Legislative Assembly

Thursday, 25 August 1988

THE SPEAKER (Mr Barnett) took the Chair at 10.45 am, and read prayers.

PERSONAL EXPLANATION

Court, Mr R. - ABC News Report

MR COURT (Nedlands - Deputy Leader of the Opposition) [10.47 am] - by leave: On the ABC news report at 7.45 this morning covering the Teachers Credit Society, the station incorrectly attributed a quote from the Premier to me. That is one of the worst things that could happen. I can assure the House that I have never said that the State Government acted with political and moral courage over the Teachers Credit Society exercise.

Mr Peter Dowding: It sounded just like you.

Mr Pearce: A very dignified statement, I thought.

Mr COURT: I have accepted an apology from the ABC, and the ABC's explanation that it was an innocent mistake. As the members of this House know only too well, I have been to the forefront in criticising the Government's handling of the TCS debacle, firstly in permitting the TCS to deteriorate in the first place, and secondly the Government's handling of the rescue operations which have seen the estimated losses balloon from $43.6 million to $119 million. I want to take the first available opportunity to make that explanation to this House, and explain that I have accepted the apology from the ABC for its error.

PETITION

Railway Network - Closures

MR BLAIKIE (Vasse) [10.52 am]: I have a petition which reads as follows -

> To: The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned oppose the closure and subsequent selling of railway line on the Capel-Busselton and Wonnerup-Nannup rail sections.
>
> Further, we request a survey be made to have the Australind Rail Service extended to Busselton, even if only on a limited weekly basis. Both lines have potential for tourist operations and with the already known large tonnages of mineral sands available to be mined in the Nannup and Augusta-Margaret River Shire areas, these should be transported by rail. Failure to recognise the importance of rail transport will increase road traffic on already busy roads and lead to an increase in the number of road accidents and road traffic fatalities.
>
> Your Petitioners therefore humbly pray that you will give this matter your earnest consideration and your Petitioners as in duty bound, will ever pray.

The petition bears 160 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 50.]

PETITION

Location of Industry - Coogee

MR PARKER (Fremantle - Deputy Premier) [10.53 am]: I have a petition couched in the following terms -

> To: The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned request the Government of Western Australia to take notice and act upon a motion as herein under stated, adopted by clear majority following debate at a Public Meeting held at Coogee on 20th April, 1988.

Motion adopted:-

> That the Government makes a commitment to not allow any additional noxious industries, particularly those related to livestock and animal products, to be located at Coogee, and that there should be a sunset clause applied to the existing industries.

Furthermore to receive and immediately act upon the proposal of the Coogee Beach Progress Association contained in their submission to the Premier.

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

The petition bears 2 148 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 51.]

PETITION

Preschool Education - Government Election Promise

DR LAWRENCE (Subiaco - Minister for Education) [10.54 am]: I have a petition which reads as follows -

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

We, the undersigned wish to petition the Government to honour it's election promise of 1986.

> "to provide all parents with the option of a place in pre-school education for their 4 year olds".

Exerpt from W.A. Australian Labor Party 1986 Election Policy Statement.

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 2 627 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 52.]

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

Report

MR CRANE (Moore) [10.55 am]: I present the Annual Report of the Public Accounts and Expenditure Review Committee for the year ended 30 June 1988. I move -

That the document be printed.

Question put and passed.

[See paper No 370.]

Mr CRANE : I also have for tabling the minutes of proceedings and transcripts of evidence taken before the Public Accounts and Expenditure Review Committee for the year ended 30 June 1988.

[See papers Nos 371, 372.]

BILLS (2) - INTRODUCTION AND FIRST READING

1. Appropriation (Consolidated Revenue Fund) Bill.
2. Appropriation (General Loan and Capital Works Fund) Bill.

Bills introduced, on motions by Mr Peter Dowding (Treasurer), and read a first time.

EFFLUENT DISPOSAL

Select Committee - Report

DR ALEXANDER (Perth) [10.59 am]: I have pleasure in presenting to the House the report of the Select Committee into Effluent Disposal. I move -

That the report be printed.

Question put and passed.

[See paper No 373.]

Dr ALEXANDER : I also present for tabling the transcripts and minutes of the Select Committee.

[See papers Nos 374, 375.]

Dr ALEXANDER: In moving that this report be printed I would like to emphasise to the House the particular importance of what it deals with - that is, the disposal of household effluent in the Perth metropolitan region. It is not a problem which is generally considered publicly in great detail. It is not a problem which excites the imagination as it tends to be out of sight, out of mind.

The committee has been the subject of numerous bad jokes over the last 12 months, none of which I will seek the indulgence of the House to repeat. However, I can say that committee members literally have been up to their necks in it for the last 12 months. We have come to the conclusion that effluent disposal is a problem of considerable importance as it bears on the whole quality of life and indeed the environment in the Perth metropolitan region. The committee concluded that for far too long Perth has relied on the conventional septic tank without considering the considerable potential risks to the environment, especially to the ground water and waterways of the metropolitan region.

As members might know, septic tanks are still responsible for effluent disposal for 35 per cent of metropolitan households, which is a higher percentage than in any other State capital city in Australia. There is considerable evidence to suggest that to allow further, even restricted, usage of septic tanks could seriously endanger the quality both of the ground water of the region and of the rivers and lakes of the region. This is basically because the sands of the coastal region, which have for too long been simply regarded as an efficient way to dispose of our waste, are not as efficient as purifying agents for effluent as was previously thought.

Accordingly the committee has made recommendations which seek to prevent septic tanks being installed except in very restricted parts of the coastal sand area of the metropolitan region, where no risks to the environment are evident. Further, the committee has recommended that all households relying on septic tanks in sewered areas be connected into the main sewerage system and that the program for sewerage backlog, which has reached serious proportions over the last 10 to 20 years, be accelerated. We have also recommended that in certain fringe areas of the metropolitan area, remote from the main sewerage system where there is no chance of the system being extended in the short term, package treatment plants be supplied as a matter of urgency.

The committee also recommends that alternative septic tank systems which have been under development for the last few years be given every encouragement and substantial trials in different soil types of the metropolitan area. Many other recommendations are contained in the report, the adoption of which we believe will considerably improve the effluent disposal situation in the region.

In closing I would like to record my thanks to my fellow committee members - to Hon Ian Thompson, who moved for the establishment of this committee last year, and to Frank Donovan, the member for Morley-Swan. As a committee we were able to work relatively harmoniously, as is demonstrated in the fact that we have a unanimous report to present to the House. I would also like to extend my thanks to the staff of the House, in particular to the Sergeant-at-Arms, John Mandy, who gave us a great deal of assistance behind the scenes and was always attentive to the committee's needs. The committee was also fortunate to have the services of a research officer, Mr Graham Ivory, who did an extremely competent job in assisting and advising the committee in its lengthy deliberations. Hansard reporters and other House staff also deserve thanks.

Finally I thank the Ministers of the Crown who made available to us information and resources for undertaking this exercise. I look forward, as I think the committee as a whole does, to the Ministers' response to this particular Select Committee report.

MR THOMPSON (Kalamunda) [11.06 am]: I would like to make some comments in support of the motion moved by the member for Perth.

I have always regarded Perth as being fortunate in that the development of this city came at a later stage than did the development of other cities in Australia. Although Perth was founded before Melbourne, because of economic activity in the Eastern States, the development of the eastern seaboard went ahead in leaps and bounds by comparison with Perth. As a result we have had the opportunity to avoid many of the mistakes made in Eastern States' capital cities. If one looks at planning - although it is in poor hands now - we have in many respects been able to take advantage of mistakes which occurred in other parts of the nation. Unfortunately in respect of the disposal of sewage generated from households that is not the case. When Melbourne had a population of 500 000 in the middle of the 1890s, it had quite a health problem. In fact the Yarra River virtually became a sewer. The city had to undertake action very smartly to ensure that the Yarra and other elements of the environment were not adversely affected in perpetuity. That city, having had that major problem, took action and over the past several decades it has ensured that this problem did not continue. In my view Melbourne now has the best sewerage system in Australia.

In Perth we have allowed development to get well ahead of our sewerage system and unfortunately the community, now and in the future, will have to pick up the tab for mistakes made in the past. In my opinion there is no great health problem resulting from our dependence on the septic tank, and I think people who read the report will see that. However, a significant environmental problem exists which is caused by septic tanks. While it is an identifiable, real problem, it is not the total reason for the nitrification of the river system and the deterioration of lakes and underground waters. Agricultural activity on the catchments is clearly making a great contribution to that problem, and it is not sufficient to deal only with the problem presented by effluent disposal in order to ensure that the Swan River does not become a green, stinking pool. That river is of immense importance to the City of Perth and to Western Australia and we should be taking steps to ensure that the quality of its water does not deteriorate. One significant thing to overcome is the problem that results from the discharge of effluent from septic tanks into the river system.

