing pollution, really reflects the type of area it is and the fact that there must be some types of controls. I support clause 7.

**Clause put and passed.**

**Clause 8: Planning objectives for Area B -**

Mr KOBELKE: Area B has been designated by the Government as a primary production protection area. It is the core of the valley. The first objective is the protection of viticulture, which we would also support. The second is the provision of water for viticulture and horticulture and the discouragement of other activities that have high water demands. I cannot understand why the Minister in principle supports the provision of a golf course in the heart of the valley.

Mr Lewis: I said that I could not see why a golf course could not be somewhere in the valley.

Mr KOBELKE: Is that not the same as saying that the Minister in principle supports a golf course in the valley?

Mr Lewis: What are you laughing at? You are trying to put words into my mouth. I am saying that if a proponent can demonstrate a reason why a golf course should go in the valley, I will examine that at the time. You have said, "You cannot have a golf course under any circumstances." That is the typically negative position of the member for Nollamara.

Mr KOBELKE: I hope we can deal with this rationally.

Mr Lewis: Do not put words into my mouth.

Mr KOBELKE: The Minister made a statement yesterday which I took to mean that he would look sympathetically at a proposal for a golf course in the valley and consider it on its merits, and that he saw nothing wrong with a golf course going into the valley. He is now saying he has no thoughts one way or the other but he would look at every proposal.

Mr Lewis: Of course.

Mr Strickland: The flaw of the member's rationale is, "If you are not with us, you are against us."

Several members interjected.

The DEPUTY CHAIRMAN (Mr Ainsworth): Order!

Mr KOBELKE: I am totally stunned by that interjection by the member for Scarborough. We support this legislation and wish to ensure through this debate that we improve the legislation where possible and make clear its intention.

The second objective clearly indicates that other activities of high water demand other than viticulture and horticulture should be discouraged. On that basis, one has doubts about the advisability of building a golf course in the heart of the Swan Valley. Considering the nature of a golf course, it would be quite out of keeping with the heritage and values we wish to preserve in the Swan Valley. Although golf courses are important assets in our community and contribute considerably to tourism I, and many residents of the valley, do not see a golf course as in keeping with the objectives of the core of the valley. That is a matter we will revisit, given that the Minister does not want to discourage the proponents of a golf course. I understand that such a proposal already is being prepared, if not yet presented, to the appropriate planning authority.

Mr Lewis: You know more than I do, because I do not know of one.

Mr KOBELKE: I accept the Minister's statement. The other objectives are: The encouragement of tourist facilities; the encouragement of traditional activities of the Swan Valley and industries associated with viticulture, horticulture and cottage industry; the limited expansion of the existing retail and community facilities at Herne Hill,

Caversham and West Swan; the compatibility of design, siting and landscaping with the character of the area; the discouragement of uses that are incompatible with the rural character and traditional agricultural activities of the area; and the extraction of basic raw materials so far as it is compatible with the character and amenity of the area and subject to the rehabilitation of the affected land. That last objective is one on which we need some clarification. We are all aware of the historic value of clay deposits in the Swan Valley and its importance for brickworks and tile manufacturing in the past.

Mr Lewis: You would not have a problem with objective 8.

Mr KOBELKE: It has been a traditional usage in the valley, and one does not wish simply to rule out important economic activity which has traditionally taken place and which I hope will continue to contribute to the traditional wealth of our State; however, it is in conflict with the primary objectives for the valley which relate to tourism. That conflict must be resolved.

Mr Lewis: I do not accept that; I think it is part of it.

Mr KOBELKE: That is not my view, Minister. That conflict does not mean that the activity must be precluded, but we must be careful in how it is managed. Therefore, when it comes to putting in place the planning provisions, it is crucial that that objective take account of the primary importance of viticulture and tourism.

There is no priority among these objectives. The first objective is viticulture. How do we know that in the planning process a decision will not be made to give the eighth objective, the extraction of basic raw materials, an equal or higher priority than the protection of viticulture or tourism. If that were done, there would be a major problem. I am not arguing with the objectives as they are laid down, because we cannot resolve all the conflicts in this legislation. That must be an ongoing process in managing the situation and planning to minimise those conflicts. However, one hopes that considerable emphasise will be given to the latter part of objective 8; that is, that the extraction of basic raw materials will take place only so far as is compatible with the character and amenity of the area - primarily tourism, viticulture and horticulture.

Complaints go back over some years about the alleged effect of the exhaust fumes from the brickworks. The previous Government had to relocate a school on the basis of the found or supposed - I am not sure which - effect of the fumes on school children. The ninth objective is that the subdivision into lots of less than 4 hectares should not occur unless that is consistent with the objectives set out in the clause. That will be a controversial matter which will be left to the planning agencies and advisory committee to play a key role. Requests will always be made by individuals to have their land subdivided. Each case will have to be judged as to the rights of individual landowners and how they will fit in with the wider objectives contained within this legislation which the various groups will be working to achieve. We will have to let time test how effective will be that provision of 4 ha.

The ninth objective for area B does not allude to any matter relating to the avoidance of overstocking or the degradation of the environment. Clause 7 has an objective relating to that. It would be appropriate to add to clause 8 an amendment to ensure that we look to those matters. The amendment I will move, which is slightly different from that listed on the Notice Paper, seeks to remove from what is already in clause 7 reference to the clearing of natural vegetation. Given that we are talking about the primary production area through the valley, there may be areas of uncleared vegetation which need to be removed in order to extend vineyards or other areas of primary production. I did not think the inclusion of those words would be a prohibition on such clearing of land for agricultural purposes, but the Minister indicated last night that that was a major objection he would have to my amendment. I hope the Minister will consider and support the new amendment.

Because that is the primary production area - I have driven through the valley and seen large herds of cattle grazing - the consideration of overstocking should be taken into account. Throughout the four areas of the valley we should consider also matters of

pollution or degradation of the environment. The amendment is similar to the wording in clause 7, relating to area A, and in clause 9, relating to area C. It is therefore appropriate that we have a clause of a similar nature for areas B and D. The amendment refers to the "avoidance of"; it is not a prohibition. It will be taken into account when planning decisions are made and in no way suggests that there could not be activities which in limited circumstances might allow for some level of pollution; for example, the extraction of basic raw materials. It might be seen as producing a limited pollution or a scar on the environment which would be remedied on completion of the extraction of that resource. I do not think it will limit the activities that could take place and that the Minister will want to take place in area B. I move -

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

10. The avoidance of overstocking, of clearing of natural vegetation, of activities causing pollution or degradation of the environment and of any other land management practices detrimental to the amenity of the area.

Mrs van de KLASHORST: I support the planned objectives for area B, the area to which the whole of the Swan Valley relates. The protection of viticulture is paramount to the Bill and is the reason for the Swan Valley being protected. Without the grapes and primary industries in that core area, there would not be a Swan Valley. The Government must consider urgently the provision of water in the valley. There will be problems with the ground water if water is overutilised. Bores are now licensed but we must make sure that the ground water is protected. One of the purposes of this Bill is to limit the number of people in the Swan Valley. That, of course, will protect the ground water and the environment. Officers from the Water Authority have been meeting people in the valley to consider the problem.

The DEPUTY CHAIRMAN (Mr Ainsworth): Order! I remind the member for Swan Hills that we are debating the amendment moved by the member for Nollamara. Much of what the member said is pertinent to the amendment. However, she is now straying from the amendment.

Mrs van de KLASHORST: I support the amendment moved by the member for Nollamara. Overstocking would cause considerable problems to the water supply in the area. If we allow people to overstock, there will be a greater demand for water and it will also lead to degradation of the soil. Pollution would also be a problem for the grape growing industry and it is important, therefore, to include this amendment in the Bill. If the rural environment in the Swan Valley does not continue, the Swan Valley will cease to exist. I ask the Minister to support the amendment.

Mr LEWIS: The Government is happy to accept the member's amendment as modified because, as pointed out behind the Chair last night, rural activities are the core of the valley and it is important that no provision is included in the legislation that would cause that to cease. However, I believe the amendment is unnecessary because it is already included in the general provisions of the Bill.

The member for Nollamara has suggested that someone proposes establishing a golf course in the valley. I and my advisers have no knowledge of that. The member for Nollamara knows more than we do. However, objective 3 in clause 8 encourages tourist facilities. Maybe in the future the committee or the Swan Shire will decide that a golf course somewhere in that 7 200 hectares is appropriate. The Bill does not suggest that a golf course should be banned. Any application would be treated on its merits.

Objective 8 is self-explanatory. Obviously, it would not be appropriate to dig a clay pit next door to a bed and breakfast place. These things must be balanced.

**Amendment put and passed.**

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

*Sitting suspended from 12.58 to 2.00 pm*

**[Questions without notice taken.]**

**Clause 9: Planning objectives for Area C -**

Mr KOBELKE: Clause 9 outlines the planning objectives which apply to planning area C, which is an elongated section east of the railway line and close to the foothills. It has been designated by the Government as rural living. That indicates to me that people can have special rural or hobby farms in that area. That is picked up in objective 7. The size of a hobby farm in areas close to Perth is normally considered to be between two and four hectares. I hope the Minister will elaborate or correct me if he sees the use of this land being other than special rural. I hope the Minister can advise what is anticipated to be the maximum population to reside in area C if it is developed in accordance with the objectives.

The other objectives reflect matters which we have already covered; for example, there is to be avoidance of over stocking and clearing, as with area A. There is also provision to encourage revegetation. That is something I considered for the other planning areas, of which no mention is made. Are we to infer that the requirement to encourage revegetation indicates there are land care problems peculiar to area C? Does it relate to the nature of development we wish to encourage there? Although it is a rural living area where we would expect a slight increase in the density of homes, we wish to ensure those homes are encompassed within a well established band of trees and vegetation. Although it might not be a priority in all four areas, we should seek proper land management and, where appropriate, encouragement of revegetation.

Mr LEWIS: The lot sizes are in line with the objectives in clause 9. I cannot tell the member what is the projected population. It is a rural living area and what will happen in the long term will depend on the recommendations of the Swan Valley Planning Advisory Committee and how the Shire of Swan addresses the guidelines associated with its requirement under clause 23. The revegetation objective is there principally because the area is recognised as a rural living area.

Mr KOBELKE: Can the Minister delineate the difference in objectives between areas C, A and D. Clearly the lot sizes differ, but that is not prescriptive because the sizes can be varied. Obviously the intent for areas C and D is different; the boundaries between the objectives, as opposed to the physical boundaries, are different. Anything the Minister can say to clarify the differences will be very much appreciated.

Mr LEWIS: It is clear there is a minimum lot size suggested in the objectives of clause 9. Clause 10 also has an indication of a range of residential lot sizes. It is also clear that one objective is intended to be special rural living and the other is to be what is called a rural village.

**Clause put and passed.**

**Clause 10: Planning objectives for Area D -**

Mr KOBELKE: The Minister is less than willing to draw a distinction between the intent for areas C and D.

Mr Lewis: What you are asking is a nonsense. Can't you read the Bill?

Mr KOBELKE: I am reflecting the concerns that have been expressed to me by the people in the valley. To simply react by trying to abuse me, rather than discussing the differences, indicates the problem the Minister is having with it.

Mr Lewis: There is little concern from the people in the valley, and you know it.

Mr KOBELKE: Although the Minister glibly says that one area is for rural living and one is for rural villages, if we look at the intent in this clause we might gain some understanding of the reason for my previous question. The concept of rural villages is vague; the Minister cannot explain it. I was hoping to assist him to give an explanation of rural villages by showing what demarcation there may be between this area and area C which is designated rural living. The fact that area C has lot sizes of 4 hectares and area D has lot sizes of between 2 000 sq m and 4 000 sq m, has a key impact; but that of itself will not be the only determinant of the land use and the quality and nature of developments that might take place in these two areas. One can appreciate the need for a

variation as we move from the primary production area in area B, through area C, which might be seen as a buffer zone, to area D, which will be designated rural villages. However, area D is not surrounded by area C in all cases: It is only on the side of one area that area C is adjacent to area D.

There has been no explanation for that demarcation on the map and the different principles that apply when decisions must be made as to whether a proposal is appropriate for area C or area D. The concept of a rural village as I understand it is to have a small discrete area in which there can be residences on fairly small lots. Lots of 2 000 sq m to 4 000 sq m are not small for residential development by anyone's estimate. There will be a sparse development over a larger area, rather than a concentrated development which could be seen as a village.

There is some misunderstanding about this matter. I spoke to a number of planners and they cannot come to grips with how this concept of a rural village will work when the lot size is to be in the order of 2 000 sq m to 4 000 sq m. That will create difficulties for the provision of a range of infrastructure for that area. I hope the Minister will make one last attempt to flesh out what is intended by this concept of a rural village.

Mrs van de KLASHORST: The planning objectives for area D are villages in a rural setting. The member for Nollamara has taken the idea of a rural village to be one that might be in another country. This is Australia; the area is in the Swan Valley.

Mr Kobelke: Give me one example.

Mrs van de KLASHORST: There are some innovative ideas on how the community could develop this area, but it is up to them to make a decision on how that will be done. This clause is to ensure that the whole area is not overcome by mass development, which is against the principle of urban villages and a further fragmentation of the area. The block sizes have been left at that size to protect the integrity of the area. The provision of infrastructure services and amenities, which include tourist facilities, will be able to be built into the lot sizes as depicted in objective 2.

Another main consideration is objective 4 for wetlands, natural drainage, soil types, remnant vegetation and the need for revegetation, which is important around certain water streams. Having no large block sizes will allow this to occur without too much land being taken, and the blocks can work in and among the water courses. Area C will be a buffer between area B, which is the edge of the core, and the rural village development.

Mr Kobelke: I understand that rhetoric, but the map does not make sense. It does not buffer it from the main part of area B.

Mrs van de KLASHORST: Grapes are grown on the east side of area D, and area C is that buffer. If area C had smaller lot sizes, we would end up with the right to farm problems with the people working those vineyards -

Mr Kobelke: I didn't say that for area C, but for area D.

Mrs van de KLASHORST: The member asks why area C is there; it is there to protect the right to farm for the people on the outer edge under the escarpment who are still growing vines there - and other vines could be planted there. Objective 5 addresses the detrimental impact, and the rural activities for areas B and C are protected. Area C exists to protect area D. Also important is the due consideration of building design, building materials and landscaping so that they fit into a rural setting and are not detrimental to the landscape of the rural village or the environment. The subdivision into residential lots of less than 2 000 sq m would occur only rarely because if the lot sizes were allowed to be too small, it would go against the whole idea of the Bill and the Swan Valley.

Dr CONSTABLE: I move -

Page 9, after line 16 - To insert the following -

9. Due consideration of alternatives to deep sewerage treatment that are consistent with the objectives of this section.

Although I agree generally with the other eight paragraphs in this clause, lot size is relative. A lot size of 2 000 sq m in the inner city would be large, but in a rural setting such as this where we are trying to maintain a rural ambiance and preserve the notion of a rural setting a lot size of 2 000 sq m is not all that large. In keeping with the notion of the rural village - the rural village in an Australian setting is somewhat creative and innovative - we must consider aspects of sewerage as well as the other points made in the eight paragraphs. A problem will occur if deep sewerage is part of the infrastructure and it is unnecessary in area D. The risk is that if deep sewerage is installed at great expense, there will be a push within a number of years to increase the number of residential buildings in the area. This is an opportunity to be innovative and creative by looking at different methods of sewage treatment for area D. Consideration should not be given to septic tanks but to special sewage treatment plants similar to what operates in Karratha. I urge the Minister to seriously consider this amendment because it would be a most productive objective for area D.

Mrs van de KLASHORST: I support the amendment. My concern is that the development will be fragmented and for a sewerage scheme to be viable a large number of dwellings is necessary. Small sewerage plants could be used in various areas within the area to permit development to take place. As soon as deep sewerage is installed the possibility for subdivision of lots will arise. This amendment will ensure that the concept of a village in a rural setting is retained.

Mr LEWIS: I am happy to accept the amendment. Technology for the disposal of waste water is advancing at a rapid rate. I agree that areas can be sewered by other means than deep sewerage. A localised reticulation system can be viable and perhaps an anaerobic treatment unit would be suitable.