As well as looking at the problems that result from the discharge of effluent the committee looked at alternative methods of effluent disposal. I believe much encouragement should be given to people to develop other systems. Clearly, evidence before the committee indicated that some systems designed to cater for human waste are not injurious to the environment and we ought to undertake research into that area very quickly. Technically it is not difficult to produce effluent that is harmless to the environment from systems designed to service households. The problem of course is one of cost. We need continuing research to ensure we are able to take advantage of available technology at a cost which is affordable.

One aspect of concern which came before the committee - and where some impact could be made quickly - was that 30 000 homes in the metropolitan area are currently serviced by deep sewerage but are not connected. That system has gone in at a tremendous cost to the community and the community faces a problem arising from the use of septic tanks. I think it is totally unacceptable that those homes should be allowed to continue to discharge effluent into the environment, and one of the recommendations contained in the report is that people in that position should be required to connect to the sewerage system.

I agree with the member for Perth that the committee worked well. The exercise was well worth the time and effort that went into it. I certainly appreciate the support we were given by many people including Government agencies and departments and many others who gave their support to the committee. I would like to thank John Mandy and Graham Ivery for the efforts they put in as they were at the sharp end of the work. This report is one that will be acted upon very smartly.

Question put and passed.

AGRICULTURAL LEGISLATION (PENALTIES) AMENDMENT BILL

Second Reading

MR GRILL (Esperance-Dundas - Minister for Agriculture) [11.14 am]: I move -

That the Bill be now read a second time.

The Department of Agriculture is responsible, either directly or indirectly, for the administration of 54 Acts. Of these, six have been included in a Miscellaneous Repeals Act which is to be submitted to the House in 1988. These latter Acts have not been studied for the purpose of updating their penalty provisions.

The 48 Acts to be retained have been developed over a period of 116 years, the unchanged Wild Cattle Nuisance Act of 1871 being the oldest agricultural legislation on the Western Australian Statute books.

The declining value of the Australian dollar in real terms, coupled with the absence of regular updating of penalties, has necessitated an overall review of relevant sections of Acts administered by the Department of Agriculture.

Without exception, all the agricultural Acts were developed to meet specific situations at the time of their introduction. Penalty clauses were drafted with little consideration for comparable offences in existing legislation. The review of the 48 Acts to remain in force has shown a wide range of penalty values across the board for offences which the general public would see to be virtually identical. In almost every case, specific penalties have reflected what was believed to be 'reasonable' at the time and by those responsible for the development of the legislation. The position has been exacerbated by the fact that penalties in some Acts have been reviewed more regularly, while others have not been reviewed since their promulgation.

To cite some examples, first in relation to the penalty for obstructing or hindering an authorised officer in the course of his lawful duties, penalties presently range from $40 under the Bulk Handling Act to $2 000 under the Seeds Act and the Veterinary Preparations and Animal Feeding Stuffs Act. Of almost 20 Acts providing for such an offence the average penalty is around $600. It is proposed to increase this to $2 000.

Secondly, many of the Acts provide a penalty for the contravention of a lawfully issued instruction or notice. These range from $20 under the Fruit Growing Industry (Trust Fund) Act to $2 000 under the Agricultural Produce (Chemical Residues) Act. It is proposed to adopt penalties of between $2 000 and $3 000, depending upon the severity of the offence.

Thirdly, some Acts, generally those that potentially involve business enterprises serving the rural sector, have provisions for higher penalties against corporate offenders, while others in a similar situation have no such provisions. It is proposed to introduce appropriately higher penalties for corporate and other offenders in Acts like the Plant Diseases Act and the Stock Diseases (Regulations) Act. These latter Acts provide penalties for offences against the laws preventing the introduction of exotic plant and animal diseases into the State of Western Australia from other parts of Australia. In general, these have been increased in line with penalties in the Wheat Marketing Act.

Most of the agricultural statutes provide a general penalty for offences for which no specific penalty is listed. At present these range from $100 to $5 000. It is proposed to amend the present general penalties in the various Acts to bring them to $2 000 in most cases. Of course, where the function of the particular Act is directed towards offences against the State as a whole, such offences have drawn a somewhat higher penalty. In this context, and in the more general situation, the rationalisation process has recognised the need for divergence from totally uniform penalty levels where appropriate.

The proposed legislative amendments are not intended to be a major thrust against offenders, although in cases where the review has meant a significant increase this may erroneously be concluded. The proposals are a rationalisation of the present ad hoc situation and an acceptance of the fact that the courts need to be able to exercise realistic discretion when imposing fines. On the other hand, potential offenders need to realise that higher penalties are a potential risk, and should be considered as a deterrent.

No attempt to introduce additional penalty provisions has been made at this time as it is

considered more appropriate to deal with this as an issue when the legislation is next totally reviewed. At that time, consideration will be given to repealing redundant clauses and those seen to be unduly oppressive, as well as introducing a broad-based penalty units system to provide a simple means of regularly updating penalties in the context of the changing value of money in our society.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Blaikie.

WESTERN AUSTRALIAN GREYHOUND RACING AUTHORITY BILL

Second Reading

MRS BEGGS (Whitford - Minister for Racing and Gaming) [11.20 am]: I move -

That the Bill be now read a second time.

During 1986 the Government became aware of the declining financial position of the Western Australian Greyhound Racing Association. As a result the Government, through the Minister for Racing and Gaming, initiated an inquiry to examine the present and future status of the greyhound racing industry. The inquiry was conducted by Mr W.N. Mitchell of Allied Westralian Ltd. The terms of reference were as follows -

(1) to inquire into and report on the present financial situation of the WA Greyhound Racing Association;

(2) to investigate present sources and possible additional sources of revenue available to the WA Greyhound Racing Association;

(3) to report on the most appropriate management and executive structure to establish and maintain the industry on a sound commercial basis, and

(4) to recommend appropriate strategies and mechanisms to secure the long term future of the greyhound industry.

The report, which was completed in March 1987, revealed a deficit of $141 151 for the year ending 31 July 1986, compared with surpluses for the years 1982 to 1985. The report highlighted a number of reasons for the decline in revenue, including the opening of the Burswood Casino and its effect on TAB turnover. The report also highlighted the need for immediate action if the industry was to survive.

One of the main recommendations of the report was the replacement of the committee system and the consolidation of the operations of both Cannington and Mandurah under the control of a chief executive officer. The report also recommended the establishment of a three person advisory committee to assist the chief executive officer and an independent appeals tribunal. The Bill now before the House seeks legislative approval for the changed administrative structure and also provides for the appointment of an advisory committee and an appeals tribunal.

Part 2 of the Bill establishes the Western Australian Greyhound Racing Authority with a chief executive officer to exercise the functions of the authority, subject to the general control of the Minister. The authority replaces the Western Australian Greyhound Racing Association and, with it, the committee system of management. Part 2 also establishes an advisory committee of three persons appointed by the Minister to act in an advisory capacity to the chief executive officer as to the needs of the industry. Part 3 provides for a Western Australian Greyhound Racing Authority Fund as a basis for the financial accounting of the authority, subject to the Auditor General through the Financial Administration and Audit Act. The only change from the existing Act is the deletion of the reference to clubs, as the authority will be responsible for the financial accounting of all greyhound racing in the State.

Part 4 of the Bill details the powers of the authority related to the conduct, promotion, regulation and control of greyhound racing in this State. This part is substantially the same as part 5 of the repealed Act with the deletion of the provisions relating to appeals and the supervision of racing clubs. The monetary penalty in this part has been increased from a maximum of $500 to $800. Part 5 of the Bill establishes an independent appeal tribunal consisting of three persons appointed by the Minister. The appeal tribunal would have

jurisdiction to hear appeals against decisions made by the stewards relating to the registration of greyhounds, owners, trainers, trial tracks, bookmakers and bookmakers' clerks. The tribunal would also hear appeals from disqualifications and penalties imposed by the chief executive officer. Appeals will be conducted in public unless the tribunal determines otherwise.

Part 6 of the Bill makes it an offence for a greyhound race meeting to be held unless it is conducted by the authority. The penalty for conducting an unauthorised race meeting has been increased from $5 000 to $8 000. Part 7 includes the power to prescribe regulations and requires the Minister to review the operation and effectiveness of the Act after five years. This part also repeals the Western Australian Greyhound Association Act and provides for the transfer of assets and liabilities of the Mandurah Greyhound Racing Association to the authority. There are six schedules to the Bill covering the appointment of officers and other persons together with transitional and transfer provisions referred to in the Bill. As stated earlier, this Bill seeks legislative endorsement for changes, most of which are already in place. These changes have benefited the industry in the short term, and I am confident they provide a very sound base for the industry to progress in the future.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Thompson.