Mr KOBELKE: I am pleased that the Minister is willing to accept this amendment, which I support. The provision of a sewerage system to area D will be one of the infrastructure issues which may be difficult to resolve. Therefore, we must be innovative and look to alternative ways to meet that need. One of the objectives refers to the range of infrastructure that will be required and the method of sewage disposal must be given careful consideration. We have different views about lot sizes in area D, but I reiterate that I have grave misgivings about the total concept outlined in the principles contained in clause 10. I have spoken to planners about this matter and it appears to me that the concept does not hang together. If that is the case, it will be unworkable.

If the area is to meet the needs of the people, a range of infrastructure is required. This amendment will provide an alternative method of sewage disposal and it will meet one of the needs of the area. The Minister is unwilling to address the questions I raised earlier. The planning objectives laid down for area D contain a set of ideas which may, individually, be laudable, but they do not hang together as a set of overall planning principles.

**Amendment put and passed.**

Mr KOBELKE: I move -

Page 9, after line 16 - To insert the following -

9. The avoidance of clearing of natural vegetation, of activities causing pollution or degradation of the environment and of any other land management practices detrimental to the amenity of the area.

The Bill contains similar objectives for areas A and C and the Minister accepted that they should also apply to area B. It is appropriate that the same objectives be extended to area D, given that the range of lot sizes will not be residential lots in the normal sense. The area has the potential for activity which would normally not occur in a residential area. Therefore, it is appropriate that the activities should not cause pollution and a general degradation of the area. The principles of land management and land use should apply across the valley and it is appropriate that they be extended to clause 10.

Mr LEWIS: I am not prepared to accept this amendment on the basis that the matters

referred to by the member are covered by the objectives in the Bill. The environmental aspect is definitely covered in the general objectives in clause 6. Obviously rezoning provisions must apply to the areas and that will be handled by the Shire of Swan, in consultation with the planning committee. If we go ahead with the rural village concept, we do not want to restrict the ability for people to clear natural vegetation in the area in which they wish to construct a residence. In that regard, the Government rejects the amendment.

Mr KOBELKE: The Minister is digging in his heels for a reason unknown to the Opposition. He will be aware that in metropolitan Sydney provisions akin to this apply to normal residential suburbs. Natural vegetation must be retained around dwellings. Given the disastrous fires a year or so ago, perhaps the authorities are reconsidering that provision. It has been the practice there for many years not to clear trees and various forms of native bushland without permission. The area we are referring to is far less dense than normal urban development and the clearing of natural vegetation should be avoided. It does not mean that it cannot be done; it means that the planning scheme will contain guidelines to retain natural bushland in that area. I do not accept the Minister's argument.

It is important that natural vegetation is retained where appropriate and that activities causing pollution or degradation of the environment are avoided. The objectives refer to the prevention of a detrimental impact on nutrient levels in the Swan River, but there is no reference to pollution or degradation of the environment or any other detrimental practices that will impact on that area from land management. I am willing to hear rational argument from the Minister on why he is not prepared to accept the amendment. He has not so far given any logical reasons for doing that.

Mr LEWIS: I direct the member's attention to planning objective 4, which states -

> Due consideration of wetlands, natural drainage, soil types, remnant vegetation and the need for revegetation.

While the principles enunciated are accepted, I suggest they will be looked after specifically by the considerations of the committee and its recommendations to the Shire of Swan when it brings down the specific town planning scheme as it is required to do for these areas.

**Amendment put and negatived.**

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

**Clause 11: Swan Valley Planning Committee -**

Mr KOBELKE: This clause establishes the Swan Valley Planning Committee, and it is obvious from its functions that it will be an advisory committee only. The Minister indicated in his second reading speech that one person from each of four different organisations will be appointed to that committee. However, subclause (2)(d) states that four persons shall be appointed by the Minister each being appointed from a panel of three names submitted by each of the following bodies: The Midland and Districts Chamber of Commerce and Industries, the Grape Growers Association of WA Inc, the Swan Valley and Regional Winemakers Association, and the Swan Valley Tourism Council Inc. That does not accord with what the Minister said in the second reading speech, because if the Minister is required to select four persons from the 12 names which have been submitted by the four organisations, which will each submit three names, the Minister may choose three people from one organisation and one from another, or two people from one organisation and two from another, or a number of permutations. This subclause does not require the Minister to appoint one person from each organisation. I ask the Minister to clarify that matter and to consider accepting the amendment which I propose to move, which seeks to rectify that situation.

The second matter I raise is that the list of bodies from which persons may be appointed to serve on the Swan Valley Planning Committee does not mention the Swan Valley Ratepayers and Residents Association. That body takes a keen interest in the Swan Valley and could play an important role on that committee, and it should have been

included. The Minister may argue that ratepayers and residents' associations come and go, and that is true in some areas, but I have been involved with ratepayers and residents associations which have been around for 20 years or more, and while they may at certain times become less active, they are generally rejuvenated and take on a new lease of life and perform a positive role in looking after the interests of the local area. We have an active Swan Valley Ratepayers and Residents Association and it would be appropriate to draw from that organisation also one representative to serve on the planning committee.

It is apparent from the rules and requirements that will apply to the members of the planning committee that while those persons will be drawn from those organisations because of the range of interests, wealth of experience and technical knowledge which they can bring to the planning committee, they are to serve the purposes of the planning committee and are not to serve as representatives of their particular organisations - and that is a philosophical argument which we can debate later - and they cannot be changed if the organisations which they are representing are not happy with the way in which they are acting. If the Minister accepts that that is the way the planning committee should work, the committee should have access to the broadest range of views from the various sectors and interests within the Swan Valley; for that reason, this clause should be amended in the form of the amendment on the Notice Paper.

Mr LEWIS: The Government is not prepared to accept the proposed amendment.

Dr CONSTABLE: I move -

> Page 10, line 7 - To insert after "a person" the words "with appropriate qualifications and experience".

The Swan Valley Planning Committee is central to this Bill, and, as was said by a number of members during the second reading debate yesterday, particularly the member for Swan Hills, is the key to the success of this plan for the Swan Valley which has drawn universal support in the debate. I am concerned about the role of the chairman of this committee, who will be crucial to the success of the Swan Valley planning legislation. A fairly wide net has been cast in regard to the range of people who may be appointed to the committee, in order to take into account the diversity of interests in the Swan Valley, but a number of the people on the committee will, quite properly, represent vested interests in the valley. Therefore, the person who chairs this committee, particularly in the first instance, will be crucial to the success of this plan, and that person should have experience and a broad view which represents not just the Swan Valley but all of Western Australia. That is not to say that other members will not have that broad view, but those qualities should be present in the person who will chair the committee. I see that person as someone experienced in planning in the broader sense - not representing a narrow vested interest; someone with vision and a commitment to the Swan Valley, to the State, and to the preservation of the valley for the whole State.

Mrs van de KLASHORST: I support the amendment. As I said yesterday, the whole concept of how the Swan Valley is driven will depend on the composition of the committee. It is very important that the chairperson will have at heart not only the Swan Valley but also the interests of the whole State. It was the people of Western Australia, not just those in the Swan Valley, who sought the preservation of the area for future generations. The committee chairperson should be innovative, with a wide overview of the valley and how it fits into Western Australia. The person should have a specific interest in planning matters, and have vision and commitment. Planning regulations and how they work are also important. We should select a chairperson carefully. That person should have the appropriate qualifications and experience to lead such an important committee.

Mr LEWIS: I accept the amendment. It goes without saying that the chairperson of the committee will need appropriate qualifications and experience.

**Amendment put and passed.**

Mr KOBELKE: The Minister has indicated that he is not willing to accept the amendment on the Notice Paper. Therefore, the amendment I am about to move differs

slightly from that. The matters I introduce with this amendment are very important. One person from each of the four organisations should be on the committee. The clause does not make provision for that. The clause gives the Minister flexibility to choose people across those organisations but not to choose one from each group. The Swan Valley Ratepayers and Residents Association should have the right to nominate three people from whom the Minister can select one to serve on the committee. Given that the Minister has indicated his opposition to that, I shall move my amendment in two parts. The first part will address what I consider to be a drafting error in the Bill; it will ensure that one person is chosen from each organisation. If I am successful, I will address the possibility of extending it to include a representative from the Swan Valley Ratepayers and Residents Association. I move -

Page 10, lines 15 to 24 - To delete the lines and substitute the following -

(d) 4 persons appointed by the Minister, of which persons -

(i) one shall be appointed from 3 nominees of the Midland and Districts Chamber of Commerce and Industries;

(ii) one shall be appointed from 3 nominees of the Grape Growers Association of WA (Inc);

(iii) one shall be appointed from 3 nominees of the Swan Valley and Regional Winemakers Association;

(iv) one shall be appointed from 3 nominees of the Swan Valley Tourism Council (Inc); and

The Minister outlined clearly in his second reading speech the nomination procedure. This amendment seeks to ensure that the legislation is in keeping with that speech. This committee must represent the broad range of groups already mentioned in the legislation. To give the Minister the power to pick and choose between the groups, and to decide that he does not want a representative from one or even two groups, is not in keeping with the intent of the legislation. Central to the intent of the legislation is the involvement of people with local interest in the valley to achieve effective planning procedures to look after the very important assets in the valley. That works both ways: It draws on the experience, knowledge and interest of the people so that what is necessary and what can be done is understood. Conversely, by involving these people it will help to convince them regarding actions which may be necessary from time to time. By their very involvement we are likely to provide the procedures by which we can explain to them the reason for, and the extent of, changes that may be necessary, and through their involvement they will support those needs. That will help to avoid controversy and opposition. Through this legislation and the procedures that will be put in place, it is important that people feel they have a direct role to play. I know that the Minister does not necessarily see it that the way; he feels that he has been elected and it is his -

Mr Lewis: You don't know what I think.

Mr KOBELKE: - place to tell people how things should happen. We have seen the Minister adopt a position when he wishes to dictate to people regarding what will happen. If this Minister or any other Minister in control of the proposed Act takes that approach, it will undermine the basis of the Bill. We must involve in an open and honest way the various groups in the valley; they must be totally involved in decisions affecting the valley now and in the future. If one has a commitment to involving local people, the amendment will be accepted, and that will ensure that the groups are represented by one person from each group. I will talk about the need for an extension to that situation later. I hope the Minister will consider the matters raised in a rational way, and accept the amendment.

Mr LEWIS: I do not accept the amendment. I take great exception to the member's suggesting that he knows what I am thinking. I know that he thinks he knows everything, but he does not know what I am thinking.

Mr Kobelke: Will you give rational reasons for your rejection of the amendment?

Mr LEWIS: The intent of the appointments was enunciated in the second reading speech. I have no objection to the appointment of a member of the Swan Valley Ratepayers and Residents Association. That appointment can be made easily under the provisions of clause 11(2)(e). The Minister has the ability to appoint three people - one of whom shall be from the valley; indeed they all could be. The appointments could all be from the ratepayers' association, if the Minister considered that to be fit and proper.

We are getting into an exercise of being pedantic, which is the way of the member for Nollamara. I remind him that this clause has been written by the parliamentary draftsmen and drawn on the recommendations of the interim steering committee which nominated the composition of the committee. On that basis, I cannot see any reason that it should be changed. The argument that has been put by the member for Nollamara is not of sufficient strength to cause me to change my mind. It is the prerogative of government to make appointments to boards and committees during its term of office. There is ample opportunity for appointment of someone from the ratepayers' association. It is my intention to ask that association to nominate people so that I may appoint someone.

**Amendment put and negatived.**

Mr KOBELKE: In his answer the Minister indicated his predisposition to dealing with matters of consultation. Not only does he have power to appoint, which no-one would call into question, but he also wishes to make sure that the appointees are people who will do his bidding. He wants the greatest flexibility possible so that he can appoint people whom he can trust to do his bidding. He does not want to have any group involved that he sees has a degree of independence with which he cannot cope. I hope he will fulfil the promise which he has offered in his speech. The Minister did not say that he would appoint someone from the Swan Valley Ratepayers and Residents Association; he said that he would ask it to submit names to him so that he could appoint. I take him at his word and I hope he will go one step further and appoint someone from that association to be a member of this committee.

The Minister's dictatorial attitude is shown in clause 12(2), which if we had time I would seek to have deleted. Instead of asking for nominees and making an appointment, there is a provision that if these organisations do not meet a deadline set down within this legislation, the Minister can make appointments at his or her discretion. The wording of the clause demonstrates the characteristic attitude of the Minister. He does not say that these bodies are entities in their own right. We are seeking to have them involved. He wants to keep the whip hand over them. He wishes to make the appointments, in line with his power to do so; however, he will do it in a way that will make it clear to them that they must conform to his wishes. Under clause 12(2) the Minister can make appointments from nominees. If the nominees do not come to him in time, he can hold off. There is no legal problem with the committee operating without a representative from one of those groups. There is a need to have a representative from one of those groups because of the way in which the legislation is worded.

Mrs van de KLASHORST: It is very important that a member of the Swan Valley Ratepayers and Residents Association be part of this committee. Unlike the member for Nollamara - I wonder whether he has some hearing problems - I heard the Minister say that he will appoint a member of the association to the committee. As these people are a driving force in the way in which the Swan Valley is developing, I ask the Minister to confirm that he will appoint someone from that area. I request that he does.

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

**Clause 12 put and passed.**

**Clause 13: Functions -**

Mr KOBELKE: This clause outlines the functions of the Swan Valley Planning Committee. Those functions are to provide advice in accordance with a number of Statutes. Those generally cover development applications to the Shire of Swan; minor and major amendments to the metropolitan region scheme; amendments to the town

planning scheme in the Shire of Swan; and subdivisional approvals. There is also a requirement to make submissions to the Swan River Trust which is amended in the schedules to this Bill to require that advice be asked of the committee in particular circumstances. The committee is asked to provide advice to a public authority about any matter relating to the Swan Valley that is referred to it by the public authority. I emphasise: It will provide advice only when the matter has been referred to it by a public authority.

The provisions in paragraph (d) could pick up Main Roads which may be intending to construct some major roadworks through the valley. It could refer matters to the committee and seek its advice. However, there is no requirement that it do that. There is no ability in these functions for the committee to give advice to Main Roads on its own initiative. Although there is a hope that government agencies, such as Main Roads, will consult - on the experience of Main Roads over the past 10 years that would be its normal practice; it has developed a very good means of consulting people on major road construction, although there is no requirement that it should - there is no ability for the committee, of its own volition, to go to Main Roads to discuss matters of vital interest to the valley, if it became aware that Main Roads was taking action and had not consulted with the committee.

Paragraph (e) contains the power for a public authority to seek advice from the planning committee. Paragraph (f) gives power to the council of the Shire of Swan, when it comes to differential rating, to seek the advice of this committee. As has already been alluded to, this committee will play a crucial advisory role in matters that concern the valley. Although we have an extensive list of various authorities which normally, because of Statutes, either will be required to seek advice from the planning committee or may request the planning committee to give advice, there will be occasions when some authorities, simply through oversight or some intention of their own, may not go to the committee and advise it on matters of crucial importance to the valley. There is also a very considerable problem in that the committee cannot initiate action to give advice. Members should keep in mind that the committee is only to give advice. That advice does not have to be accepted. The committee does not have the power to give advice to a government authority unless it is requested or is covered by one of the Statutes mentioned in this clause. In that sense clause 13 is severely deficient. Therefore, I move -

Page 12, line 18 - To insert after "viticulture" the following -

and any other activity in keeping with the objectives for the area

The Shire of Swan can seek advice from the planning committee on ways of introducing differential rating in the Swan Valley to encourage viticulture. That is the primary concern, and one hopes it will look at using differential rating to do that. It is appropriate that such matters should be referred to the planning committee. The shire might want differential rating to encourage other areas of development. Clause 13 restricts the area in which the planning committee can give advice. It could technically be restricted to giving advice on only differential rating in order to encourage viticulture. The amendment simply broadens it to make it clear that viticulture is not necessarily permanent and there may be other matters for which differential rating could be seen as useful. The shire could introduce it for a tourist facility, horticulture or land care protection, all of which are areas on which it could be appropriate to seek advice.