STATE ENGINEERING WORKS REPEAL BILL

Second Reading

MR TROY (Mundaring - Minister for Works and Services) [11.26 am]: I move -

That the Bill be now read a second time.

This legislation is necessary to complete the winding up of the State Engineering Works which was closed by this Government on 2 October 1987. Since the closure of the works all the assets have been sold and the land is currently being advertised for tender for residential development. This action has resulted in losses associated with running the works being curtailed, prime land being made available for residential development, and the future generation of a significant financial return to the Government from sale of the land. Members will be interested to know that this rationalisation of industry in a very competitive area has not resulted in a loss of employment in the State, as all equipment was purchased by the private sector and placed in existing works in and around Perth. Upon proclamation of this legislation the Board of the State Engineering Works will prepare a final annual report which will conclude the affairs of the works.

I am pleased to be able to introduce this legislation which has economic benefits to the State while retaining its engineering capacity and associated employment. I commend the Bill to the house.

Debate adjourned, on motion by Mr Court (Deputy Leader of the Opposition).

SWAN RIVER TRUST BILL

Second Reading

Debate resumed from 24 August.

MR HODGE (Melville - Minister for Waterways) [11.28 am]: I made some brief comments last night, before we adjourned for private members' business, in response to the contributions made by members of the House on this Bill, and I would like to continue my remarks today. The member for Albany made the point that this Bill could be seen as an additional bureaucracy. I said yesterday that the new Swan River Trust would not be an additional bureaucracy or authority, but would replace the Swan River Management Authority, and I do not think I need to canvass that point any further.

The next point made by the member for Albany concerned what is to become of the Jetties Act once the Swan River Trust Bill becomes law. Will the Swan River Trust Bill supersede the Jetties Act? Will the Jetties Act no longer be applicable? The short answer is no, the Jetties Act will continue to be administered through the Department of Marine and Harbours

for the purpose of licensing jetties and overwater structures. However, approval for new jetties or overwater structures will come under the Swan River Trust Bill. That means that anyone wanting to construct a new jetty over the river will make application to the Swan River Trust, which will assess that application. At the same time, the application will be assessed by the Department of Marine and Harbours, which will consider it from an engineering point of view. The Swan River Trust will consider the application from a policy and environmental point of view. If the Swan River Trust gives the go ahead for the new structure, the Department of Marine and Harbours will issue the necessary licence. That is how we envisage it working.

The member for Albany referred to local government boundaries which extend into the river at East Fremantle and Perth waters and asked whether these boundaries would be removed. The short answer again is no. It is not intended to change those boundaries at this stage as they will not affect the smooth operation of the trust. However, the situation will be kept under review and, if problems occur, it may become necessary to amend the boundaries. At this stage, though, we do not anticipate any problems and we are not planning to make changes.

Mr Watt: Would that require changes to the metropolitan region scheme boundaries?

Mr HODGE: I am not sure of the answer to that, but will check. It is possible.

The next point the member for Albany raised related to the overall role of the Waterways Commission. He asked whether the Swan River Management Authority would disappear and mentioned that Zelestis canvassed this in his report. He is correct. We are reviewing the role of the Waterways Commission. A task force has been established under the chairmanship of Barry Carbon. It is reviewing the State-wide structure of the commission. That work is well advanced and I have received interim advice from Mr Carbon on how the Waterways Commission should be restructured. It is progressing well. Of course, there will be a lot of consultations with local government and local communities before we make any final decisions. Obviously, many local communities have a close interest in how their inland waterways are managed.

Mr Watt: If changes are required that do not require legislative amendments, will some sort of report be issued for those interested people?

Mr HODGE: Yes, I anticipate that some legislative changes will be required to the Waterways Commission Act. However, administrative changes could be made without necessarily changing the legislation. We will not be making any changes unless we consult widely with interested communities and local government.

The member for Albany also expressed concern about the clause in the Bill which refers to the Minister for Waterways appointing a committee and said that it would be possible for him to appoint a committee of one under that clause. He raised that query in the context of a possible dispute arising between Ministers, possibly the Minister for Waterways and the Minister for Planning. I think he misunderstood. That clause is not intended as a dispute resolving mechanism; it is intended as an aid to the Minister for Waterways in making decisions on particular matters. Similar clauses exist in the Environmental Protection Act. If the trust gives advice to the Minister and the Minister is not certain about what action he should take, it is open to the Minister to appoint a person or a group of persons who have expertise in that area to give him advice. That is what that clause is about. While it might seem odd for the Minister to appoint a committee of one, it is legal and there is no point in appointing more than one person if one person is sufficient to do the job. An expert on a matter may reside in a tertiary institution. The Minister may employ him to give advice on that matter. While the member for Albany is concerned about the clause allowing committees of one to be appointed, there does not seem much sense in laying down that committees of more than one should be appointed to do a job when one person is sufficient.

He referred also to the new body being called the trust. I answered him by way of interjection. It will be a trust in the legal sense. It will be able to accept money from bequests or donations for the purposes of maintaining or improving the rivers. In a metaphorical sense it should be seen as the body which holds the rivers in its trust for the people of Western Australia. There is no more or less a meaning to the selection of that word than that. It appeared in the Zelestis report, it was an appropriate word, and it has been adopted.

I think the member for Albany also referred to the Minister for Waterways being able to control structures adjacent to the rivers such as the Burswood Casino and the old Swan Brewery. Direct approval by the Minister for Waterways applies only to the management area. The management area covers the waterways of the rivers and the adjacent foreshore reserves. The adjacent foreshore reserves in the main are the parks and recreation reserves under the metropolitan region scheme. There are some minor variations away from that, but they are defined on the maps and I will be tabling those maps in a moment.

Mr Watt: Developments on areas adjacent to that might affect those areas. I hope then, as a matter of public interest, the Minister will be consulted.

Mr HODGE: I was going to say that I have to be consulted by the Minister for Planning about developments on areas adjacent to foreshore reserves.

Mr Watt: That was the point I was making, because both examples I used - the casino and the old Swan Brewery - are certainly adjacent.

Mr HODGE: That is right. I have to be consulted because of possible impact on the river. Some developments may not impact on the river. However, I am entitled to be consulted about developments occurring adjacent to the river which might impact on it. I have a full say on all developments occurring in the management area. Neither the Burswood Casino nor the old Swan Brewery is sited in the parks and recreation reserves but is on land adjacent to the reserves. In those cases the State Planning Commission gives approval to developments under normal planning procedures and must consult with the Minister for Waterways and the trust before making decisions.

During the debate I was asked whether I was made aware of all planning developments for the old Swan Brewery site. The answer is yes. In particular, the Swan River Management Authority has been briefed and has had the opportunity to comment on all stages of that planning. I have received advice from the Swan River Management Authority that the effect on the river is minimal and all environmental aspects have been taken into account. In fact, the proposed development of that site will open up the area to the public and provide facilities for joggers, cyclists and people who want to fish or have better access to the river.

I was also asked whether detailed plans of the management area are available. I table maps for the information of members. The maps indicate the management areas for the Swan River Trust. The plans for the management area have been prepared and circulated to all interested local government authorities.

[See paper No 376.]

As a result of consultation with local government authorities, we have made a number of changes to the areas that were originally proposed as boundaries of the management area. We agreed to a number of requests. For example, in some areas the foreshore reserve fronts onto vast tracts of playing fields, golf courses and areas that will not have an impact on the management of the river. Boundaries have been chosen in consultation with the local authorities and generally those boundaries are along a road or other defined borders. Requests were received from two or three local authorities to include areas of private land; for instance, the Perth City Council requested that the brewery and casino land be included in the boundary. This was rejected because, as I have made clear on a number of occasions, the intention is to include reserve land and not private property in the management plan.

The member for Albany said that the Conservation Council had made the point to him that the membership of the trust did not reflect the purpose of the Bill; that is, to protect the rivers outlined in the long title of the Bill. It was not intended to have the membership of the trust based on particular interests or interest groups. It is vital to the successful operation of the trust that all its members are interested in the river and committed to its conservation and protection. I believe that the membership will do that and I point out to the member for Albany that Waterways Commissioner will be the deputy chairman of the trust. The commissioner is the person responsible for conservation and protection of the rivers and he will definitely be on the trust and, as I have said, so will the deputy chairman.

Mr Watt: Is that Noel Robbins?

Mr HODGE: Yes. In addition to that the member for Albany made the point that he, or someone who made representations to him, thought the trust was top heavy with Government

officers. I do not agree with that. Only three Government officers will be on the trust together with two representatives from the public. In private meetings I have had with the Conservation Council I have given assurances that I will be consulting with it and seeking its recommendations on who should be appointed to the trust. I agree entirely with the comments made by the member for Albany about the contribution Max Hipkins has made to the Swan River Management Authority. I appointed him to that position and while I cannot give a guarantee about which individuals will be on the trust, I have given an undertaking that I will consult with the Conservation Council about the appointments.

Of course local government will have a full time representative on the trust and on occasions it will have two representatives. I anticipate that these representatives will probably be elected by the councils.

The member for Albany also raised the point of local government authorities submitting a panel of three names from which the Minister will select an appointee to the trust. I do not see anything wrong with that. It is common practice across Government for organisations named in Acts to submit a panel of three names to the Minister from which he selects the person to be appointed. If this did not occur the Government of the day would have little flexibility and it would not be the proper way to go. Local government authorities should be prepared to have any of the three persons nominated to represent them on the trust.

I think it was the member for East Melville who mentioned that too much power will be placed in the hands of the Minister. In fact, he kept referring to the Minister for Environment. While I happen to be the Minister for both the environment and waterways -

Mr Lewis: Do not get technical.

Mr HODGE: I just want to correct what the member said. It will not always be the case that the same person is the Minister for both the environment and waterways. It is significant that this year, for the first time, the Government has created the Waterways portfolio and I think that is an important step forward.

As I said, I think it was the member for East Melville who made the point that the Minister will be given too much power and implied that local government will have too little power. I do not believe that is true. If members read the Bill carefully they will see that the role of local government is considerably strengthened under this legislation. For the first time the Local Government Association will be able to have a representative on the trust to represent its views, and should a matter come up that will affect a particular local authority, it will have the ability to nominate a second representative to the trust. Provision is made in the legislation for development proposals to be advertised and for the public to be given the opportunity to comment on them. That does not exist at the moment.

Mr Lewis: Why don't you advertise when you want to include extra land in the trust?

Mr HODGE: I will get to that point in a moment. I am working through the points raised during the second reading debate and I am dealing with the question in which the member for East Melville implied that power was being taken away from local government and vested in the Minister. While it is true that the Minister for Waterways will have the final say and definite powers, I think the elected Minister of the Crown is the appropriate person to hold that power. If he does not do the job properly he is answerable to this Parliament and, through the ballot box, to the electorate. I do not believe that there is anything wrong in the Minister being granted powers under the Statute.

Mr Lewis: Is it correct that the Minister will have absolute power to direct the trust?

Mr HODGE: He cannot direct the trust on the advice it gives. It is like the Environmental Protection Authority: The Minister cannot direct that authority on the advice the authority gives him. Obviously, once a Minister makes a decision he can say, "This is what I want done." I cannot tell the trust what advice it should give me and the same applies to the EPA, but it is my decision that is implemented.

Mr Hassell: You mean that you are responsible for its decision?

Mr HODGE: No, I am responsible for my decision. It is the advice giving body.

I come back to the point raised by the member for East Melville: He expressed concern that the long term planning procedures and conventions have been changed by this legislation in a

fundamental manner. The process proposed in this Bill is more open and accountable, but follows the planning process very closely. For example, a qualified planner will be appointed to the staff of the Swan River Trust. It has been agreed by Cabinet that a position be created and it is likely that the person who is appointed will be a planner from the State Planning Commission and will be seconded to the Swan River Trust. The member for East Melville implied that we should not adopt a special approach to the Swan and Canning Rivers and that they could be adequately dealt with under the existing planning process and through the State Planning Commission.

Mr Lewis: Mr Zelestis said that.

Mr HODGE: It is correct he did say that, but he has also offered another suggestion.

Mr Lewis: He said it could be done. I am saying that he offered an alternative and we looked closely at it. We thought that the second alternative was probably the more efficient way to go. But I point out that it is not unprecedented. For instance, Rottnest Island is managed by the Rottnest Island Authority, which has full control over all planning matters and other matters on Rottnest Island because the people of Western Australia regard Rottnest Island as a very special place that warrants special attention. I argue that the Swan and Canning Rivers are in the same category. They occupy a very special place in the hearts and minds of the people of Western Australia and they deserve special attention.

The member for East Melville was concerned that the management area would cover private land and override private property rights without compensation. I table the maps with respect to the management area.

[The paper was tabled for the remainder of the sitting.]

Mr HODGE: The management area, as set out in the schedule, covers only reserved land and water. More specifically it covers only land that is reserved for parks and recreation under the metropolitan region scheme. It is not intended that the management area cover land zoned for private development. We believe that this would create far too many complications and, as the member said, would cross over the normal planning process. That is just not on and we do not intend to do it. I think the member for East Melville was out of the Chamber when I said that a request had been made by a couple of shires, the City of Perth and the Town of Bassendean, for private land to be included. We said that was not on. We had no intention of including private land. Private land has not been included and if the member for East Melville peruses the maps he will see quite clearly that it has not been included.

Mr Lewis: Minister, with respect, I suggest that the land that you include within your maps is not all reserved under the metropolitan region scheme as regional open space. In that regard, there is a very glaring anomaly and it gives cause for discrimination in how a person's property will be dealt with. It has happened because of a simple error. It was assumed that the rivers are automatically included as reservations in the scheme.

Mr HODGE: I am not aware of any errors in the management area. If the member is so aware, I invite him to bring those errors to the attention of Dr Bruce Hamilton or myself. If there are errors, we will be happy to rectify them.

Mr Lewis: It is very important at this stage because this Bill, by virtue of its schedule and its definition of the management area, will include these areas within the management scheme. So if you proceed now, you are indeed going to include land that currently is not reserved.

Mr HODGE: The member will have to demonstrate that to me. That is not the advice that I have had from the Waterways Commission.

Mr Lewis: Sir, could I ask you to take advice during the luncheon suspension to ensure that this is not happening?

Mr HODGE: I have sought advice. I have had advice that the management area in the main very closely follows the parks and recreation reserves except where it has been modified in consultation with local government to exclude playing fields, golf courses and areas that are not of any interest to the Swan River Trust. Of course, in the park and recreation reserve there is some private land. I do not know whether that is what the member is referring to, but it is already in the scheme and is subject to certain controls by the State Planning Commission. That will not be altered under this legislation.

There was a suggestion that not enough opportunity had been given to the public to be made aware of the legislation and what it contained. I do not accept that. The Zelestis report was widely distributed. Mr Zelestis himself engaged in a very wide ranging consultation. Twenty five Government authorities were invited to make submissions to Mr Zelestis; 15 did. Twenty local government authorities were invited to make submissions; 14 did. Mr Zelestis sought public submissions through advertisements and seven private associations and six private individuals and companies made submissions. Thus a very wide and extensive consultative process was undertaken by Mr Zelestis. In addition, there was the Swan River strategy and all the public consultation that occurred with that. I then tabled the Bill here in the autumn session and it has been a public document lying on the Table of the House for months now. I fail to see how anyone who has any interest in the river could claim that he had not had an opportunity to peruse the Bill and make submissions to the Government. We made numerous changes to draft legislation as a result of representations. Indeed, I have more amendments on the Notice Paper as a result of representations from various individuals and groups. Therefore, I believe that I have demonstrated a willingness to amend the legislation when reasonable concerns or other matters have been raised.

Concerns were raised that the plans for the management area were only notional. Those plans are based directly on the metropolitan region scheme maps which are statutory plans. The boundaries of the management area are the boundaries of the metropolitan parks and recreation reserve or an identifiable cadastral boundary such as a road reserve. The boundaries can be surveyed by an authorised land officer and certified where necessary. The management plans will be available to the public. They will be supplied to all local government authorities that are affected by this legislation, all State authorities, libraries and anywhere else any member thinks should have a copy of those maps. I am willing to provide them and to ensure that they are public documents.