Mr LEWIS: I am happy to accept that amendment.

**Amendment put and passed.**

Mr KOBELKE: I move -

Page 12, after line 18 - To insert the following -

(g) on the Committee's initiative, to provide advice to relevant public authorities on any matter pertaining to the essential character of the Swan Valley and the enhancement of its assets.

The Minister suggested earlier that this was giving carte blanche to the committee to get involved in anything, whether matters of health, education, or whatever. That is clearly not the intention. It can be taken from the wording that I put forward in the amendment that the committee must have the power to give advice to public authorities on matters pertaining to the essential character of the Swan Valley and the enhancement of its assets. We are debating the Swan Valley Planning Bill. If planning matters are afoot and not required by the relevant Statutes in this clause to be referred to the planning committee or are matters which a public authority through oversight or bloody-mindedness does not wish to refer to the Swan Valley Planning Committee, the planning committee will have power to advise. There is no requirement that the authority accept it, but it provides the power for the committee to give advice. The Minister said there is no prohibition on the planning committee giving advice. Although there is no subclause saying it cannot, clause 13 determines the function of the Swan Valley Planning Committee.

Mr Lewis: Exactly and purposefully.

Mr KOBELKE: It is not open to the planning committee to be involved in areas not covered there. We find regularly in pieces of legislation a general clause which gives committees or authorities power to act in areas not designated specifically in the Statute. In this Bill is a list of functions of the committee. It is quite specific. There is no general phrasing that the committee can take on functions not outlined in the Bill.

If the Minister has a problem with this amendment, we can remedy it. However, there should be a new paragraph (g) in clause 13 which makes clear that, in general planning matters, the committee can, of its own initiative, put forward a point of view to government authorities. If the Bill does not include a paragraph of that nature, we are not setting up a system of consultation and advice to the extent which is purportedly the intent of this clause.

Mr LEWIS: I am not prepared to accept the amendment. The intent of his amendment is to allow the committee to do anything in the valley.

Amendment put and a division taken with the following result -

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Ayes (19)

| | | |
|---|---|---|
| Mr Bridge | Mr Grill | Mr D.L. Smith |
| Mr Brown | Mrs Hallahan | Mr Taylor |
| Mr Catania | Mrs Henderson | Mr Thomas |
| Mr Cunningham | Mr Kobelke | Dr Watson |
| Dr Edwards | Mr Marlborough | Mr Leahy *(Teller)* |
| Dr Gallop | Mr Ripper | |
| Mr Graham | Mrs Roberts | |

Noes (30)

| | | |
|---|---|---|
| Mr Ainsworth | Mr House | Mr Pendal |
| Mr Blaikie | Mr Johnson | Mr Prince |
| Mr Board | Mr Lewis | Mr W. Smith |
| Mr Bradshaw | Mr Marshall | Mr Strickland |
| Dr Constable | Mr McNee | Mr Trenorden |
| Mr Court | Mr Minson | Mr Tubby |
| Mr Cowan | Mr Nicholls | Dr Turnbull |
| Mr Day | Mr Omodei | Mrs van de Klashorst |
| Mrs Edwardes | Mr Osborne | Mr Wiese |
| Dr Hames | Mrs Parker | Mr Bloffwitch *(Teller)* |

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Pairs

| | |
|---|---|
| Mr M. Barnett | Mr Kierath |
| Mr McGinty | Mr Shave |
| Mr Riebeling | Mr C.J. Barnett |

**Amendment thus negatived.**

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

**Clause 14 put and passed.**

**Clause 15: Referral to Committee of development applications under the Shire of Swan town planning scheme -**

Dr CONSTABLE: I move -

Page 13, after line 8 - To insert the following -

(3) If the Council refuses to extend the period within which the Committee may give its advice under subsection (2) -

(a) the Committee may request the Minister to extend the period;

(b) the Minister must not unreasonably refuse the Committee's request; and

(c) any extension of time by the Minister shall be the time within which the Committee must provide its advice under subsection (2).

Page 13, line 14 - To insert after "advice" the following -

, in which case the Council shall provide in writing full reasons for making such a determination

Clause 15 refers to the central role of the Swan Valley Planning Committee. As was said yesterday in the second reading debate, the relationship between the planning committee and the Shire of Swan is crucial to the good spirit and work of this legislation. The 42 day time limit in which the committee has to report and give advice to the local authority is reasonable. However, there will be times when more than six weeks will be needed for it to report. It may have to consider a complex issue. Allowance is made for the shire to extend that time limit. However, if the shire does not provide that extension, my first amendment allows the committee to approach the Minister for more time. The amendment would give discretion to the Minister to permit extra time for the committee to prepare its advice.

The second amendment relates to the shire being able to reject the advice of the committee. I believe that the reasons for the rejection should be provided in writing and should be available to the general public.

Mr LEWIS: The first part of the amendment could be accepted, but as the two amendments have been moved together I cannot and will not accept them. Town planning schemes contain provisions which require responses within a statutory time frame. To give the Minister the ability to extend that time would go against those requirements. It should be understood that under regulations, authorities are required to respond within 42 days to give the State Planning Commission the opportunity to make its determination within a certain time. After 60 days the right of appeal is actuated. In other words, if this amendment were passed I, as Minister, could extend the time during which the right of appeal would not be cancelled.

Clause 15 has not been included in the Bill on the basis that if a person does not lodge his response within 42 days it will not be considered and the council will move to act; it is there as a discipline and a guide. Where time lines are included in regulations and town planning schemes, they are used as a guide. A council or authority knows it has a certain period of time in which to respond and if it does not, action can be taken against it.

Dr CONSTABLE: I am confused about one aspect of the Minister's response. Subclause (3) says that if the committee fails to give its advice within the time allowed it shall be taken to have no advice to give on the application. If the committee fails to give advice within 42 days, no advice can be given.

Mr Lewis: The committee would say that it has not got its advice together. A short note could be sent to the council asking it to hold over the matter.

Dr CONSTABLE: What if the council says that it will not do that? The Minister has

referred to the spirit of this legislation in this debate, but the words in it do not measure up to that spirit and that was the reason for my amendment.

Mr Lewis: The council must give good reason why it has not considered the advice. The council would be seen to be irresponsible if it took advice and ignored it and then made its decision.

Dr CONSTABLE: I agree. I was looking for a safety valve to make sure that the committee's advice could be taken.

**Amendments put and negatived.**

Mr KOBELKE: I wish to move an amendment to page 13, line 10.

The DEPUTY CHAIRMAN (Ms Warnock): The Committee has gone past that line and cannot consider the proposed amendment.

Mr KOBELKE: The Committee has not amended anything up to line 10 on page 13 and it is appropriate for me to move an amendment.

The DEPUTY CHAIRMAN: The Committee has decided it does not want to make any change up to page 13, line 14. We cannot go backwards.

Mr KOBELKE: I know we cannot go backwards once an amendment has been made. An amendment to page 13, line 8 was moved together with an amendment to page 13, line 14, but they were defeated. I wish to move an amendment which would take effect at line 10. I ask you, Madam Deputy Chairman, to consider whether it would be appropriate within standing orders to do that.

The DEPUTY CHAIRMAN: Order! I am getting conflicting advice and I will leave the Chair to consider it.

*Sitting suspended from 3.56 to 3.58 pm*

The DEPUTY CHAIRMAN: The situation is that the Committee, having given its permission to the member for Floreat to move two amendments together, has moved past the line which the member for Nollamara wanted to address in his amendment. If he had given notice, permission could have been given to him to move his amendment and the Committee would not have agreed to the member for Floreat moving two amendments together. Having done that, we have gone past line 10 which the member wishes to address and the Committee has decided it does not want to amend that clause. Unfortunately, the member cannot move his amendment.

Mr LEWIS: I move -

Page 13, after line 20 - To insert the following -

(7) Subsection (1) does not apply to any application for development approval made before the commencement of this section.

The amendment provides that the planning provisions will not be retrospective and it is recommended by the parliamentary draftsman.

**Amendment put and passed.**

Mr KOBELKE: The member for Floreat wanted to ensure in her proposed amendment that the 42 day rule in subclause (2) would not limit matters which may require longer consideration by the committee. There is a major flaw in the clause, and the amendment proposed by the member for Floreat sought to remedy the problem. Although her approach was not the only, or perhaps even the best, way of dealing with this problem, it was a genuine attempt to make sure the committee had the opportunity to give advice on major matters. There is a major problem -

Mr Lewis: In your mind.

Mr KOBELKE: The Minister should open his ears and attempt to open his mind and listen and understand. Subclauses (2) and (3) require that the committee within 42 days of the day on which it receives particulars of an application shall provide that advice in writing. Subclause (3) provides that if the committee fails to give its advice within the

specified time, it shall be taken to have no advice to give on the application. I understand what the Minister said about the normal process of business between government departments, boards and authorities. The time limit imposed is not at issue. However, the Bill provides that if advice is not received within the prescribed time the committee must be judged as having no advice to give and, therefore, any subsequent advice could not be considered. As I have already indicated, from time to time government departments and authorities overlook their obligations to act in strict conformity to an Act. They can accept advice afterwards and take that into account. I do not think anyone has a problem with that. However, if a party were aggrieved by a decision made by the committee, it would have recourse through the courts by virtue of this legislation should the advice of that committee have been provided after the 42 days. If the Minister feels I have incorrectly interpreted the Bill, he should argue the point. However I am fairly certain I am correct.

In the normal course of events between authorities, boards and departments there is room for flexibility, but in planning decisions which affect the interests of various groups, people have a right to further their interests through the courts. Therefore, the exact wording of the clause is important and it cannot be pushed aside on the basis that the Government hopes it will work in a certain way. The legislation will be interpreted according to the letter of the law. I trust the Minister will give proper consideration to the arguments put by the member for Floreat and me, and that when this Bill reaches another place it can be amended to resolve the problems in the legislation as it stands.

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

**Clauses 16 to 21 put and passed.**

**Clause 22: Particular duties of members -**

Mr KOBELKE: This clause raises a major issue which time will not allow us to debate fully. That is most unfortunate. We must ensure that members can disclose information which is relevant to matters before the committee when disclosure is a matter of proper consultation with community groups. Clearly members of the committee should not disclose information which may be of pecuniary benefit to, or assist, a particular person. Similarly, they should not disclose information that could hurt the interests of any party or abort an important part of the planning procedures. Nonetheless, a balance must be found so that members of the committee can properly take information to community groups, inform them of what is taking place and be better informed of the views of the community.

I refer specifically to subclause (2) which must be carefully considered. I ask the Minister to explicitly state who is likely to be caught by the direct or indirect pecuniary interest provision. The reference to direct pecuniary interest is straightforward but members of the committee may have a range of indirect interests, which could present them with some difficulty. For example, those interests could relate to company or family interests or membership of professional groups, and it may be difficult for them to recognise the need to declare those interests at a meeting. Although the Opposition supports the intent of this clause, the Government must be careful that it will not place a requirement on members with which they will have difficulty complying. The Government must make sure that the clause has the desired effect, but does not impose an unworkable burden on members of the committee.

Mr LEWIS: This is a standard clause that is in other legislation. A simple analogy is that if one entrusts a credit card to a person and that person does not know how to use it on the basis of its being a corporate card, he should not have the card. Similarly, if people do not know when they have a pecuniary interest and do not know when to declare an interest, perhaps they should not be a member of the committee. If they are in any doubt whatever, they should take the normal action; that is, to declare an interest notwithstanding.

**Clause put and passed.**

**Clause 23 put and passed.**

**Clause 24: Advice and reports to be open for inspection -**

Mr KOBELKE: I support this clause and raise a problem that is not covered. This clause requires that the advice given by the committee to various authorities as required under its functions be available during normal office hours to members of the public on the payment of a fee. I hope that fee could be waived or set at a very low level. Clearly, that advice should be available to the public generally and I fully support that. This will enable the public and interested groups to be fully aware of the positions adopted by the committee in giving advice to various government authorities. The clause does not contain provision for ready access by members of the public to the response given by the authority, whether it be the Shire of Swan, a government planning authority or the Minister himself. One hopes that, while it is not a requirement of the Bill, the office of the committee would also have available to members of the public the response to advice that is given by the committee.

**Clause put and passed.**

**Clause 25 put and passed.**

**Clause 26: Review of Act -**

Mr KOBELKE: This clause provides for review after five years, which is common in Bills. It is quite aptly placed in this Bill. However, it is clear that the whole intent of this legislation has a time frame far beyond five years. Therefore, there may be a need for ongoing reviews. When the five-yearly review is made it may come back with suggested amendments to the legislation, at which time one would perhaps look to put in an ongoing provision for reviews at five or 10 yearly intervals to ensure that we continue to preserve in perpetuity that which we hold so dear in the Swan Valley.

Mrs van de KLASHORST: I support the five-year review period. However, like the previous speaker, I also believe we are setting out the Swan Valley for the future. It is important that, at the end of the period, we review how it is going, where it is going and what needs to be done to further the area. I support the clause.

**Clause put and passed.**

**Clause 27 put and passed.**

**Schedule 1 put and passed.**

**Schedule 2: Consequential amendments -**

Mr LEWIS: I move -

Page 24, line 8 - To delete "subsection" and substitute "subclause".

Page 24, line 11 - To delete "the *Swan Valley Planning Act 1994*" and substitute "this Act".

Page 26, after line 5 - To insert the following -

(2) The provisions inserted by subclause (1) do not apply to any application for approval under the Scheme made before the commencement of section 27 of this Act.

Page 27, lines 21 and 22 - To delete "the *Swan Valley Planning Act 1994*" and substitute "section 27 of this Act".

Page 28, after line 17 - To insert the following -

(2) The provisions inserted by subclause (1) do not apply to any application for approval under section 20 of the principal Act made before the commencement of section 27 of this Act.

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

(2) The amendment made by subclause (1)(b) does not apply to any application for approval of development under the principal Act made before the commencement of section 27 of this Act.

**Amendments put and passed.**

**Schedule, as amended, put and passed.**

**Title put and passed.**

Mr LEWIS: Mr Deputy Speaker, I seek leave to table a plan that has a specific reference number.

[See paper No 288.]

Bill reported, with amendments.

## SECURITY AND RELATED ACTIVITIES (CONTROL) BILL

*Committee*

Resumed from 16 May. The Chairman of Committees (Mr Strickland) in the Chair; Mr Wiese (Minister for Police) in charge of the Bill.

Progress was reported after clause 41 had been agreed to.

**Clause 42: Revocation etc. of authorization -**

Mr CATANIA: The establishment of the category of armed bodyguards is controversial in that the Government and Opposition hold different views on its consequence. Even if the Opposition accepted the Minister's argument that defining this category provides a control, he has created a clause which may in future legitimise and increase the use of armed bodyguards. Any legislation which deals with firearms is of concern to the Opposition. The Minister and I attended a crime free day forum today where he was asked whether the Government would alter the Firearms Act to ensure a firearms culture is not established in Western Australia. A strong movement exists with groups and individuals promoting the freedom to own and possess firearms for self defence. This movement would be buoyed by this definition of an armed bodyguard. I am sure the Minister will explain that he wants to control this activity, and I commend him for that sentiment, but by allowing the establishment of a category of security guard called armed bodyguard the Minister is legitimising that firearms culture. An armed bodyguard has all sorts of connotations, such as men in overcoats with concealed weapons. The Minister can say that activity will be controlled by this clause, but this clause does not throw out the right message if we want stringent firearms laws.

The only mention of armed bodyguards should be to prohibit them. We do not want them. We should not promote them or even define them. We do not want thugs running around with guns under their coats. Once legislation is created, people try to find a loophole. This is not a matter of political point scoring. I believe the Minister has now legitimised a category of security agent called armed bodyguard. The Minister will create a precedent which is distasteful. I hope the consequence will be control, as the Minister expects, but the Opposition expresses its concern.

Mr RIEBELING: The Minister and his officers disagree that authorising a new category of person to carry arms will necessarily mean that anyone will be licensed under that clause, but it will allow in law a new category of people to carry weapons. That is a backward step that may give the impression that Western Australia is heading in the same direction as American society, where more and more people are authorised to carry weapons. As a direct result of that, American society is witnessing an ever increasing spiral of violence with more and more people carrying arms and using them.

I have listened to the Minister and I realise he believes what he is saying, but as the Minister responsible I hope he will take seriously what has been said in this place, and not issue these licences. The police have said that they cannot control certain activities without this clause. I am not convinced of that, and I am sure people at large with concealed weapons could be charged under the Criminal Code.

Mr WIESE: This clause gives an ability to revoke the permit issued under clause 41. It does not deal with the matters raised. I repeat that the previous clause does not create a

new category; in fact, it puts in a prohibition to stop a practice in existence and prevent it from occurring in the future and gives the police the ability to control it.

Mr RIEBELING: In clause 41 a new category of permit is created that will not be issued, as the Minister explained yesterday, and has now repeated. Clause 42 creates an ability to cancel the licence which will not be issued. If that makes sense to the Minister, it is inverted logic at the best, stupidity at worst. Yesterday the Minister gave a lengthy explanation of how this is an attempt to not issue this category of licence. If the Minister is saying that the section headed "Authorization of armed bodyguards" does not mean the section is there to authorise armed bodyguards, what does it mean? I understand that police officers would have a problem in relation to controlling people and this was included so that no-one could get a licence and create an offence.

**Clause put and passed.**

**Clause 43: Natural persons only to be licensed -**

Mr MARLBOROUGH: Our concern is the definition of a "natural person" and the possibility of such a person representing a partnership where that person may be able, having received the licence, to hand it on for someone to operate under without proper scrutiny. The Minister may be aware, for example, that in the real estate industry one requires a licence to operate, and it is not possible to "dummy", as it is commonly called, and have a front person responsible under licence who in some way allows other parties to operate on his behalf. Has the Minister considered that possibility and is he certain it will not happen under clause 43?

Mr RIEBELING: With reference to clause 43(2)(b), which deals with a body corporate and the natural person appointed as the officer concerned, how will the police investigate that person? Will they determine that the person does not have a criminal record and is okay; or will they find out whether that person has links into organised crime through other people or another State? Will they ascertain whether that person is employed by another company? His prime income may come from another company which will control his activities, rather than the corporate body which the police will be considering.

Mr WIESE: The requirement for a "natural person" already exists in other legislation, for example, in the vehicle licensing legislation and in the security agencies legislation. It means there is an identifiable person who is up-front. That person will be subject to all the checks and queries to ensure he is a suitable person, as has been detailed in previous clauses, by the licensing officer, as will be the partners in a partnership or the officers and directors etc in a body corporate. They will all be subject to very extensive checks which will involve examining other States' records to see they have no criminal records or links to any criminal elements. It will vary a little because an agency is required to have some financial soundness. That would not happen in relation to the security agencies or the bouncers.

Mr MARLBOROUGH: As I understand a partnership, three or four people could form a company to create a security business. One of those people, as a major shareholder, may apply for the licence. What checks will be done on the other partners who may hold an equal or greater number of shares and whose records, on the surface, will not be in fact checked to determine their eligibility to be involved in a security company? I do not think that is stretching the imagination when we consider how criminals use what on the surface appear to be legally constructed companies to launder money; they do it in many different ways. It is not beyond their capacity, nor beyond the history of the security industry, to have such activity in which there is a legitimate front company and legitimate people representing that company. However, all that will be required under this clause is that one of those people be subject to the proper scrutiny. Unless the other partners want to be security agents they could not necessarily be scrutinised in the way I presume the Government would want them to be.

Mr WIESE: A partnership can have up to 20 persons in it. All partners in a partnership will be checked. Clause 55 provides that in a corporate body the front person, the directors, any officers, and any person with a significant shareholding will be checked. A significant shareholding is defined in clause 55 as 25 per cent or more.

Mr Marlborough: Will the police do all that checking?

Mr WIESE: Yes.

**Clause put and passed.**

**Clause 44: Residence requirements for licences on behalf of partnership etc. -**

Mr RIEBELING: Is it the intention to allow an interim arrangement when a person's address may change for a short period, or does the Minister consider that the clause should apply in some other way?

Mr WIESE: An exemption would be allowed if the licensing office could be satisfied that a person interstate was able to exercise the management, supervision and control of the business that is required of an agent. Such an exemption would be most unlikely. The sort of circumstance the member puts forward could be one reason for an interim arrangement to be made.

**Clause put and passed.**

**Clause 45: Automatic termination of licence held on behalf of partnership etc. -**

Mr RIEBELING: What will occur to the company when the licence is terminated after a person ceases to be one of the partners if it is a substantial company? Will an interim period be allowed so that the company can search for a suitable nominee?

Mr WIESE: The clause is self-explanatory. If a nominated person withdrew from the business, it would be a strange business if it did not make arrangements to have somebody take that on and get a licence. The legislation will enable that to occur at short notice.

Mr Riebeling: What if Joe Bloggs dies tomorrow?

Mr WIESE: The ability exists within the legislation to have an interim arrangement.

**Clause put and passed.**

**Clause 46: Application for licence -**

Mr RIEBELING: Who does the Government intend to be the witness under subclause (2)?

Mr WIESE: The witness will be of a class specified; namely, a commissioner of declarations or some other class as specified.

**Clause put and passed.**

**Clause 47: Material to support application for licence -**

Mr RIEBELING: Does the type of authority under subclause (1)(g)(iv) include all directors of the corporate structure?

Mr Wiese: It clearly states "one of the body's directors".

Mr RIEBELING: Why is that the case? Presumably if the directors of the company have been investigated, there is no reason the managing director or someone other than a body's director should be the authorised person. Why does the clause not specify the managing director or someone similar?

Mr TAYLOR: My interest is in the extraordinary detail that will be required in the application for a licence, and the nature of the application. The information required of the applicant is sufficient almost to get a banking licence in Australia. Who will have the time and ability to properly check the information that is obtained in order to get one of these licences, and who will pay for that to be checked?

Mr WIESE: The normal situation under corporate law is for the corporate body to hold a meeting of shareholders and authorise a person or persons to sign documents on behalf of the corporation. There is no problem in that area.

In response to the matter raised by the member for Kalgoorlie, all the requirements in this legislation already exist in the Security Agents Act and are carried out by the commercial

agents squad. The only addition is the requirement for training and, possibly, the requirement under paragraph (g)(iii) that the applicant be a resident of the State.

Mr TAYLOR: If that is the case, how will the police officers check all this information in the case of applications for agents' licences? I wonder how people will determine that applicants have sufficient financial resources to meet their financial obligations and how widespread the net will be in relation to those matters.

Mr WIESE: Currently the police officers in the commercial agents squad carry out the investigation.

Mr Taylor: How many extra officers will be needed?

Mr WIESE: That has not been identified. It has been indicated that the squad will not require extra police officers but, if they are required they will be made available. It is the responsibility of the Commissioner of Police to make that assessment and to take action. It is envisaged that civilian personnel will work in the squad to assist the procedures. It is also envisaged that an accountant will be employed in the squad. That obviously will have an impact on the squad's ability to carry out the financial scrutiny.

**Clause put and passed.**

**Clause 48: How and when to apply for renewal -**

Mr RIEBELING: I assume this clause is included to allow the Police Department sufficient time to make its reports on applications for renewal. The 28 day period is fairly standard for applications for licences and so on and it gives sufficient time to check the suitability of applicants. However, in this case I am concerned that if a person were unsuitable to hold a licence, it would have been picked up through breaches of practice under that licence. That being the case, the licence would have been revoked under other clauses of this Bill before the licence was due for renewal. Is there a reason for specifying the 28 day period?

Mr WIESE: The 28 days are required to allow the police officer time to assess the application and to determine whether the licence will be renewed. It enables the officer to meet the requirement to give 14 days' notice to the applicant if the licence will not be renewed and that, in turn, allows the applicant time to lodge an appeal against that decision.

Mr RIEBELING: That is exactly my point. If the police did not intend to renew the licence, presumably at some stage prior to the application for renewal the licence would have been revoked. Surely that person would have been deemed unsuitable to hold a licence at an earlier stage, and I query whether some other mechanism is in place that will highlight the unsuitability of certain applicants when they apply for renewal of their licence, other than through continual supervision by the Police Department. Why would the police wait to refuse an application for renewal when they have the power to revoke the licence at any time?

Mr WIESE: If the offences were serious enough, obviously procedures would have been put in place to revoke the licence. However, a series of events could occur during the period of the licence holding which, taken in total, were sufficient to indicate the licence should not be renewed when applied for. The police officer is required to give 14 days' notice prior to the expiry date of the intention not to renew the licence, and that person may then appeal against the decision. Under clause 71 a court has power to make an interim order to allow the licence holder to operate until the appeal has been dealt with. That is a further safeguard to make sure the applicant is not cut off at the legs and will not be required to start his business from scratch if his appeal is upheld.

Mr RIEBELING: I understand what the Minister said. I am aware of the ability to revoke a licence and to appeal against a decision. That is well and good. However, assuming the Police Department has kept an eye on how these people operate and has determined that a person is unsuitable to hold a licence, surely that would have been obvious before that person applied for renewal of his licence. If the actions of an individual had developed to the point at which he was regarded as unsuitable, surely it

would be coincidental for those events to culminate when the licence was due to be renewed. This clause seems to indicate that the application for renewal may provide the police with information they had no prior knowledge of, and I do not think that is the case.

Mr WIESE: Under clause 51 a licensing officer must consider an application. The licensing officer obviously needs time to check these matters. Clause 51 clearly indicates that a licensing officer may not issue a licence unless he is satisfied about these matters.

**Clause put and passed.**

**Clauses 49 and 50 put and passed.**

**Clause 51: Issue of licences -**

Mr MARLBOROUGH: Paragraph (a) states that a licensing officer is not to issue a licence unless the officer is satisfied that there is sufficient evidence of the applicant's identity. What details will be necessary to identify an applicant? Clause 47(1) states that an application for the issue of a licence is to be accompanied by evidence of the applicant's age and identity, photographs of the applicant in such number and form as the commissioner may determine, and testimonials from two persons as to the applicant's character. Those conditions should also be attached to this clause. That may be implicit in what the Minister is saying, but it should be spelt out. Does clause 51 refer to the issue of individual licences or corporate licences?

Mr Wiese: Each licence is an individual licence held by a person. In the case of a corporation, only one person can hold a licence.

Mr MARLBOROUGH: In regard to paragraph (b), we are concerned that a person aged 18 may be employed as a security officer, crowd controller or armed bodyguard in certain circumstances. It should be recognised that this industry requires from those people some maturity and understanding, and while I would be the last one to suggest that people aged 18 are not mature, I hope 18 year olds would not be put into situations where they could be required to handle crowds, deal with incidents at night clubs or blue light discos or be responsible for the personal safety of an individual. We and perhaps the industry would be more comfortable with a situation where such a person was at least aged 21. I am not sure what is the minimum age for recruitment into the Police Force, but I believe not many qualified police officers are aged 18.

Mr Wiese: A person can be a police cadet at 16 and a police recruit at 19.

Mr MARLBOROUGH: I think the Minister has proved my point. The Police Force recognises that it is necessary to have a minimum age. I suggest the minimum age in this case should be 21.

Paragraph (g) states that a licensing officer is not to issue a licence unless the officer is satisfied that the applicant has, except where section 52 applies, satisfactorily completed any prescribed course of training and passed any prescribed test or examination. What will be the form of the prescribed training course? Will the training course vary according to whether it is for a security officer, a crowd controller or a personal bodyguard? Will the course run for a week or for 24 hours in a room with a few videos? Will the training course be administered by the Police Force or by the industry; and, if the training course is administered by the industry, who will determine whether the course is appropriate? Who will determine whether the applicant is eligible to pass any prescribed test or examination?

Mr WIESE: In regard to paragraph (a), the licensing officer will use whatever is required to satisfy himself that there is sufficient evidence of the applicant's identity, such as a passport, a driver's licence, or a birth certificate, and a birth certificate will have to be involved because the applicant must prove that he has attained the age of 18.

I do not share the member's view that the person should be at least aged 21. The decision will be made by the licensing officer, who must be satisfied that the applicant is of good character and is in all respects a fit and proper person to hold a licence, and that the applicant has the maturity that is required for whichever class of licence is being

applied for, and that may vary according to whether it is a licence to be a security officer or an armed security officer, for example.

At this stage, the precise details of the training courses have not been bedded down. Those details will be prescribed, and we are working closely with technical and further education and Edith Cowan University in putting together the courses, and we hope to have them accredited nationally so they will be of the highest standard possible. The length of the courses has not yet been determined, and that will obviously vary according to the types of licences that are being applied for. The criterion will be not the length of the courses but that they are adequate to ensure that the persons have the necessary skills to carry out the tasks for which they are seeking to be licensed. There will be industry input into the content and curriculum of the courses. I hope that not many, if any, of these courses will be run by the police because the desire is to have them conducted by the accredited educational institutions which I have mentioned.

Mr MARLBOROUGH: The Minister is correct. I am not hung up on the age limit of 21. I am happy to consider the police guidelines which state that police are recruited at 19, and I understand that recruits go through an intensive six months' minimum training process.

Mr Wiese: It is six months' training; and two years' probation.

Mr MARLBOROUGH: I do not suggest that six months in the academy is necessary. Historically, it is recognised that licensing officers must have an understanding of how to handle people; and in the security area they must have an understanding of the law.

Mr Wiese: That would be part of the course.

Mr MARLBOROUGH: We should consider an age limit of 18.

**Clause put and passed.**

**Clause 52 put and passed.**

**Clause 53: Transitional provision as to completion of training courses -**

Mr WIESE: I move -

Page 29, line 7 - To delete "less" and substitute "more".

This is to correct a drafting error.

**Amendment put and passed.**

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

**Clause 54: Refusal of renewal -**

Mr MARLBOROUGH: Can the Minister give an example of a sufficient ground for the exercise of the power to revoke a licence under clause 66?

Mr RIEBELING: If the police had information regarding why the renewal of a licence should be refused, the revocation would be automatic; or does this provision cover the situation where a licence has been revoked and a person seeks renewal?

Mr WIESE: The information sought by the member is contained in clause 66. Obviously, a criminal offence would be one ground on which a licence would be revoked. If a crowd controller were involved in a violent incident during the term of his licence his licence would not be renewed. If an agent were to become bankrupt his licence would not be renewed.

Mr Riebeling: Wouldn't that situation be unusual at the time of the renewal? Surely the licence would be revoked before the application for renewal.

Mr WIESE: The clause deals with renewal and refers to "sufficient grounds for the exercise of the power to revoke the licence".

Mr Riebeling: Would it not have been revoked already?

Mr WIESE: It is self-explanatory.

**Clause put and passed.**

**Clause 55: Issue and renewal of licences held on behalf of partnerships and bodies corporate -**

Mr MARLBOROUGH: We addressed the detail of this provision when debating clause 43. Again, I am concerned about the "dummying" aspect. All partners in a company should be licensed. The Minister indicated earlier that partners in a company will be scrutinised by the police. It will not necessarily be the person representing the partnership who will apply for the licence, and then act as a front for a number of other partners who, because of the nature of their background, may not be people who should be issued with a licence. I seek clarification.

Mr RIEBELING: How will corporate bodies be assessed? We are trying to ensure that organised crime does not enter the industry. I understand that the intent of the legislation is to keep out such organisations. In my view, the situation is open for organised crime to enter the industry. The Minister indicated that anyone who had more than a 25 per cent interest in a company will be scrutinised. It would not be too difficult for organised crime to ensure that people with criminal intent hold only 2, 5 or 10 per cent of the company. How will this clause protect the community? Why does paragraph (d) not refer to "significant control of the company" rather than define the percentage of the company? If a shareholder owns only a small percentage of the company he could still control it, and he should be scrutinised. The stated percentage will restrict the ability of the licensing body to scrutinise people who control a business.

Mr WIESE: In a partnership, one person will be the licensed officer but all partners will be scrutinised. If a company has 20 partners - and I think that is the maximum number - each partner will be assessed. All directors of corporate bodies will be scrutinised.

Mr Taylor: You will need about 50 people to run this. The Minister is correct, but it is a daunting task.