The Leader of the National Party spoke briefly in the debate. He seemed to support the Bill and I appreciate his support. The member for Moore seemed to speak more in his capacity as a private land holder with land going to the water's edge. He made a number of very important and valid points. It is quite true that the rivers are a regional and State asset and should be managed as such, but I acknowledge the point that individual property owners' rights are also very important. I give the undertaking that the trust will work closely with land owners and provide information and advice on how the river environment can best be managed. For example, the Bill provides for agreements to be entered into between the trust and land owners for the trust to provide assistance to the owners to manage that part of the river that they own. If, for instance, the member for Moore has a jetty, there is no reason why it cannot continue to be kept as long as it is properly maintained. Obviously, we would have an interest in ensuring that the jetty was maintained in a proper manner. To summarise, I do not see any problem with the trust cooperating as has its predecessors, the Swan River Management Authority and the Swan River Conservation Board before that. The philosophy of these authorities is one of trying to work in cooperation with land owners and local authorities.

The Deputy Leader of the Opposition, the member for Nedlands, raised a number of questions and asked how local government fits into the decision making process, particularly if the foreshore is vested in a council, and how that affects the Government's decision making power. My reply is that where the foreshore is vested in a local government authority, that local government authority will continue to manage and control that foreshore reserve. Where a proposal for a development on a foreshore development is contemplated, the developer making the proposal would submit his plans first to the local government authority. They would then go on to the Swan River Trust. The Swan River Trust would consider the matter and would provide advice to the Minister for Waterways.

In the case of any matter directly affecting the Nedlands City Council, the council would be invited to nominate a representative to sit on the trust while that matter was under consideration. If a reserve is vested in a council, without question that council will continue as now to operate and manage the reserve. If a development were proposed for that reserve, the developer would initially make application to the council, it would pass that application with its comments to the trust, the trust would examine the application and, with the benefit of a report of the council for the purposes of that discussion, the trust would provide advice to the Minister for Waterways who would make a final decision on that development.

Mr Court: Can you assure me that they will not charge the same rate for yacht clubs as CALM?

Mr HODGE: I think the rents charged by CALM are eminently fair and reasonable.

In reply to another point raised by the member for Nedlands, I assure him that the public will have plenty of opportunity to be involved in any development process that occurs. A query was raised about the Mosman Park Tea Rooms: In a case such as that under this legislation the matter would have to be advertised in the newspaper, the public would have an opportunity to make their comments to the trust, and the trust would be compelled by law to take account of those public comments when offering advice to the Minister for Waterways.

The member for Nedlands also referred to the Swan brewery and the bus station. I have already answered the query about the Swan brewery. The bus station will not be affected by this legislation because it is not in the management area and, as such, it will not directly come under the control of the Minister for Waterways.

Mr Court: I took the liberty of raising the issue of the bus station because the ornamental lakes in the freeway system come under the management area.

Mr HODGE: I understand most of those ornamental lakes will not be included in the management area, but I shall have to consult the map to give the member a hard and fast answer. The bus station is not in the management area and therefore will not be under the control of the Minister.

Mr Court: It will be a shocker.

Mr HODGE: The development of the bus station and the brewery are political matters, not environmental matters. The member is entitled to take a political stance on these developments; that is his privilege. However, at the moment I am debating an important environmental Bill and my position is that the development of the bus station and the brewery have minimal environmental considerations.

Mr Court: Putting this bus station on the side of the river, separating the city from the river, is a major environmental issue. In 50 years' time our children will ask why we allowed the city to be blocked off from the river by an ugly bus station.

Mr HODGE: The member for Nedlands is entitled to his point of view; I do not necessarily agree with it.

Mr Watt: It is a political issue but it is an environmental issue as well.

Mr HODGE: The environmental aspect is very minimal. The Environmental Protection Authority looked at the matter and decided that it was not of major environmental significance.

Mr Hassell: Was that a direction you gave them?

Mr HODGE: Of course not; the member for Cottesloe knows that I cannot direct the EPA. The Swan River Management Authority has been intimately involved in all the discussions and planning for the development of the site. No sewerage will be going into the river. The only substance going into the river will be rainwater from some of the rainwater drains; even the runoff from the air conditioning plant will be prevented from going into the river. There will be absolutely minimal impact on the environment from any proposed development of the brewery site.

I have tried to answer all the substantial points raised by members in the debate. The debate was very helpful and constructive; most members were very supportive except for the member for East Melville who indicated that he will not support the legislation. I am very disappointed in that but I thank the members of the Liberal Party and the National Party for their support. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Mr Burkett) in the Chair; Mr Hodge (Minister for Waterways) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Interpretation -

Mr LEWIS: I intend to move an amendment to include in the interpretations the definition of a person who is responsible for identifying the boundaries of land that would need to be delineated in respect of the defined area of the trust. At a later stage I shall move an amendment whereby an authorised land officer has a function with the delineation of the trust's boundary, and obviously at this stage I need to include the definition. I move an amendment -

Page 2, after line 4 - To insert the following definition -

"authorised land officer" means a person appointed under section 173 of the Land Act 1933.

Mr HODGE: I indicate at the outset that I am not prepared to accept this amendment. I understand the motivation of the member for East Melville in moving it but it is not necessary. In his remarks yesterday in the second reading debate the member touched on this matter and implied that the Minister personally would set boundaries for the management area. He asked what the Minister would know and queried whether it was appropriate for the Minister to undertake such a task, which should be done by a qualified surveyor. The stance taken by the member for East Melville reflects his lack of experience in the House with legislation and his lack of experience of being in Government. Numerous pieces of legislation exist which charge Ministers of the Crown with doing all sorts of jobs and discharging all sorts of responsibilities. Quite obviously Ministers are not appropriately qualified to do a fraction of the jobs with which they are charged, but of course everyone knows that Ministers have access to advice and advisers. Obviously Ministers act on the advice of qualified people.

It is quite clear to me that in many instances a licensed land surveyor would be required to go out in the case of a dispute over a boundary and survey the area before providing the Minister with advice. I do not hesitate to give an undertaking that should any dispute arise over boundaries I will not hesitate to employ a licensed surveyor to go out, have a look at it and write a report before coming back to give me advice. I obviously would not try to arbitrate on disputes in areas where I am not qualified to do so. Ultimately, someone has to make a decision and the decision under this Statute would be made by the Minister.

If we get into legislation, and into laying down the sorts of details of specific steps relating to what the Minister must do before he exercises powers that are provided in legislation, obviously we would finish up with voluminous legislation. My advice is that it is not necessary that this be put in the legislation. It is taken for granted that a Minister will seek appropriate advice from a licensed land surveyor or other qualified person before making a decision. I know from personal experience that most Ministers do that almost on a daily basis; that is, seek advice from professionals in various areas before making appropriate decisions.

As I said at the outset, I understand the point made by the member for East Melville and accept the validity of his argument, but I say that it is not necessary that it be included in the Bill, and that is my advice.

Mr LEWIS: It may be that I am trying to put some protection for the public into this legislation in a manner that is not the best way to go. The Bill is absolutely silent on how a person could be advised that his or her land, or property, is impacted upon, or where indeed the boundary is. I have to make this protest. I accept that it is probably clumsy and that there is a better way to do it. However, I am trying to convey to the Committee and to the Minister in particular that there is a fundamental need for people to know where the boundaries of their properties are.

It is interesting to look at the plans that have been tabled because they consist of red wiggly lines on a scale of 1:25 000. That is held out as being a delineation of people's properties when one hectare on this drawing is about two millimetres wide. The point I am making is that if I happen to own a little property on the southern river and the red line goes through that property and I want to build a garden shed on the bank of that river I must come to the Minister. What can he tell me? How can he tell me? What vehicle in the legislation gives the public the right to know? Who defines it?

The problem is that there is no definition; it is an arbitrary or notional line that is drawn and yet these are Metropolitan Region Planning Scheme maps. I accept that. However, there is such a thing as a clause 42 certificate by which any member of the public, on payment of a fee, can demand - and this is the point - that the region scheme or the administrators of that scheme tell them within a certain number of days where a boundary is by metes and bounds; that is, specifically.

Nowhere in this legislation is there an ability for the public to make these demands. Nowhere in this legislation does it say that they have to be told. If one can accept that a scale of 1:25 000 enables a person to know how his property is encumbered by the boundaries of the Swan River Trust, by golly he is a very wise man. I suggest to the Minister that this legislation is deficient in this way. For that reason it is important that we put some machinery in the legislation that gives the public the right to have an arbiter so that they know where their boundaries are.

The Surveyor General's post has been removed from the Statutes of this Parliament. Since 1829 the Surveyor General adjudicated on disputes over boundaries. In a recent amendment to the Land Act that office was removed, so there was no umpire available until amendments were moved in this House after the Government recognised the need for a person such as the Surveyor General to continue and the person in that position was given a new name of Authorised Land Officer under the Land Act. That person is responsible and is the accepted authority in courts of law on where a person's boundary is.