Mr WIESE: The commercial agents squad deals with the largest group, the 1 500 security agents. The squad also deals with 300 inquiry agents. The procedure already exists. As well as scrutinising the directors and licensed persons of corporate bodies, officers will have the ability to assess their financial records. They will have the ability to go to the Australian Securities Commission to get information regarding corporate bodies. I also understand they will have the ability to go to the cash transactions register to check that there are no reported illegal dealings by the body. I will need to check that, but that is my understanding. We are able to undertake as many checks as necessary on the bona fides of corporate bodies.

**Clause put and passed.**

**Clause 56 put and passed.**

**Clause 57: Form of licences -**

Mr MARLBOROUGH: Can the Minister please explain this clause? I am interested in why the combined licence is necessary and how it is envisaged that it will work.

Mr WIESE: I take it that the crux of the question relates to the fact that the licences are to be combined in one document. That licence will be for a single operator who will be required to have a security agent's licence and a security officer's licence. The same applies to bouncers and crowd controllers. If a person wanted to operate as a single operator, he would need both licences and, as I said, they would be combined into one licence.

**Clause put and passed.**

**Clause 58: Licence to specify employers -**

Mr WIESE: I move -

Page 30, lines 21 to 23 - To delete the lines.

**Amendment put and passed.**

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

**Clause 59 put and passed.**

**Clause 60: Identity cards -**

Mr RIEBELING: This clause states that an identity card must be produced to various people. I urge the Minister to add that it should be shown to any person who is affected by the person in the operation of his duties as a security officer. Undercover police who do not identify themselves leave themselves in a position where people may not think they are police. Security officers should have to identify themselves to the members of public whom they are trying to affect, just as a police officer must.

Mr MARLBOROUGH: My concern is the proper identification of these people. I am not sure whether an identity card is appropriate to be shown immediately for inspection by a police officer or any person for whom the licensee is performing services under the licence. There needs to be an ability, over and above all of that, for the citizens who are being dealt with by security officers to be able to identify them, as is the case with police officers. I think the Minister is trying to include that ability in clause 62(2)(c). In terms of properly identifying these people, we should look at having a similar system to that of the police where large numbers are attached to the outside of the uniform. They may well have some other form of identification, perhaps a photograph; however, most of the identification photographs are no larger than a credit card. In most circumstances where people are being dealt with at a nightclub or in a crowd situation, those people may be hard pressed to be able to identify that crowd controller, given the size of the identity card. The Minister should consider a numbering system the same as that which applies to the Police Force so that these people can be properly and easily identified. It would be worn on their person at all times when they were on duty. People are used to that system. It would enable people to easily identify the person who is dealing with them.

Mr WIESE: There is both a licence and an identity card. The licence will be produced to the police officer as soon as practical. This clause is about the identity card which must be produced to either the police or the people for whom the security officers are working. We are talking mostly about crowd controllers. Under clause 62(2)(c) there will be a requirement for the identity card to be clearly displayed. This is especially important for crowd controllers. The card will be approved by the Commissioner of Police. I take on board what the member is saying; that is, that it needs to be of a sufficient size and readily identifiable in whatever form we decide to use. That will be taken into account.

Mr Marlborough: Is it true that everybody who has passed these courses and is to be a security officer or a crowd controller is to have this identification? From my reading of this, it may not be the case.

Mr WIESE: As I understand it, that is what is intended.

**Clause put and passed.**

**Clauses 61 to 80 put and passed.**

**New clause 81 -**

Mr WIESE: I move -

Page 43, after line 8 - To insert the following new clause -

**Cost of test may be recovered**

**81.** If a sample of blood or urine given by the holder of a crowd controller's licence is found on analysis to be a non-complying sample for the purposes of section 80(1)(b), the Commissioner may -

(a) determine the costs and expenses of carrying out the analysis; and

(b) recover the amount so determined from the licensee as a debt in a court of competent jurisdiction.

**New clause put and passed.**

**Clause 81: Regulations relating to drug tests -**

Mr WIESE: I move -

Page 43, after line 20 - To insert the following -

(e) requiring a licensee to produce his or her identity card at the time when a sample is taken, and providing that a failure to do so -

(i) is taken to be a failure to comply with a direction under section 79; and

(ii) constitutes an offence punishable by a fine not exceeding $2 000.

**Amendment put and passed.**

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

**Clauses 82 to 86 put and passed.**

**Clause 87: Liability of partners and bodies corporate -**

Mr TAYLOR: I will make a point that I made in a debate in this Chamber a couple of weeks ago; that is, the tendency of the Government - perhaps driven by officers - to assume that people are guilty, rather than employing the presumption of innocence principle. I notice in clause 83 that people can take records without a warrant. Under clauses 87, 88 and 91 people are required to prove they are innocent.

The Bill makes it very clear that people are put in a position where they must show that they have not committed an offence. As the member for Floreat said, this clause and clauses 88, 89 and 91 must not be in legislation in Western Australia. We have a system of justice that presumes that people are innocent. It may make the prosecutors' jobs easy and give them a walk up start to make sure they win, but it is not the way to go with legislation in this State. I hope that in the other place they will refer this to their committee in order to examine it properly. This happens far too often.

Mr RIEBELING: I emphasise what I tried to tell the Minister earlier in the debate on this Bill: It is a very dangerous practice to take control of these licences out of the hands of courts, especially when one includes clauses 82 to 91.

The DEPUTY CHAIRMAN (Mr Day): Order! The time has arrived for completion of all remaining stages of this business and under the sessional order every question necessary to complete the business must be put without further debate or amendment. The question now is that clause 87 stand as printed.

**Clause put and passed.**

The DEPUTY CHAIRMAN: The question now is that the amendments standing on the Notice Paper in the name of the Minister, clauses 88 to 94 and schedules 1 and 2 as amended, and the title of the Bill be agreed to, and that I do now leave the Chair and report the Bill with amendments.

Question put and passed.

**Amendments agreed to under the foregoing resolution was as follows -**

**Schedule 1 -**

Clause 2

Page 50, line 18 - To delete "an inquiry agent's" and substitute "both an inquiry agent's licence and an investigator's".

Page 50, line 19 - To delete "that licence as if it" and substitute "those licences as if they".

New clause

Page 50, after line 25 - To insert the following new clause -

**Transitional provision for crowd control activities**

3. (1) An unlicensed person who would otherwise require a licence for the purposes of section 36, 37, 39 or 40 is to be treated as if he were the holder of the relevant licence -

(a) until the expiry of 120 days after the commencement day; or

(b) until -

(i) the grant of a licence of the relevant kind to the person has been refused; and

(ii) the time for appeal against the refusal under section 71 has expired without an appeal being brought or an appeal has been brought but has been unsuccessful,

whichever happens first.

(2) For the purposes of paragraph (ii) of subclause (1)(b) an appeal is unsuccessful if it -

(a) results in the refusal referred to in paragraph (i) of that subclause being confirmed; or

(b) is withdrawn, discontinued or dismissed for want of prosecution.

*Report*

Bill reported, with amendments.

*Third Reading*

Bill read a third time and transmitted to the Council.

## SWAN VALLEY PLANNING BILL

*Report*

The SPEAKER: The time has arrived for completion of all remaining stages of this business and under the sessional order every question to complete the business must be put without further debate or amendment. The question is that the report be adopted.

Question put and passed.

Bill reported, with amendments.

*Third Reading*

Bill read a third time and transmitted to the Council.

*House adjourned at 5.34 pm*

## QUESTIONS ON NOTICE

### DISABILITY SERVICES - ACCOMMODATION SUPPORT SERVICES
*Commonwealth Funding, Underspent; Trust Account Funds; State Funding*

275. Dr WATSON to the Minister for Disability Services:

(1) Why has the State Government underspent commonwealth contributions to Western Australia for accommodation support by $3.754m or 77 per cent?

(2) What is the current balance of commonwealth funds held in the Disability Services trust account?

(3) How much new money has the State Government made available for accommodation support services in -

(a) 1993-94;

(b) 1994-95?

(4) What is the Government's estimate of people with developmental disabilities who are in urgent need of accommodation with support?

(5) How do these estimates differ from those of non-government sector estimates of need for developmental disabilities?

(6) How is any disparity explained?

(7) What is the Government's estimate of people with physical disabilities who are in urgent need of accommodation with support?

(8) How do these estimates differ from those of non-government sector estimates of need for physical disabilities?

(9) How is any disparity explained?

(10) What is the Government's estimate of people with psychiatric disabilities who are in urgent need of accommodation with support?

(11) How do these estimates differ from those of non-government sector estimates of need for psychiatric disabilities?

(12) How is any disparity explained?

Mr MINSON replied:

I am advised by the Disability Services Commission as follows -

(1) There has been no underspending of commonwealth/state disability agreement (CSDA) funds for accommodation support. All CSDA funds are fully committed for approval purposes within the endorsed policy funding framework.

(2) $1.407m as at 3 May 1995. These funds are fully committed.

(3) Additional net funds made available for accommodation.

| | | |
|---|---|---|
| (a) | 1993-94 | $2.656m |
| (b) | 1994-95 | $2.404m |

(4) A total of 147 people with an intellectual disability are known from an assessment of their needs made in the 1993 accommodation support funding round, to be in critical need of accommodation support. Over the past two years it is estimated that a further 67 people with an intellectual disability will now be in critical need of accommodation support. The best estimate of the total number is 214.

(5) The Development Disability Council believes there are more than 400 people with a developmental disability in urgent need of accommodation support.

(6) (i) Differences between the criteria used for defining critical need;

(ii) inclusion of other disability groupings in the Developmental Disability Council's estimate of 400; and

(iii) possible double counting in the Developmental Disability Council's estimate.

(7) A total of 73 people with physical and other disabilities are known by an assessment of their needs made in the 1993 accommodation funding round, to be in critical need of accommodation support. Over the past two years it is estimated that a further 33 people with physical and other disabilities will now be in critical need of accommodation support. The best estimate of the total number is 106.

(8) The estimate by the Developmental Disability Council of 400 does not distinguish between intellectual and physical disability.

(9) Refer to (6).

10)-(12) These questions should be redirected to the Minister for Health.

## STATE EMERGENCY SERVICES - PAY FOR SERVICE CHANGES
*Separation from Police Service*

373. Mr CATANIA to the Minister for Emergency Services:

(1) Could the Minister advise if he intends to introduce pay for service changes for State Emergency Services?

(2) If so, will community service groups, like Apex and charitable organisations, be charged for what are usually volunteer free services?

(3) Could the Minister also advise if the SES are to separate from the Police service?

(4) If yes, why and when?

Mr WIESE replied:

(1)-(2) No.

(3)-(4) This question is currently under active consideration following strong approaches by volunteers around the State. A working party was established to examine this matter and as a result a report has been prepared by police and State Emergency Service personnel, which I am currently considering.

## DISABILITY SERVICES - NURSING HOMES
*Young People, Live in Statistics; Disabled Categories*

443. Dr WATSON to the Minister for Disability Services:

(1) How many young people currently live in state-funded nursing homes?

(2) What is the major reason for them living in this care?

(3) What are the two largest categories of disability that these people have?

Mr MINSON replied:

(1) The Stanton report identified 150 people under 65 years of age living in either hospitals (55), nursing homes (86) or hostels (9).

(2) Young people over many years have ended up in nursing homes when the level of care, support and attention they required cannot be provided in other community settings. The largest group of young people to which the member refers are those who are classified broadly as having acquired brain injury. These individuals tend to require extra care in three main areas due to -

physical problems resulting in high personal attendant care needs or nursing needs;
cognitive or intellectual impairment; or
behaviour or personality disorder.

For some people the nursing home type service meets their needs and is considered appropriate. However, for others the Disability Services Commission and the Health Department of Western Australia are looking at more appropriate settings.

(3) The actual disabilities that these people have are referred to in question (2). If the member is asking about cause, the cause varies between ages. In the group of young people under 49 years of age the two major causes are traumatic head injury and neoplasms or tumours. In the age group 49 to 65 cerebrovascular accidents (stroke) and neoplasm are the major contributors.

POINT PERON - AVIATION INTERIOR WORKERS RECREATION CENTRE

622. Dr WATSON to the Parliamentary Secretary to the Minister for Sport and Recreation:

(1) Is the Aviation Interior Workers recreation centre at Point Peron self-funded?

(2) If not, what Government budget supported it in -

(a) 1993-94;

(b) 1994-95?

(3) When does the lease come due for renewal?

(4) Does the Government plan to sell land at Point Peron?

(5) If so, why and for what purpose?

(6) If no, can those committed holiday makers whose families have used the site for generations be assured that they can continue to do so?

Mrs PARKER replied:

The Minister for Sport and Recreation has provided the following reply -

(1) Yes.

(2) Not applicable.

(3) 1 October 1995.

(4) The long term future of the whole of Cape Peron is being assessed as a result of the Cape Peron study. Issues relating to the future use and development of Cape Peron are being considered as part of this process.

(5) Not applicable.

(6) See (4) above.

COMMUNITY DEVELOPMENT, DEPARTMENT FOR - FOSTER CARE
*Donovan Research Survey, Findings*

679. Mr BROWN to the Minister for Community Development:

(1) Has the Government completed its examination of the findings of the market research undertaken by Donovan Research on foster carers?

(2) What specific measure does the Government intend to take as a consequence of the findings of the research?

Mr NICHOLLS replied:

(1) Yes.

(2) To improve recruitment, training and support of foster carers through funding agencies to provide focused local deliveries; also to continue placing children with extended family members where this is possible.

FUNERALS - PREPAYMENTS, PROTECTION LEGISLATION

742. Mr MARLBOROUGH to the Minister for Fair Trading:

(1) Do all States except Western Australia and Tasmania have legislation to protect clients who prepay for their funerals?

(2) Will the Minister be introducing complementary legislation in line with other States?

(3) When can we expect this legislation to be introduced?

Mrs EDWARDES replied:

The Minister for Fair Trading has provided the following reply -

(1) In New South Wales, the Funeral Funds Act 1979 regulates funeral contribution funds. Arrangements in other States and Territories could not be confirmed immediately. I will arrange for the Ministry of Fair Trading to give this information to the member later. There is no similar legislation in Western Australia.

(2) No. I am committed to encouraging industry self-regulation. However, the funeral industry has not been identified as a target area.

(3) Not in the foreseeable future.

SCHOOLS - STUDENTS, CONFISCATION OF ITEMS BY TEACHERS; REGULATIONS

747. Dr WATSON to the Parliamentary Secretary to the Minister for Education:

(1) What power do teachers have to confiscate items from students?

(2) Is there any requirement that a receipt be issued for any item confiscated?

(3) Is the Minister contemplating including confiscation in regulations of the Education Act 1928?

Mr TUBBY replied:

The Minister for Education has provided the following reply -

(1) Students attending school are subject to that reasonable degree of control by school authorities as is necessary to impart instruction and maintain discipline. Further, school authorities have a duty of reasonable care in respect of the safety and welfare of students.

Regulation 28 provides that "a teacher has authority to secure the good behaviour of his pupils within the school, in the school playground and when a child comes to or returns from the school". Regulation 30 requires proper provision for the supervision of students. Regulation 33 authorises a teacher to take "physical action as is appropriate to prevent or restrain a child from acting in a manner which places at risk the safety of a child, any other child or a member of the staff".

In combination the above legal factors are considered adequate to justify a teacher taking possession of hazardous objects brought to school by a student. Items taken into possession from a student during school must be returned to the student after school or returned to parents. Illegal items or substances are referred to local police.

(2)-(3) No.

## WESTRAIL - TRAIN DERAILMENTS

760. Mr BROWN to the Minister representing the Minister for Transport:

(1) How many train derailments have there been in the past 12 months?

(2) Has the cause of each derailment been investigated?

(3) Specifically, has the cause of the Kalgoorlie train derailment been investigated?

(4) What was the cause of the derailment in Kalgoorlie?

(5) What was the cause of the other derailments?

(6) What remedial action was taken following each derailment?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

(1) Thirty-two "mainline" derailments occurred on the Westrail network during the period 1 May 1994 to 30 April 1995.

(2) Yes, with the exception of six derailments still under investigation.

(3) Westrail and the Australian National Railways have independently investigated a derailment over the Chappel Street level crossing at Kalgoorlie on 30 October 1994. I presume this is the derailment to which the member refers.

(4) In accordance with the Westrail/Australian national joint working agreement, the cause of the derailment will be subject to an arbitration process. The cause of the derailment will not be determined until that process has been concluded.

(5) Twelve derailments were caused by heat buckles.
Five derailments were caused by railway track faults.
Six derailments were caused by wagon defects.
Two derailments were caused by staff error.
One derailment was caused by a combination of a wagon defect, overloading and soft track formation.
Six derailments are still under investigation.

(6) Repairs to damaged equipment such as rail, sleepers, wagons, locomotives, signals and culverts is carried out as soon as possible.

## WESTRAIL - PRIVATE CONTRACTORS
*Locomotives or Wagons Maintenance Work, Removal Costs*

762. Mr BROWN to the Minister representing the Minister for Transport:

(1) When Westrail awards a contract to a private company to undertake maintenance on a locomotive or wagon, and that maintenance requires that locomotive or wagon to be removed from the railway track, transported to the private company, returned and placed back on the railway track, is the cost of the removal and transportation included in the contract price with the private company?

(2) If so, what cost is allowed for each -

(a) locomotive;

(b) wagon,

to be removed from the track, transported to the private company, returned and placed back on the track?

(3) If not, what is the cost to Westrail of -

(a) removing each locomotive or wagon from the track;

(b) transporting each locomotive or wagon to and from the private company;

(c) placing each locomotive or wagon back on the railway track?

(4) When the Midland Workshops operated, what was the cost of lifting a locomotive or wagon off the track and placing it back on the track?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

(1)-(3) Contractors are responsible under the terms of their contracts to lift wagons off and onto Westrail tracks. Contractors are not required to lift locomotives off and onto Westrail tracks. This task is a Westrail responsibility.

Westrail invites tenders for particular works to be carried out to its rollingstock and contracts are awarded on the basis of total price. Lifting of rollingstock off and onto the railway and transportation costs are not required to be itemised. Recent costs for Westrail to lift locomotives off and onto Westrail tracks are in the order of $750 per lift.

(4) Records of these costs were not kept by Westrail.

CAR PARKS - BUS AND RAILWAY STATIONS, CONTROLLED BY PRIVATE CONTRACTORS PROPOSAL

765. Mrs HALLAHAN to the Minister representing the Minister for Transport:

(1) Is the Government proposing to let out to private contractors the operation and control of public car parking at bus and railway stations?

(2) If yes, what steps have been taken towards implementing that proposal?

(3) Will the proposal mean more expense for citizens who use public transport?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

(1)-(2) Westrail is evaluating public tenders received to provide secured parking at six railway station car parks for a trial period of 12 months. If the trial is successful, consideration will be given to extending secured parking to other railway car parks and, possibly, bus station car parks.

(3) This initiative by Government is one response to calls from public transport users for safer facilities for themselves and their property while using the Transperth network. Tenders have not been finalised to date so it is not possible to advise the member of precise details. However, free parking will continue to be available at the stations undergoing the trial.

WESTRAIL - TRAINS, REFLECTORISED SAFETY STRIPS ON SIDES, COST

768. Mrs HALLAHAN to the Minister representing the Minister for Transport:

What would be the cost associated with providing reflectorised safety strips along the sides of all Westrail trains -

(a) for passenger trains;

(b) for freight trains?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

(a) $230 000.

(b) $245 000.

## COCKBURN CEMENT LTD - FREMANTLE PORT AUTHORITY, DREDGING CHECKS

782. Dr EDWARDS to the Minister representing the Minister for Transport:

(1) What are the arrangements with the Fremantle Port Authority to monitor dredging by Cockburn Cement Limited in Cockburn Sound?

(2) How frequent are the FPA checks?

(3) What purpose do these checks serve?

(4) Does Cockburn Cement pay the FPA for the checking?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

(1)-(2) Monitoring arrangements are in accordance with the Cement Works (Cockburn Cement Limited) Agreement Act 1971 and as varied by the amendment Act No 82 of 1986. Management of Cockburn Cement Limited's operations is coordinated by a dredging and management program committee convened by the Department of Resources Development. The Fremantle Port Authority is a member of this committee, along with the Department of Resources Development, Department of Minerals and Energy, Department of Environmental Protection and Cockburn Cement Limited. In addition, the Fremantle Port Authority receives monthly dredging reports from Cockburn Cement Limited, undertakes hydrographic surveys of the areas dredged, and monitors Cockburn Cement Limited's vessel movements.

(3) The dredging reports received from Cockburn Cement Limited provide information regarding which part of the approved dredging area is being dredged and the approximate volumes of material removed. The hydrographic surveys provide more detailed records of the progress of dredging and the vessel monitoring ensures that shipping operations are not adversely affected.

(4) Cockburn Cement Limited pays for hydrographic survey monitoring.

## WESTRAIL - LOCOMOTIVE FAILURE, MERREDIN

786. Mrs HALLAHAN to the Minister representing the Minister for Transport:

(1) Will the Minister confirm that on the eastbound grain train No 051, one K class locomotive failed totally at Merredin on 10 April 1995?

(2) By how much was the train load reduced because of the locomotive failure?

(3) What delay in delivery resulted from this locomotive failure?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

(1) Yes.

(2) Twenty wagons loaded with grain.

(3) Twenty-four hours.

## SCHOOLS - LANGUAGES OTHER THAN ENGLISH

808. Mr LEAHY to the Parliamentary Secretary to the Minister for Education:

(1) How soon will staffing allocations be increased to schools that are currently teaching languages other than English so that teachers' salaries do not have to come from school funds, as is currently happening at Newman Senior High School?

(2) How will these increased staffing allocations be extended to other schools as they take on LOTE teaching?

(3) How much money will be set aside for the Education Department to implement this project - by providing adequate resources both teachers and equipment - so that schools do not have to sacrifice other equally important programs or cut back on normal operating costs of the school?

(4) How will schools be adequately resourced for any other projects or priorities placed upon them in the future by the Education Department or the Government without penalising normal school operations, as is currently happening at Newman Senior High School with the Japanese program?

Mr TUBBY replied:

The Minister for Education has provided the following reply -

(1) The staffing allocation has already been increased for primary schools. Secondary schools offer languages other than English programs to students subject to a sufficiently high level of student demand and the availability of appropriately qualified staff within the school's staffing establishment. It is a school decision if they wish to supplement the staffing entitlement with their own school funds.

(2) For primary schools allocations are being extended on a district basis as the LOTE planning occurs.

(3) Schools will receive an item in their school grant to support non-human resources for LOTE.

(4) If the Government sets as a priority a project, then it may fund all or part of the project through the school grant. The Japanese program at Newman Senior High School has previously been funded by the priority area program with the expectation that the school would include the Japanese program within its school staffing establishment in 1995.

## GREENHOUSE GASES - GOVERNMENT POLICY

874. Mr KOBELKE to the Minister for Energy:

(1) Is there a state government policy relating to the volume of greenhouse gases produced in Western Australia?

(2) If so, what is that policy?

(3) Have specific policy directions been given by the Government to either AlintaGas or Western Power with respect to the level of production of greenhouse gases?

(4) Are AlintaGas and Western Power encouraged to compete vigorously and without restraint for their respective shares of the power market in Western Australia?

(5) Do the pricing structures of units of energy sold by AlintaGas and Western Power take any account of the need to reduce energy use due to the greenhouse gas emissions, and if so, how do they do so?

Mr C.J. BARNETT replied:

(1) Yes.

(2) Australia is a signatory Government to the 1992 Framework Convention on Climate Change, which seeks developed nations to stabilise greenhouse gas emissions by the year 2000 to 1990 levels. In 1992 the Council of Australian Governments endorsed the national greenhouse response strategy which aims to stabilise greenhouse gas emissions to 1988 levels

by the year 2000 and reduce them by 2005, provided that Australia's trading partners do likewise. The Western Australian Government follows a policy of pursuing "no regrets" options; that is, those which reduce greenhouse gas emissions without any detrimental effect on the economy.

(3) No.

(4) Both corporations are encouraged to compete within the industry structure regime and in compliance with all state and federal laws.

(5) The overall pricing objective behind the creation of AlintaGas and Western Power was to reduce the cost of energy. However, the promotion of energy efficiency methods and energy efficient appliance rating programs will be continued by both AlintaGas and Western Power. The pricing structure used by the old SECWA organisation is currently being maintained by AlintaGas and Western Power. In relation to greenhouse gas emissions, natural gas produces up to 70 per cent less carbon dioxide emissions into the atmosphere compared to other energy sources.

## COMMUNITY DEVELOPMENT, DEPARTMENT FOR - HOSTELS
*Assaults; Threats*

883. Mr BROWN to the Minister for Community Development:

(1) In the -

(a) 1993-94;

(b) 1994-95;

financial years how many staff employed at each hostel run by the Department for Community Development have been -

(i) assaulted;

(ii) threatened with violence;

(iii) threatened;

by hostel residents?

(2) In the -

(a) 1993-94;

(b) 1994-95;

financial year, how many residents at each hostel run by the Department for Community Development have been -

(i) assaulted;

(ii) threatened;

by other hostel residents?

Mr NICHOLLS replied:

| | | 1993-94 | 1994-95 |
|---|---|---|---|
| (1) | (i) | 59 | 49 |
| | (ii) | 166 | 131 |
| | (iii) | not available | not available |
| | | 1993-94 | 1994-95 |
| (2) | (i) | 203 | 126 |
| | (ii) | not available | not available |

## WATER AUTHORITY - ANDERSEN CONSULTING, PROJECTS

893. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

(1) What projects has Andersen Consulting conducted for the Water Authority of Western Australia in 1993 and 1994?

(2) When were each of those projects undertaken?

(3) When were each of those projects completed?

(4) What was the cost of each project?

(5) What was the purpose of each project?

(6) Which WAWA staff and which Andersen Consulting staff worked on each project?

(7) How many tenders were received for each project?

(8) Did Andersen Consulting have the lowest priced tender?

(9) Are copies of any reports resulting from the work undertaken by Andersen Consulting available to me, and if so, what are the titles of those reports?

(10) Are copies of any reports resulting from the work undertaken by Andersen Consulting not available to me, and if so, what are the titles of those reports?

Mr McNEE replied:

(1)-(10)

I am not prepared to devote the considerable resources which would be required to provide the information sought. If the member has a specific question about a particular consultancy I will endeavour to provide the information. In addition, the Government recently released its report on consultants engaged by the Government for the six months ended 31 December 1994. This report will be now prepared on a six monthly basis and will provide the member with the readily available information on consultancies.

## WATER AUTHORITY - COOPERS AND LYBRAND, PROJECTS

894. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

(1) What projects has Coopers and Lybrand conducted for the Water Authority of Western Australia in 1993 and 1994?

(2) When were each of those projects undertaken?

(3) When were each of those projects completed?

(4) What was the cost of each project?

(5) What was the purpose of each project?

(6) Which WAWA staff and which Coopers and Lybrand staff worked on each project?

(7) How many tenders were received for each project?

(8) Did Coopers and Lybrand have the lowest priced tender?

(9) Are copies of any reports resulting from the work undertaken by Coopers and Lybrand available to me, and if so, what are the titles of those reports?

(10) Are copies of any reports resulting from the work undertaken by Coopers and Lybrand not available to me, and if so, what are the titles of those reports?

Mr McNEE replied:

(1)-(10)

I am not prepared to devote the considerable resources which would be required to provide the information sought. If the member has a specific question about a particular consultancy I will endeavour to provide the information. In addition, the Government recently released its report on consultants engaged by the Government for the six months ended 31 December 1994. This report will be now prepared on a six monthly basis and will provide the member with the readily available information on consultancies.

WATER AUTHORITY - DELOITTE TOUCHE TOHMATSU, PROJECTS

895. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

(1) What projects has Deloitte Touche Tohmatsu conducted for the Water Authority of Western Australia in 1993 and 1994?

(2) When were each of those projects undertaken?

(3) When were each of those projects completed?

(4) What was the cost of each project?

(5) What was the purpose of each project?

(6) Which WAWA staff and which Deloitte Touche Tohmatsu staff worked on each project?

(7) How many tenders were received for each project?

(8) Did Deloitte Touche Tohmatsu have the lowest priced tender?

(9) Are copies of any reports resulting from the work undertaken by Deloitte Touche Tohmatsu available to me, and if so, what are the titles of those reports?

(10) Are copies of any reports resulting from the work undertaken by Deloitte Touche Tohmatsu not available to me, and if so, what are the titles of those reports?

Mr McNEE replied:

(1)-(10)

I am not prepared to devote the considerable resources which would be required to provide the information sought. If the member has a specific question about a particular consultancy I will endeavour to provide the information. In addition, the Government recently released its report on consultants engaged by the Government for the six months ended 31 December 1994. This report will be now prepared on a six monthly basis and will provide the member with the readily available information on consultancies.

WATER AUTHORITY - MARTIN RINGER CONSULTING, PROJECTS

896. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

(1) What projects has Martin Ringer Consulting conducted for the Water Authority of Western Australia in 1993 and 1994?

(2) When were each of those projects undertaken?

(3) When were each of those projects completed?

(4) What was the cost of each project?

(5) What was the purpose of each project?

(6) Which WAWA staff and which Martin Ringer Consulting staff worked on each project?

(7) How many tenders were received for each project?

(8) Did Martin Ringer Consulting have the lowest priced tender?

(9) Are copies of any reports resulting from the work undertaken by Martin Ringer Consulting available to me, and if so, what are the titles of those reports?

(10) Are copies of any reports resulting from the work undertaken by Martin Ringer Consulting not available to me, and if so, what are the titles of those reports?

Mr McNEE replied:

(1)-(10)

I am not prepared to devote the considerable resources which would be required to provide the information sought. If the member has a specific question about a particular consultancy I will endeavour to provide the information. In addition, the Government recently released its report on consultants engaged by the Government for the six months ended 31 December 1994. This report will be now prepared on a six monthly basis and will provide the member with the readily available information on consultancies.

WATER AUTHORITY - NORMAN DISNEY AND YOUNG, PROJECTS

898. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

(1) What projects has Norman Disney and Young conducted for the Water Authority of Western Australia in 1993 and 1994?

(2) When were each of those projects undertaken?

(3) When were each of those projects completed?

(4) What was the cost of each project?

(5) What was the purpose of each project?

(6) Which WAWA staff and which Norman Disney and Young staff worked on each project?

(7) How many tenders were received for each project?

(8) Did Norman Disney and Young have the lowest priced tender?

(9) Are copies of any reports resulting from the work undertaken by Norman Disney and Young available to me, and if so, what are the titles of those reports?

(10) Are copies of any reports resulting from the work undertaken by Norman Disney and Young not available to me, and if so, what are the titles of those reports?

Mr McNEE replied:

(1)-(10)

I am not prepared to devote the considerable resources which would be required to provide the information sought. If the member has a specific question about a particular consultancy I will endeavour to provide the information. In addition, the Government recently released its report on consultants engaged by the Government for the six months ended 31 December 1994. This report will be now prepared on a six monthly basis and will provide the member with the readily available information on consultancies.

WATER AUTHORITY - PRICE WATERHOUSE, PROJECTS

899. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

(1) What projects has Price Waterhouse conducted for the Water Authority of Western Australia in 1993 and 1994?

(2) When were each of those projects undertaken?

(3) When were each of those projects completed?

(4) What was the cost of each project?

(5) What was the purpose of each project?

(6) Which WAWA staff and which Price Waterhouse staff worked on each project?

(7) How many tenders were received for each project?

(8) Did Price Waterhouse have the lowest priced tender?

(9) Are copies of any reports resulting from the work undertaken by Price Waterhouse available to me, and if so, what are the titles of those reports?

(10) Are copies of any reports resulting from the work undertaken by Price Waterhouse not available to me, and if so, what are the titles of those reports?