I am suggesting in relation to this legislation that there is no umpire and no suitable person nominated who could appear in a court of law and give expert evidence that would be accepted by that court so that a person could know, if there is a boundary dispute, where his boundary is. On that basis it is proper and right, in view of the deficiency of the current Bill, that my amendment is accepted.

Mr WATT: It is difficult to debate the proposed amendment without debating the clause to which it really applies, which the member has just been doing. With the Committee's indulgence, I will refer to clause 4 because it is closely related. Clause 4 applies to the area within which the Act will apply. Subclause (7) states -

> If any question arises as to the boundary of the management area, the Trust shall, after giving the persons and bodies interested in the resolution of the question the opportunity to make submissions to it, refer the question to the Minister with its opinion.

Subclause (8) states -

> The Minister shall submit the matter, together with the Trust's opinion, to the Governor for decision as to what is or is to be treated as the boundary of the management area, and his decision is final.

No doubt the Minister will argue that where it says "Governor" the Governor, like the Minister, will take professional advice from the surveyor.

Mr Hodge: What that really means is the Cabinet.

Mr WATT: I know. I was using it in that context, meaning that same thing. It is the Cabinet collectively, not the Minister individually. The point still remains that even the Cabinet collectively, taking individual advice, is not as well qualified to make those sorts of judgments about determining an area that is in dispute as what is being proposed by the amendment; that is, an authorised land officer, or what used to be known as the Surveyor General. So it makes good sense that the word "Governor" should be deleted and substituted with the definition which is now being proposed.

Mr HODGE: I have listened carefully to the arguments put by the member for East Melville and the member for Albany. They have not said anything to persuade me to change my position. I am amazed that they should suggest that a public servant - an authorised land officer - in the employ of perhaps the Department of Land Administration, should become the arbiter or the final decision maker on a matter as important as the setting of a boundary.

The setting of the boundary has to be a decision made by people who are accountable; that is, Ministers, members of Parliament, people who are answerable to this Parliament and to the electorate. There could be in some cases quite important issues that attract much local

controversy and interest; they could even be of considerable financial interest to individuals. The Opposition is saying that a public servant should be the final arbiter on these matters. That is a stupid suggestion. I do not accept it. I have said already that I believe the professional advice of a licensed surveyor should be sought, and that obviously will be sought, but to say that person should be the final arbiter and make the final decision, and to take it out of the hands of people who are elected and who are answerable to Parliament, such as the Minister or the Cabinet, does not make sense, and I am not prepared to accept it.

Mr LEWIS: I made the point earlier that it is a clumsy way of trying to put a bit of equity into the Bill. How is the public, by simple inquiry, going to be advised of the boundaries?

Mr Hodge: The way they are always advised - through newspaper advertisements and through advice to the local government authority, and so on. There is nothing mysterious about that.

Mr LEWIS: The Minister suggested a moment ago that I was perhaps being stupid. I suggest the comment just made by the Minister is stupid because he has not even understood the point I am making, which is that if my property is encumbered by a boundary that is coloured red on that scale mapping, I do not know where that boundary is because it is arbitrary.

Mr Hodge: It is not arbitrary. It follows the metropolitan region scheme.

Mr LEWIS: But that scheme is also arbitrary.

Mr Hodge: Yesterday you were singing the praises of that process.

Mr LEWIS: The Minister does not listen because he thinks he knows it all. Under the provisions of the metropolitan region scheme, people can have a certificate which tells them where the boundary is; and rightly so. Under the Minister's proposed Bill, people do not know. So what do they do if they want to know?

Mr Hodge: That is your interpretation.

Mr LEWIS: I happen to be correct.

Mr Taylor interjected.

Mr LEWIS: It is very smart to have interjections, but I thought we were in Committee to try to put in place legislation for the benefit of all Western Australians. It is not a matter of one upmanship and being small minded and not being able to accept a legitimate argument; it is a matter of doing the right thing for the people who are going to be affected by this legislation. That is the message I am trying to get across. I am not saying that my amendment is the proper way to go. I do not have the ability or the resources of Parliamentary Counsel to be able to go through -

Mr Gordon Hill interjected.

The CHAIRMAN: Order! It may not be of great interest to the members interjecting, but I am very interested in what the member is saying, so the only voices I need to hear are those of the Minister and the member for East Melville; and now it is the member for East Melville.

Mr LEWIS: I accept that my method may be clumsy, and I reiterate that I do not have the resources of Parliamentary Counsel to prepare amendments that would bring the legislation in order as I would see it. I am asking the Minister to at least give an undertaking to go away and examine what I have been saying, and to come back and say, "Yes; people should know or should be able to know how their land is affected. They should be able to be told where the boundary is so that they know." After all, people can be fined $20 000, with $2 000 ongoing costs, if they happen to dig a hole inside a boundary that is defined by a red line on a 1:25 000 map. Is that reasonable?

Mr Hodge: Of course it is. It is the same as the metropolitan region scheme maps.

Mr LEWIS: The Minister has not been listening.

Mr Hodge: I have been listening closely. You have just not been making any sense.

Mr LEWIS: The Minister has not been listening. Under the metropolitan region scheme, a person can find out where his boundary is. He is given a certificate.

Mr Hodge: People can still find out. I have said already that the maps will be made available in libraries and at the Swan River Management Trust.

Mr LEWIS: I am not talking about maps; I am talking about the boundary of land. The Minister can go into a suburb in his own electorate, to Zenobia or Tamar Street, where there is a major controversy raging over a tiny piece of land. The Minister should know about that.

Mr Hodge: I know all about it. What is the problem?

Mr LEWIS: It is 0.5 of a metre wide. There is a major controversy raging over five properties in the Minister's electorate, over buildings that have not in past years been built according to the correct boundary. Why is that?

Mr Hodge: They were incorrectly surveyed by a licensed land surveyor.

Mr LEWIS: The Minister is really showing his ignorance. They were not incorrectly surveyed. I think that when they were built in the 1920s or 1930s, the survey pegs were lost. The first home was built, and the others were built alongside it, and they all thought they were right. It was 70 or 80 years later that the error was found.

I am suggesting to the Minister that boundaries are important to people and a person should have the ability to know where the boundary of the trust's jurisdiction ceases. If that is unreasonable and stupid, I will stand being called unreasonable and stupid, but the Minister will carry it on his shoulders in the future as the Minister who introduced and pursued this unreasonable and inequitable piece of legislation.

Amendment put and negatived.

Mr LEWIS: The amendment which was just defeated is part and parcel of my next amendment and bearing in mind the intransigent attitude of the Minister, and his refusal to accept a commonsense argument, it is obvious -

Mr Taylor interjected.

Mr LEWIS: It is silly to say that; the Minister is suggesting that anything the Opposition comes up with must be stupid and dumb and should not be accepted.

I am proposing an amendment to benefit Western Australians, and comments like that do not in any way enhance the Minister's standing in this Parliament.

Mr Carr: We have accepted more amendments than any other Government.

Mr LEWIS: The Minister who has just interjected may have done, but the other Minister has not. He is too thick and too proud and perhaps too dumb to see the points.

Mr Bertram: How many amendments did the Court Government accept?

Mr LEWIS: We are not talking about the Court Government. If that is the criterion, it is nonsense.

Mr Hodge: I have a stack of amendments from the member for Albany which I shall accept; they are very sensible amendments.

Mr LEWIS: I know the Minister has a personal animosity against me; he is petrified of losing his seat in the very near future. But be that as it may, he does not have to take his spite out on me. Obviously, it would be better for me not to proceed with my amendment, but it is with the utmost protest.

Mr HODGE: I move -

Page 2, after line 18 - To insert the following definition -

"honorary inspector" means an honorary inspector appointed under section 64;

During further consultation with interested people after introducing this Bill it was pointed out to me that under the legislation establishing the Swan River Management Authority there was a capacity for the appointment of honorary inspectors and we have not carried that through into this legislation. I feel very strongly there should be a capacity for honorary inspectors. From time to time we have had honorary inspectors, and we may have one at present working for the Swan River Management Authority.

As a sign of my flexibility on this and my willingness to accept reasonable amendments I

agreed to include this amendment. I think it is a sensible one, and I hope the Opposition is prepared to support it.

Mr WATT: The Opposition is prepared to accept the amendment.

Mr Thomas: Will the member for East Melville accept it?

Mr Lewis: What a stupid comment!

Mr WATT: In accepting the amendment, I would like to make an observation which is similar to one I made during the debate to establish the Rottnest Island Authority, which also dealt with the appointment of honorary inspectors.