Mr McNEE replied:

(1)-(10)

I am not prepared to devote the considerable resources which would be required to provide the information sought. If the member has a specific question about a particular consultancy I will endeavour to provide the information. In addition, the Government recently released its report on consultants engaged by the Government for the six months ended 31 December 1994. This report will be now prepared on a six monthly basis and will provide the member with the readily available information on consultancies.

WATER AUTHORITY - TERENCE NEWTON, PROJECTS

900. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

(1) What projects has Terence Newton conducted for the Water Authority of Western Australia in 1993 and 1994?

(2) When were each of those projects undertaken?

(3) When were each of those projects completed?

(4) What was the cost of each project?

(5) What was the purpose of each project?

(6) Which WAWA staff and which Terence Newton staff worked on each project?

(7) How many tenders were received for each project?

(8) Did Terence Newton have the lowest priced tender?

(9) Are copies of any reports resulting from the work undertaken by Terence Newton available to me, and if so, what are the titles of those reports?

(10) Are copies of any reports resulting from the work undertaken by Terence Newton not available to me, and if so, what are the titles of those reports?

Mr McNEE replied:

(1)-(10)

I am not prepared to devote the considerable resources which would be required to provide the information sought. If the member has a specific question about a particular consultancy I will endeavour to provide the information. In addition, the Government recently released its report on consultants engaged by the Government for the six months ended 31 December 1994. This report will be now prepared on a six monthly basis and will provide the member with the readily available information on consultancies.

WATER AUTHORITY - PROJECT S04.436

901. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

(1) What did project S04.436 involve?

(2) When was the project completed?

Mr McNEE replied:

The Minister for Water Resources has provided the following reply -

(1) Project SO4.436 involves the provision of 150mm diameter UPVC reticulation sewers to service three areas in Bassendean. Areas 5D and 7F cover 3.4 ha and serves 28 lots with a length of 510.3m of 150mm diameter sewer. Area 7H covers 27.4 ha and serves 153 lots. Length is unknown as design has not commenced.

(2) Areas 5D and 7F were combined into one subproject and one contract has been awarded for the construction of sewers in this area. Work is in progress and is due for completion at the end of June 1995. Area 7H is not scheduled for construction until 1996-97.

WATER AUTHORITY - PROJECT S04.430

902. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

(1) What did project S04.430 involve?

(2) When was the project completed?

Mr McNEE replied:

The Minister for Water Resources has provided the following reply -

(1) Project SO4.430 involves the provision of 3728.5m of 150mm diameter UPVC reticulation sewers to service three areas in Bassendean. Area 3A covers 1.5 ha and serves 15 lots with a length of 350.7m. Area 3B and 2C cover 19.3 ha and serves 189 lots with a length of 3377.8m.

(2) Area 3A is being constructed and is due for completion at the end of June 1995. Area 3B is scheduled for construction to commence in 1995-96.

WATER AUTHORITY - THOMPSON, IAN, WORK

903. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

(1) What was the nature of the ethical policy development undertaken by Mr Ian Thompson?

(2) When was this work undertaken?

(3) Is there a copy of any relevant report relating to this work available to me?

(4) What other work has Mr Thompson undertaken for the Water Authority of Western Australia?

Mr McNEE replied:

The Minister for Water Resources has provided the following reply -

(1) The nature of the work undertaken by Dr Ian Thompson was to facilitate working groups of authority staff to improve understanding of ethical policy development, to develop ethics policy and to integrate ethics policy with other initiatives of the Water Authority.

(2) This work was undertaken on various occasions between May 1992 and February 1995.

(3) Yes. The only document widely distributed was a pamphlet for comment by staff. A copy is tabled. [See paper No 285.]

(4) None.

WATER AUTHORITY - MIDDLE CANNING CATCHMENT WATER MANAGEMENT STUDY

904. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

(1) Is the Middle Canning catchment water management study complete?

(2) If not, when is it expected to be completed?

(3) Is a copy available to me?

Mr McNEE replied:

The Minister for Water Resources has provided the following reply -

(1) No.

(2) It is expected to be completed by the end of July 1995.

(3) A copy will be made available when the study is competed.

WATER AUTHORITY - THAMES WATER OR NORTH WEST WATER, DISCUSSIONS

905. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

(1) What Water Authority of Western Australia discussions have taken place with Thames Water or North West Water?

(2) What were those discussions in relation to?

Mr McNEE replied:

(1)-(2) Since the establishment of the Water Authority of Western Australia effective from 1 July 1985, officers of the authority have had discussions with a number of overseas water agencies/companies. Discussions focused on industry trends, opportunities for improvement and market development.

WATER AUTHORITY - BOO-BOOT-SOO-SOOT SCHEMES

906. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

(1) What Build Own Operate, Build Own Operate Transfer, Sell Own Operate or Sell Own Operate Transfer options are being investigated by Pacific Infrastructure Corporation?

(2) What BOO, BOOT, SOO and SOOT options are being considered by the Water Authority of Western Australia?

(3) What role does the Water Industry Restructuring Industry Group have in relation to any consideration of BOO, BOOT, SOO and SOOT options?

(4) Will the Minister provide a copy of the tender document on which the Pacific Infrastructure Corporation won the contract to investigate BOO, BOOT, SOO and SOOT options?

(5) When will Pacific Infrastructure Corporation's investigation be completed?

(6) What other companies or persons have been investigating BOO, BOOT, SOO or SOOT schemes for WAWA or have investigated such schemes for WAWA during 1993, 1994 or the first four months of 1995?

(7) Which companies have had discussions with WAWA with regard to BOO, BOOT, SOO or SOOT options?

(8) Which possible BOO, BOOT, SOO or SOOT projects has WAWA discussed at any level with French or British companies?

Mr McNEE replied:

The Minister for Water Resources has provided the following reply -

(1) None at this time.

(2) The authority has identified the future Alkimos wastewater treatment plant as a possible BOO or BOOT option.

(3) None.

(4) Yes.

(5) Their report was completed in November 1994.

(6) None.

(7) A number of Australian and overseas companies (financial and other) have expressed interest in participating in potential BOO/BOOT/SOO/SOOT schemes. No list of such contacts has been maintained.

(8) The authority has identified the future Alkimos wastewater treatment plant as a possible BOO or BOOT option and this information has been made available to any company expressing an interest in BOO or BOOT schemes.

WATER AUTHORITY - PACIFIC INFRASTRUCTURE CORPORATION

907. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

(1) What projects has Pacific Infrastructure Corporation undertaken for the Water Authority of Western Australia during 1993 and 1994?

(2) Who are the directors of Pacific Infrastructure Corporation?

(3) Which persons from Pacific Infrastructure Corporation has WAWA been dealing with?

(4) What discussions has Pacific Infrastructure Corporation had, in relation to its work for WAWA, with French or British companies?

Mr McNEE replied:

The Minister for Water Resources has provided the following reply -

(1) Provision of advice on the applicability of the BOO/BOOT/SOO/SOOT approaches to the Water Authority, and identification of opportunities in the authority for this approach. Pacific Infrastructure Corporation was assisted on this project by Tony Wright, who is the Managing Director of Wright Corporate Strategy.

(2) Alastair J. Stone, Denis W. Pidcock and Adrian Fletcher.

(3) Alastair J. Stone and Denis W. Pidcock.

(4) No discussions were held direct with French or British companies. A discussion was held with Australian Water Services, a consortium between Lend Lease, P&O and Lyonnaise des Eaux. A discussion was also held with Wyunga Water Limited, a consortium including AIDC, Kinhills and CGE Australia Ltd.

WATER AUTHORITY - PIERRE DE KOCK PRESENTATION
*South West Irrigation Management Information Model, Financial Impact*

909. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

Will the Minister provide a copy of the Pierre de Kock presentation in relation to the financial impact of the implementation of the management information model for south west irrigation?

Mr McNEE replied:

The Minister for Water Resources has provided the following reply -

Yes, a copy of the document is tabled. Please note the document is subject to ongoing adjustment. [See paper No 286.]

WATER AUTHORITY - WASTE WATER TREATMENT PLANTS
*Future Management*

910. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

(1) What proposals are under consideration for the future management of waste water treatment plants?

(2) Are any plants currently being considered for privatisation and if so, which ones?

(3) Are any plants currently being considered for Build Own Operate, Build Own Operate Transfer, Sell Own Operate, or Sell Own Operate Transfer options and if so, which ones?

(4) When will a decision be made with regard to the future operation of each waste water treatment plant?

Mr McNEE replied:

The Minister for Water Resources has provided the following reply -

(1) As was announced by the Minister for Water Resources immediately prior to Easter, the Water Authority is currently considering options for contracting out the operations and maintenance of its metropolitan wastewater treatment plants. Options related to country plants will be considered together with other "contracting out" options in these areas.

(2) No. The Water Authority is not considering privatisation options. The Government is committed to having the Water Authority retain ownership and control of its assets.

(3) The Water Authority intends to consider the option of a BOOT scheme in the provision of the proposed Alkimos WWTP north of Perth. However, this plant will not be constructed before the turn of the century and the BOOT option will be further considered when final decisions are made later this century.

(4) It is anticipated that a decision on metropolitan WWTPs before the end of May 1995.

WATER AUTHORITY - DAMOND, T.; HALL, A.
*Project Development Work*

911. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

(1) What was the purpose of the project development undertaken by T. Damond and A. Hall for the Water Authority of Western Australia?

(2) Over what period of time was the work undertaken?

Mr McNEE replied:

The Minister for Water Resources has provided the following reply -

(1) T. Damond is working on various information systems projects for the authority; namely, Corporate Asset register stage 2, direct salary allocation, human resource management information system, works, supply management information system. A. Hall is working on various projects; namely, supply project, fuel management contracts classifications.

(2) T. Damond 25/7/94 ongoing.
A. Hall 25/7/94 ongoing.

WATER AUTHORITY - SMITH, T.; WATSON, I.
*Development of Section Personnel Business Analysis Skill and Process*

912. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

(1) Over what period of time did T. Smith and I. Watson assist in facilitating the development of section personnel business analysis skill and process?

(2) What was the benefit to the Water Authority of Western Australia or the public of the work undertaken?

Mr McNEE replied:

The Minister for Water Resources has provided the following reply -

(1) (a) T. Smith from 9/5/94 ongoing on a customer services system.

(b) I. Watson 9/5/94 - 5/8/94 on a review of pollution control process.

(2) (a) The customer services system is a major initiative for improvement of customer service capabilities of front counter staff.

(b) Pollution control - improvement of processes in monitoring compliance to regulations regarding pollution control.

HOSPITALS - PINJARRA
*Ward 2 Maintenance Problems, Letter from Bill Marshall*

913. Dr GALLOP to the Minister for Health:

(1) Is the Minister aware of a letter from Mr Bill Marshall, General Manager, Peel Health Service to patients' relatives apologising for problems with maintenance due to work conducted by a private contractor in relation to ward 2 at Pinjarra Hospital?

(2) Will the Minister table a copy of the letter?

Mr KIERATH replied:

(1)-(2) Yes. [See paper No 287.]

## COMMUNITY DEVELOPMENT, DEPARTMENT FOR - LAKE JASPER PROJECT

922. Mr BROWN to the Minister for Community Development:

(1) Are officers of the Department of Community Development authorised to recommend the placement of juveniles at the Lake Jasper project?

(2) Under what circumstances would a recommendation be made to place a juvenile at Lake Jasper?

(3) Has an assessment been done on the benefits juveniles derive from being placed at Lake Jasper?

(4) What benefits does the department perceive a juvenile will derive from a placement at Lake Jasper?

(5) When was the last occasion the department recommended placement of a juvenile at Lake Jasper?

Mr NICHOLLS replied:

(1) Yes.

(2) As part of a case management plan made in consultation with the young person, their family and Lake Jasper staff.

(3) Yes.

(4) Education, personal development and work skills.

(5) A referral was made the week beginning 24 April 1995.

## GOLD - ROYALTY

938. Mr RIPPER to the Minister for Resources Development:

(1) When did the Minister ask his department to prepare material on a gold royalty?

(2) When did Cabinet discuss the possibility of a gold royalty?

(3) Has Cabinet made any decision to rule out a gold royalty?

Mr C.J. BARNETT replied:

(1) During the first week in April 1995.

(2) An informal discussion occurred on Monday, 24 April 1995.

(3) No formal proposal has been presented to Cabinet; therefore Cabinet has not made any decisions relating to a gold royalty.

## WATER INDUSTRY REFORM IMPLEMENTATION GROUP - JONES, PETER

*Remuneration Package*

992. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

(1) Further to question on notice 377 of 1995, when will the remuneration package to be paid to Mr Peter Jones be finalised?

(2) What is an estimate of the package that is being considered?

Mr McNEE replied:

The Minister for Water Resources has provided the following reply -

(1)-(2) The Salaries and Allowances Tribunal has been requested to determine the level of remuneration payable to Hon Peter Jones. No estimate has been made.

WATER AUTHORITY - RESTRUCTURE, LEGISLATION

1199. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

(1) Will the Minister be bringing legislation for the restructuring of the Water Authority of Western Australia to Parliament this year?

(2) If so, when?

Mr McNEE replied:

The Minister for Water Resources has provided the following reply -

(1) Yes.

(2) The spring session.

HEALTH DEPARTMENT - GRACEY, DR MICHAEL, KIMBERLEY TOUR

1275. Dr GALLOP to the Minister for Health:

I refer to the Minister's written answer to question without notice 93 of 12 April 1995 concerning a tour of the Kimberley by a team of Health Department officials led by Dr Michael Gracey, in which he states that the Director of the Aboriginal Health Police Program has had and continues to have discussions with team members over this incident and that the officers are being counselled about "appropriate procedures", and ask -

(a) what were the concerns raised by other officers in the Department about the trip;

(b) in what sense were "appropriate procedures" not followed;

(c) will the Minister indicate whether concerns were expressed by Aboriginal communities to the Health Department about this matter;

(d) has the Minister taken any steps to establish proper protocols about such field trips?

Mr KIERATH replied:

(a) An officer accompanying Dr Gracey raised the matter informally with a number of other branch offers before bringing it to the attention of the director. Another branch officer, on hearing the views expressed, also raised them with the director. The concerns centred on the appropriateness of a visitor accompanying Dr Gracey; the possible public perceptions generated by his participation; the visitor's behaviour; and the appropriateness of taking a visitor on an aircraft chartered by the branch for a particular public purpose.

(b) "Appropriate procedures" refer to behaviour and actions that are consistent with the relevant public sector laws and practices and which avoid, to the greatest degree possible, the potential for subjective opinions or misrepresentation of circumstances which may impede the work of the Aboriginal health policy and programs branch.

(c) No complaints were raised by community members.

(d) The Aboriginal health policy and programs branch, as a result of this incident, is preparing a branch instruction about such field trips.

## QUESTIONS WITHOUT NOTICE

GOLDROCK INVESTMENTS PTY LTD - PREMIER, DOCUMENTS

187. Mr McGINTY to the Premier:

Which one of the four directors of Goldrock Investments Pty Ltd gave the

Premier the minutes of board meetings that yesterday he admitted receiving - was it Mr O'Brien, Mr Vittiglia, Mr Smith or Mr Withers, brother of a former Liberal MLC?

Mr COURT replied:

I am glad the Leader of the Opposition is continuing this line of questioning.

Mr McGinty: Give us the name?

Mr COURT: I will give the name. The director of Goldrock Investments Pty Ltd to whom I was speaking is John Withers. It was within his powers to explain to me what was happening within that operation because he happens to be one of its major shareholders.

Mr McGinty: Did he give you the minutes?

Mr COURT: He gave me the documents. A number of opposition members were not in this House in the 1986-87 era so I will explain that what the Western Australian Exim Corporation Ltd did to Goldrock was absolutely scandalous.

Several members interjected.

Mr COURT: Members opposite are talking about information which has been made public because the issue was exposed in the Parliament.

Mrs Hallahan: Sit down then.

Mr COURT: Members opposite appeared to be interested in this issue so I thought I would remind them of what the documents are about. It is about a government corporation giving interest free loans to friends and relatives. It was a scandal then and it is a scandal now. Before members opposite go any further, I suggest they read *Hansard* to learn what took place inside Goldrock at that time. With regard to whether I had information that I should not have had, I advise members that this issue was investigated by the police following the complaint which was made. It was found that I had done absolutely nothing wrong. I had come into this Parliament and quite rightly exposed what was going on inside Exim. I did that for years and I will continue to do it because it was improper at the time and it is still improper today.

## CHARGES - NEW; PRICES COMPARISON

188. Mr McNEE to the Premier:

(1) Is the Premier aware of the comments made today by the Leader of the Opposition about charges in this State?

(2) How do prices in Western Australian government trading enterprises compare with those in other States?

Mr COURT replied:

(1)-(2) I did hear the comments of the Leader of the Opposition who was running around giving information about something that had yet to be announced.

Mr McGinty: It was not far off the truth.

Mr COURT: The Leader of the Opposition was not far out. However, I will explain to the House what has happened in relation to charges, because it is very much a good news story. Three main areas were referred to in the announcement today - electricity and gas, water and sewerage, and public transport. I ask the Leader of the Opposition whether he supports the Government's decision not to increase charges for electricity and gas.

Mr McGinty: Yes, but I do not support its increases in public transport fares and water rates.

Mr COURT: Does the Leader of the Opposition accept the tariff reform introduced in the water and sewerage supply service?

Mr McGinty: Coupled with the sacking of 1 500 workers, no.

Mr COURT: The third question is whether the Leader of the Opposition supports the move to increase public transport fares.

Mr McGinty: No.

Mr COURT: One case is clear cut. The Leader of the Opposition said that the Government has done the right thing with regard to electricity and gas, where for the fourth consecutive year there has been no increase in charges. That means there has been a real reduction in charges for electricity and gas to residential users. At the same time in the business sector, particularly the small business sector, there has been a considerable decline in charges. It is good that the Opposition supports one of the three moves by the Government.

In the water and sewerage areas the Government has introduced tariff reform that is revenue neutral and involves no additional funds. In fact, there is a reduction of $5m in funds from the sewerage sector. The Leader of the Opposition has said he does not support tariff reform in the water and sewerage areas. He does not support moving to a fairer user pays system. Even though the former Labor Minister for Water Resources said for years that his Government should move in that direction, it never did so. It conducted inquiries and all sorts of things, but this Government is moving down that path.

Several members interjected.

The SPEAKER: Order! There are far too many interjections. If one member is interjecting and the person answering the question accepts those interjections, I will allow them. However, I will not accept a number of people interjecting. Members should also note that it interferes with the number of questions that can be asked.

Mr COURT: With regard to public transport, the Government has reluctantly increased fares, but they still remain among the lowest in Australia.

Mr McGinty: The Chamber of Commerce and Industry and the Institute of Public Administration say there is no justification for the increases.

Mr COURT: They said there should be no increase in electricity, gas and water charges in this State although there is good reason for the public transport fares being increased because the Government is collecting only 22 per cent of the cost of running that system.

I want to explain today that this Government is being truthful about the way charges are set. Not only has there been a real decline in these key areas, but also there has been a reduction of debt. Never let us forget that the hidden agenda of the Labor Party is always to increase debt. The previous Government tended to keep its charges down artificially because it was not prepared to bring about the change and reform necessary. However, at the same time, without telling anyone, it allowed the debt to blow out in those organisations. This Government has provided the combination of a real decline in both charges and debt levels. The Leader of the Opposition runs around saying that a Labor Government would reduce third party premiums and other charges, but he does not say how they would be paid for. Obviously, a Labor Government would go on a debt binge. Debt is the political albatross hanging around the neck of the Labor Party, and it will continue to be so while the Labor Party acts in an irresponsible manner. This Government has demonstrated that with responsible management it is able to keep the lid on charges and to reduce debt.

Several members interjected.

Mr Cowan: Don't tell lies.

*Speaker's Ruling*

The SPEAKER: Order! The expression "Don't tell lies" has just been used, and

that flows from a ruling of mine yesterday, where I did not require a member to withdraw those words because, as members would be aware, the expression "Don't tell lies" can mean that a member is saying that another member is telling lies or it can be a statement to a member not to tell lies. That follows from a previous ruling or rulings in this Chamber. However, if the fact that one person used those words and was not required to withdraw will cause problems with the smooth running of the House, I will need to determine, which I now do, that the words "Don't tell lies" are unparliamentary and cannot be used.

*Questions without Notice Resumed*

GOLDROCK INVESTMENTS PTY LTD - EASTON, PENNY, DOCUMENTS

189. Mr McGINTY to the Premier:

Did the Premier give to the late Penny Easton copies of the minutes of the board meetings of Goldrock Investments?

Mr COURT replied:

In regard to the detail, I am prepared to explain exactly what took place and to speak openly before the royal commission. In regard to the detail of Goldrock and other Exim Corporation deals, Penny Easton got some of that information, the media got all of that information, and when the Corruption Commission came around the police also got all of that information. The other night, I sat down and started to read all the files on the former Government's Exim dealings, and I can feel a book coming on, because that was one of the most scandalous series of dealings that the former Government was involved in - not to the same financial extent as the Petrochemical Industries Co Ltd deal, but -

Mr McGinty: How about answering the question?

Mr COURT: I will ask the Leader of the Opposition a question.

Mr McGinty: You are the Premier. You have been fudging all week and refusing to answer questions.

The SPEAKER: Order!

Mr COURT: I will talk to you, Mr Speaker. I have been answering questions about these dealings for years and years. I am prepared to speak out, but is it not interesting that the Leader of the Opposition wants to have a shield of silence about this matter?

Mr McGinty interjected.

The SPEAKER: Order! The Leader of the Opposition will come to order.

Mr COURT: I suggest that members opposite start to read *Hansard* about all of these dealings and that at their next Caucus meeting they have a discussion about the propriety of this matter.

POLICE - LICENSING SERVICES, PINJARRA

190. Mr MARSHALL to the Minister for Police:

There is extreme concern among the community of Pinjarra that the future of police licensing services in the town is in jeopardy. Are the rumours of withdrawal of services correct?

Mr WIESE replied:

I am pleased to tell the member for Murray that the rumours which he has been hearing, which are probably being circulated by members opposite, are quite untrue. This Government does appreciate -

Several members interjected.

The SPEAKER: Order! The member for Cockburn.

Mr WIESE: This Government certainly appreciates that licensing and services

such as those provided at Pinjarra are very important in these rural towns and rural areas. It is not intended that a service as important as this -

Mr Graham interjected.

The SPEAKER: Order! The member for Pilbara.

Mr WIESE: - be withdrawn from a centre like Pinjarra.

Mr Graham interjected.

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

Mr WIESE: Let me go on - and I am sure members opposite would like me to go on - to give the House further information about some of the important changes to licensing and services. One of those changes is that the services currently carried out in some of our police licensing centres will be moved back to Australia Post. I think members opposite would know -

Mr Catania: And Australia Post will service vehicles.

Mr WIESE: It is sad sometimes to think that the member for Balcatta could actually believe that Australia Post services vehicles. I would like it on the record that that is the extent of his knowledge of the things that happen in his shadow portfolio. Renewal of vehicle, driver and firearms licences will be moved from licensing centres around the metropolitan area to Australia Post. Australia Post currently performs more than 900 000 renewals. By the end of the 1995-96 financial year, it will be performing about 1.5 million renewals. This will give the people of the metropolitan area a much better service than they have at the moment. I am sure that the people of the metropolitan area will utilise that service. However, this will not occur in country areas and licensing centres like that at Pinjarra, and many other centres in rural areas will not be affected by this change.

## WANSLEA HOUSE, COTTESLOE - FUTURE

191. Dr GALLOP to the Premier:

Some notice of the question has been given. I refer to the Government's delay in announcing its plans for Wanslea House at Cottesloe, and the traumatic effect this is having on the Cancer Support Association and other community groups that currently pay minimal rent to occupy the premises.

(1) Has the Government made a decision on the future of Wanslea House and, if so, what is the decision?

(2) Can the Premier guarantee that the Cancer Support Association and other community groups will not be forced to pay higher rents for their offices at Wanslea House, a move that would threaten their viability?

Mr COURT replied:

The Deputy Leader of the Opposition asked this question yesterday, but I did not have the answer.

(1) No.

(2) The future of the Wanslea site building currently is being examined. However, it is expected that the ongoing tenure of existing tenants will not be interrupted.

## ROADS - GREAT NORTHERN HIGHWAY, SWAN VALLEY
*Passing Lanes*

192. Mrs van de KLASHORST to the Minister representing the Minister for Transport:

In view of the serious concern expressed by Swan Valley residents about the

dangers to the community due to the lack of overtaking opportunities on the section of Great Northern Highway south from Upper Swan through the Swan Valley, will the Minister advise what urgent action will be taken to make this section of the highway safe?

Mr LEWIS replied:

I thank the member for some notice of this question.

Dr Gallop: Do you wear goggles when you go swimming in sodium cyanide?

Mr LEWIS: The Deputy Leader of the Opposition should ask Bill Grayden. Did the member not hear the story about how he fell in it and went and had a shower and he has been right ever since?

Several members interjected.

The SPEAKER: Order!

Mr LEWIS: The Minister for Transport has provided the following response -

There have been recent discussions between the shire and the Minister, and the following has been resolved: Officers from Main Roads and the Shire of Swan will meet next week to discuss suitable locations for passing lanes on Great Northern Highway. Main Roads has programmed the reconstruction of a three kilometre section of Great Northern Highway commencing at Roe Highway. Work will be carried out over two years, commencing 1996-97. The footpath from the Upper Swan Primary School to Almeria Parade and Copley Road is to be extended, and a pedestrian maze and warning bells will be installed at the rail crossing.

The power pole at the intersection of Great Northern Highway and Nolan Avenue will be relocated to enhance the traffic safety. Council officers will meet Main Roads in the next few weeks to formulate a sealing program for crossovers on to Great Northern Highway, which will be funded by the council and Main Roads.

Mrs Henderson interjected.

Mr LEWIS: Don't ask puerile questions, little woman!

Several members interjected.

The SPEAKER: Order!

Mr LEWIS: Main Roads has completed the planning for channelling works in the Bullsbrook townsite. The design and consultative phase have commenced, and the plans will be on display at Bullsbrook to attract public comment.

## SCHOOLS - CLEANERS
*Job Losses*

193. Mr McGINTY to the Premier:

I refer to the Premier's promise to be open and accountable to the people of Western Australia, and ask -

(1) Will the Premier now show some sensitivity to the 3 000 cleaners and their families, and tell them whether their jobs are to be axed?

(2) If the jobs are not to be axed, why is the Minister for Education leaking information from a report by consultants Arthur Andersen and Co to claim that getting rid of the cleaners could save $6m a year - but refusing to make the report public?

Mr COURT replied:

(1)-(2) I am not handling the situation regarding cleaners in the Education Department. I suggest that the question be put to the Minister for Education, who is responsible for it. As I said yesterday, changes are

occurring in these areas; and the whole question of the private sector doing cleaning, and the public sector, is being addressed across government. If the member wants to ask a specific question of the Minister for Education, he should do so.

AQUACULTURE - GROWTH INDUSTRY

194. Mr BOARD to the Minister for Fisheries:

I was particularly impressed with this week's announcement that Western Australia's first hatchery-reared barramundi will be supplied to Kimberley aquaculturists this week. The 20 000 fingerlings hatched from fertilised eggs supplied from the Northern Territory are to be grown to market size by commercial fish farmers at Lake Argyle. The potential for aquaculture in the northern part of our State is extraordinary. Could the Minister bring me up to date on the growth of this industry in the State?

Mr HOUSE replied:

It has been recognised for some years that aquaculture had the potential to be a successful growth industry in Western Australia. The Government allocated $4.5m in last year's Budget, over three years, to help with that development. We have appointed a director of aquaculture, and established a division within the Fisheries Department. We have appointed five regional officers to assist people who want to develop aquaculture ventures. We have a number of reasonably successful ventures and some of those are in different stages of development. Probably the most successful project, apart from the one mentioned and the mussel venture in Albany and Cockburn Sound, is the development of koonacs, yabbies and marron in rural Western Australia. One processor had a throughput of over $1m last year.

That has certainly been a success story. I expect that growth to continue. The potential for the sale of fish products continues to grow every year. It is recognised that we will not be able to take more from the ocean in future years and that potential must be taken up by aquaculture ventures. This Government is happy to support that.

WESTERN POWER - BP CONTRACT, COGENERATION PLANT, KWINANA

195. Mr THOMAS to the Minister for Energy:

Is the Minister aware of comments by the Minister for Labour Relations in Saturday's *The West Australian* supporting Les McCarrey's call for details of government tenders and contracts to be made public in which he said, "You need the confidentiality while they negotiate but once the deal has been completed, I believe the information should be made public"?

(1) Will the Minister now release details of the terms and conditions of BP's contract with Western Power to supply electricity from its cogeneration plant in Kwinana?

(2) If not, why not?

Mr C.J. BARNETT replied:

(1)-(2) I am prepared to give consideration to that. My initial reaction would be no, for the simple reason that the energy industry is being deregulated, which means a competitive market. If every time an independent power generator that happens to do business with Western Power has its contracts made public, we will destroy the ability of people to invest in private power generation.

Mrs Henderson: That is not true.

Mr C.J. BARNETT: The member for Thornlie can make her point later. The important point is the propriety of the process, but equally it is an intensely

competitive industry. If the member for Cockburn has specific questions on that or any other contract that he wishes to ask, I may be prepared to answer. I will not say to businesses or potential future businesses that if they deal with any government agency, their commercial information will be published. Contracts are extremely complicated. I will consider specific questions.

DISABILITY SERVICES - PROMOTION; FUNDING INCREASE

196. Mr BLAIKIE to the Minister for Disability Services:

(1) What action -

Dr Gallop: How is the cash flow in the Margaret River Hospital?

Mr BLAIKIE: It is going very well and I will handle the member's question in due course.

(1) What action has the Minister taken to increase awareness of disability services?

(2) What responsibility is the Minister taking for the provision of funding, including accommodation, and support for people with disabilities in this State?

(3) Will the Government increase funding in this year's Budget and, if not, will he explain why not?

Mr MINSON replied:

(1)-(3) I thank the member for Vasse for some notice of the question. I was very concerned the last time I attended a health and community services Ministers' meeting that disability services received about 10 minutes out of the entire program. It was obvious that it was a pimple on a pumpkin so far as many Governments in Australia are concerned.

Mr Taylor: Why didn't you make sure it was on the agenda?

Mr MINSON: I have spoken with most of my counterparts in other States and to the federal Minister, and I have been able to schedule a full session on disability services at the Alice Springs meeting of health and community services Ministers which is coming up next month. I have also been given permission to give a presentation on what is happening in Western Australia. The Premier has been good enough to allow me to be absent on Budget day to make that presentation in Alice Springs. It is time that other Governments in Australia, particularly the Federal Government, had dedicated disability service Ministers. It is to the credit of the now Opposition that it introduced the first Minister dedicated to disability services. The Government supports that. It is obvious that other States, and particularly the Commonwealth Government, should follow that lead.

In line with the commonwealth-state disability agreement the State has responsibility for delivering accommodation services, while the Federal Government has responsibility for employment services, and we share the other community based options. There is a misconception that the State Government must finance it all. The shadow Minister's interjection is interesting. She has asked some questions and made public utterances on this matter, obviously in ignorance. If she were to read the Commonwealth-State Disability Agreement she would see the financial provisions for growth. It is expected that the other party - the other Government - will match the funds and that 50 per cent will go into accommodation services, 2 per cent will go into employment grow and the other 48 per cent will be divided after negotiation between all the other areas.

It is not appropriate for me to give details in response to the last part of the member's question, except to say that, as promised by the Premier, some increase will be made. Unless the Federal Government is prepared to face up to its responsibility under the CSDA, we will be very hard pressed in this State to fill the need in disability services that is so sorely obvious.

## GOLDROCK INVESTMENTS PTY LTD - EXIM, DOCUMENTS GIVEN TO PREMIER BY EASTONS

197. Mr McGINTY to the Premier:

What documents did the Premier obtain from the late Penny Easton which related to Exim Corporation or Goldrock Investments Pty Ltd or Brian Easton?

Mr COURT replied:

To the best of my knowledge, none.