I think members have all seen from time to time the situation where some people are given a little authority and they are completely carried away. My request is that the Minister monitor these inspectors reasonably closely, so that if any cowboys are appointed to those positions they do not become carried away with their authority. I am not prejudging anybody who might be appointed, but we have seen some pretty terrible performances from some of these inspectors who are not honorary. Sometimes the paid inspectors get carried away.

We are talking about the usage of the environment of the river. Good public relations must be an absolutely essential ingredient in the performance of these officers. We have no objection to the appointment of honorary officers, but for goodness' sake let us not have some who let a little power go to their heads.

Mr HODGE: I could not agree more with the member for Albany. He has hit the nail right on the head. It is vital that we have mature, responsible people in these positions, and we will be very careful before appointing any honorary inspectors.

Also, the degree of authority they have can be regulated quite specifically by the trust. The amount of delegated power they are given is in the hands of the trust, and we envisage honorary inspectors being given power only to issue infringement notices for reasonably minor offences. They certainly will not have the power to launch prosecutions for serious offences.

Mr WATT: I seek clarification from the Minister in relation to the definition of "land", which includes "tidal land and land covered by water, whether continuously or discontinuously".

In my discussions with the Local Government Association on this Bill, some reservations were expressed about those definitions. I have not put an amendment on the Notice Paper, perhaps because I am happy to seek an explanation rather than make an issue out of it. The association felt there should be a separate interpretation. Obviously in some cases we are dealing with land covered by water, which I assume is a river which is normally covered by water, but sometimes we are dealing with flood plains and areas of that kind. The association felt there was a possibility of confusion in the interpretation.

Mr HODGE: I am not aware of any confusion on the part of local authorities about this definition. It has been defined in this way to include the waters of the Swan River and its various tributaries. As I mentioned in my second reading speech, there was a request, I think from the Shire of Bassendean, to include certain floodways in the management area. We declined to do that because those areas were private property and we did not think it was appropriate. However, I am prepared to take up the point the member has raised and discuss it with Dr Hamilton and the advisers from the Waterways Commission.

Mr LEWIS: I think this is a very important question. How can I ask the Minister if he is not listening?

Mr Hodge: That is your problem; get on with it.

Mr LEWIS: Is there any freehold land owned by private individuals included within the boundaries of the Swan River Trust other than what is already included and reserved under the metropolitan region scheme?

Mr HODGE: Not to my knowledge, but as I said earlier, if the member for East Melville has identified some private land which has been erroneously included we shall be only too happy to remove it. It is not our intention to include any private land. If he makes the information available to Dr Hamilton we will see that the boundaries are amended to exclude that area. It

was not done intentionally, if it was done. I have no evidence that it was, but if the member has elicited some information that shows we have erroneously included some private land in a flood plain that would have been entirely in error and we would be only too happy to amend it if that is the case.

Mr Lewis: Your undertaking therefore is to the effect that any privately owned land that is not currently reserved under the Metropolitan Region Scheme as open space which may be a part of the river will not be included within the trust boundaries?

Mr HODGE: That is right; that is what I just said.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 4: Area within which this Act applies -

Mr LEWIS: As I mentioned previously, it is futile for me to proceed with these amendments because of the attitude of the Minister.

Clause put and passed.

Clauses 5 and 6 put and passed.

Clause 7: Functions and powers of Trust -

Mr WATT: The amendment I have on the Notice Paper, which was actually proposed by the Western Australian National Parks and Reserves Association, has been replaced by another amendment proposed by the Minister. In the circumstances, because I have discussed the matter with him and because the wording of the amendment which he now proposes has been drafted by Parliamentary Counsel, I am quite happy not to proceed with my amendment in favour of that proposed by the Minister.

Mr HODGE: I move -

> Page 6, line 18 - To insert after the word "area" the following -
>
> , including the implementation of any general management strategy applicable to that area

As the member for Albany has indicated, I move that amendment in response to a discussion I had with him. He did have an amendment on the Notice Paper with which I agreed in principle, but I was advised by Parliamentary Counsel that the wording should be changed to that which I have moved. This will achieve the result that the member for Albany sought but with more appropriate terminology.

Amendment put and passed.

Mr WATT: I move -

> Page 6, line 23 - To insert after subparagraph (ii) the following new subparagraph -
>
> (iii) protection of wildlife habitat;

All this amendment seeks to do is to perhaps broaden the scope of the functions and powers of the trust - powers that were probably there anyway - to make them more specific and to identify the protection of the wildlife habitat of the river in addition to other protection. The word "protection" appears in subparagraph (ii) in a general sense, but this amendment seeks to be more specific about what really is a very important part of the river from an ecological and environmental point of view.

Mr HODGE: I support the amendment moved by the member for Albany. I believe this entirely disproves the unreasonable assertion made a few moments ago by the member for East Melville that I was not prepared to accept any amendments, and that the Government was inflexible and was opposing amendments just because they came from the Opposition. I reiterate that the previous amendment I moved was at the direct instigation of the member for Albany and this one has been moved by the member for Albany. I personally do not think it is strictly necessary, but the Opposition believes it is necessary and I am prepared to accept it.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 8: Consultation and matters to be considered -

Mr WATT: I move -

Page 7, line 18 - To insert after the word "amenity" the following -

and the wildlife habitat

This is simply a consequential amendment following upon the amendment that was just passed.

Mr HODGE: The Government supports this, yet another amendment from the Opposition.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 9 to 11 put and passed.

Clause 12: Membership of Trust -

Mr HODGE: I move -

Page 9, lines 18 and 19 - To delete "being an elected member of a local government authority".

I move this amendment in direct response to representations by local government that in a nomination of three names from the Local Government Association they should not be constrained to an elected member but should be able to nominate any person they believe is best suited to serve local government interests on the trust. I accept this point of view, particularly as the working relationship with the local government authority needs to be a close one if this legislation is to be successful.

Amendment put and passed.

Mr WATT: I move -

Page 9, lines 18 to 21 - To delete paragraph (f).

Paragraph (f) concerns membership of the trust. I seek to amend this clause by replacing it with a clause that allows one person to be nominated by the Local Government Association of Western Australia. In other words, it will remove the panel of three names. There have been some experiences in recent times where local government feels it has not been dealt with fairly by the process provided by this panel of three names. The Minister will no doubt try to argue that this is a standard procedure which is normally followed and adopted where a person is to be appointed to represent a group or authority. However, in recent times this has not worked as it should in certain cases. It has been suggested to me that there are some precedents; for example, one precedent affects the Minister for Local Government in respect of the Keep Australia Beautiful Council. I am advised - although I would have to check this - that the Minister in that circumstance is not entitled to request a panel of three names from the Local Government Association, but in fact the association provides the Minister with the name of its nominee.

There are obviously examples where this method of selecting from a panel of three names is not necessarily the only way to go, but recent examples involving the Minister for Waterways proves that this system is less than satisfactory. I understand that in relation to an appointment to the Swan River Management Authority a panel of three names is put forward to the Minister and listed in order of preference. The Local Government Association notifies its membership that names for a panel are required by the Minister and then the association has a ballot, which could not be fairer, to determine the order in which those names will be put to the Minister. That is obviously the order of preference. I am informed that in 1987, when the Local Government Association last submitted a panel of three names, the first name in the order of preference was that of Mayor Cruickshank, the Mayor of the City of Nedlands, followed by Mayor Charles Murphy, the Mayor of the Town of Cottesloe, who was followed by Councillor Bill Latter, from the City of Fremantle. I am not a gambling man but I know there are a few punters around this Chamber, and I would not offer long odds at all for them to punt on which of the three got the nod. Councillor Bill Latter got the job, and I think it is reasonably well known where his sympathies lie.

Mr Hodge: He is doing an excellent job too.

Mr WATT: I am not arguing about what sort of a job he is doing. I am simply arguing about the right of the Local Government Association to have its preferred person appointed to a public body like this.

In 1986 the LGA was asked to submit a panel of names; it called for nominations and conducted a ballot; then it wrote to the Minister nominating a panel of three. Again, the first name selected was that of Mayor Cruickshank, followed by Mayor John D'Orazio, from the City of Bayswater, and Councillor Barry Cromlin from the shire of Peppermint Grove. Mayor John D'Orazio got the job. Mayor Cruickshank came out on top of the ballot twice and was overlooked on both occasions. It may well be that this Government does not like something about Mayor Cruickshank but I find it a little distasteful that a person, who has been elected to public office as mayor and who is obviously thoroughly acceptable to the people of the community and to a majority of his colleagues in local government, has his name put forward on two occasions as the number one preference to represent the LGA on a Government body and yet is rejected both times. I think that is entirely unacceptable.

There are a number of other people on the trust, but clearly one person will not be able to change the world. I find it something of an affront to these people. They can be publicly humiliated in front of their colleagues when their names are submitted in a democratic way, yet they are told by the Government that they are unacceptable. It really amounts to the Government having the opportunity to accept a nominee from a panel of three and being able to have a de facto further appointment by the Minister.

I believe strongly that this amendment is sound and I urge members to support it.

Mr HODGE: At the outset I indicate that the Government will not accept this amendment. If we oppose it and it is lost, obviously the member for Albany will not need to proceed with the second part of his amendment.

I have discussed this matter in private with the member for Albany and he mentioned my view at the outset of his comments. I would like to expand on them slightly because I believe the member has put the worst possible interpretation on the clause, and has interpreted it as being that if the Government does not accept a particular person or persons from the list of three names, that is therefore a rejection of those people and the Government has something against them. That is just not the case. I do not think it is unreasonable for the Government - any Government - to ask for a panel of names from any organisation which is entitled to have a representative on a statutory body, a very important body. To remove the requirement for a panel of names really removes any discretion or flexibility from the Government to ensure the board is well balanced and representative. I consulted with the Minister for Local Government and the member for Albany is correct in what he has said. There are examples in the Statutes where bodies are not required to submit a panel of names but the practice has developed in recent years and the Minister for Local Government suggests that in the majority of cases organisations are required to put forward a panel of names.

We are moving steadily in that direction and I suggest that as new legislation is introduced and old Acts are amended we will frequently change them to require a panel of names. I am quite sure that if the Liberal Opposition is ever in Government again in this State, it will not repeal any of those clauses. It will find it sensible and convenient for the Government to have some flexibility and to have a panel of names put forward. I believe that local government should be prepared to put forward the names of three people, any of whom should be competent and acceptable to local government to represent their interests -

Mr Watt: Are you saying that Mayor Cruickshank is not competent?

Mr HODGE: Of course not. I believe local government has the ability to put forward three names of any persons, any of whom would be competent to represent local government's interests -

Mr Watt: In order of preference.

Mr HODGE: I do not believe it should necessarily be in order of preference because if that were rigidly adhered to, there would be no point in putting forward a panel of three names. They may as well put forward only one name.

Mr Watt interjected.

Mr HODGE: It is their business if they wish to do that. As far as I am concerned I look at the three names; I make inquiries; and I make value judgments as to whom I think will discharge these important duties in a most efficient and effective manner. Not being selected from the panel does not reflect on the people involved. It is not a matter for immediate interpretation that those people are acceptable or not. For that reason, the Government is not prepared to accept this amendment.

Sitting suspended from 1.00 to 2.15 pm

Mr LEWIS: Bearing in mind the Minister has made quite a point of saying this amendment gives wider scope, and that the Government has gone out of its way to open up local government and to allow it to have more say in the management and planning of the river systems, the crux of our opposition to this amendment is that we cannot understand why the Minister cannot accept that if local government wishes to nominate a person, elected by the Local Government Association, it should do so.

The whole structure of the board is extremely weighted towards bureaucracy. I do not think the Minister would deny that the chairman is a ministerial appointment and that the present structure is weighted 5:3.

I note that the Minister's subsequent amendment also removes the prohibition of other Government officers being appointed in relation to the two other persons, and we could then have only one so called independent person.

Mr Hodge: No, you are wrong. The other amendment is only to allow other people in; it does not allow Government officers in.

Mr LEWIS: Well, that is another amendment, and that is how I read it.

Notwithstanding the weighting of the committee - in the Opposition's opinion it is weighted quite heavily and unfairly towards the bureaucratic or departmental sector - the amendment would remove the ability of the Minister to approve a particular person who could be seen as being absolutely independent of the Government appointment. In other words, the person is there by right rather than the Minister having the ability to say that he does not like a person and will not have him.

Everyone would accept that if the Government is genuine in its desire to have local government representation in the way proffered, if one believes in democracy - and I understand the Minister does - the Minister should accept a nominee elected by local government. Why does the Minister need the right to say, "I don't like the shape of this person's head"? The Minister can appoint the other seven people so why can he not leave one position as an independent? The Minister's argument does not stand up on the basis of his professed desire to give local government more autonomy or a say in what goes on with this trust. I ask the Minister to reconsider the amendment put forward by the Opposition.

Amendment put and a division taken with the following result -

---

Ayes (16)

Mr Blaikie	Mr Grayden	Mr Mensaros	Mr Maslen
Mr Bradshaw	Mr Greig	Mr Fred Tubby	*(Teller)*
Mr Cash	Mr Hassell	Mr Reg Tubby	
Mr Court	Mr Lewis	Mr Watt	
Mr Crane	Mr MacKinnon	Mr Wiese	

Noes (26)

Dr Alexander	Mr Peter Dowding	Dr Lawrence	Mr Troy
Mrs Beggs	Mr Evans	Mr Marlborough	Mrs Watkins
Mr Bertram	Dr Gallop	Mr Parker	Dr Watson
Mr Bridge	Mr Grill	Mr Pearce	Mr Wilson
Mr Carr	Mrs Henderson	Mr Read	Mrs Buchanan *(Teller)*
Mr Cunningham	Mr Gordon Hill	Mr Ripper	
Mr Donovan	Mr Hodge	Mr Taylor	

Pairs

Ayes	Noes
Mr Trenorden	Mr Tom Jones
Mr Thompson	Mr P.J. Smith
Mr Schell	Mr D.L. Smith
Mr Williams	Mr Thomas

Amendment thus negatived.

Mr HODGE: I move -

> Page 9, lines 22 to 25 - To delete paragraph (g) and substitute the following paragraph -
>
> (g) 2 persons appointed by the Minister neither of whom is an elected member of a local government authority.

The reason for removing the words, "on the staff of a public authority" from clause 12(1)(g) is that Parliamentary Counsel has advised that this clause could mean that staff from tertiary and other academic institutions could not be appointed to the trust. As it is the function of this section to bring the best representatives from the community on to the trust, the Government believes the present wording is too restrictive. That is why I have moved to amend the clause to allow maximum flexibility. It is not the Government's intention to prohibit people from tertiary institutions from being appointed to the trust. In fact, it is highly probable that some of the most likely appointees to the trust will be academics from our tertiary institutions. The previous wording of the clause was too restrictive, and appeared to prevent a public servant from being appointed. This is the point I was trying to make before by way of interjection. We do not want to load the trust with public servants. By my count there will still only be three public servants. The chairman clearly will not be and the deputy chairman is the Commissioner of Waterways, Noel Robbins, who is not a public servant. There will be two other representatives on behalf of the public and at least one local government representative and, on special occasions, two. That leaves three possible public servants from the various departments with a crucial interest in the river - the State Planning Commission, the Department of Marine and Harbours and the Water Authority. The way I see the position is quite different from the way in which the member for East Melville sees it. He has put one interpretation on this, and I have put another. It depends on the angle from which it is viewed. That is the reason for this amendment, and I hope the Opposition will support it.

Mr WATT: I was interested to hear the argument the Minister put forward to support this amendment. The Opposition certainly has no argument about the possibility of a representative from a tertiary institution being appointed to the trust. Indeed, with the work which universities and tertiary institutions do on research, it may well be desirable that such a person is appointed to the trust, and I am sure he would take an independent view. The Minister and the Opposition seem to differ on the question of public servants. The view taken by some of the people who have contacted me is that they see more than just the three from the State Planning Commission, the Department of Marine and Harbours and the Water Authority representatives being "Government appointments".

Those people saw the structure of the trust as a five to three ratio in favour of Government appointees. That is the reason we felt strongly that the representative from local government should be nominated rather than selected from a panel of three submitted by local government. Under the circumstance, it is helpful that we have the Government's intentions recorded in *Hansard*. I am happy to support the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 13 to 23 put and passed.

Clause 24: Resolution may be passed without meeting -

Mr WATT: This clause states that a resolution in writing signed or assented to by each member by letter, telegram, telex or facsimile transmission, shall be as valid and effectual as if it had been passed at a meeting of the trust. This is a dangerous and bad decision making

practice to get into. Decisions of any nature must be made in an honest, truthful and objective way. In some instances members of a committee should be prepared to be persuaded by a better argument. If a decision is made by letter, telex or whatever there is no opportunity for argument. Such a situation will not allow someone to listen to another argument put forward by a member of the trust. It robs the decision making process of debate because members will not have the opportunity to say, "I never thought of that, but I do have an idea which is better than the one which has been put forward." I am sure that all members have attended think tank type meetings where someone has come up with an idea with which they had not agreed but it triggers off another idea which presents a better solution. I have not heard of the proposal outlined in this Bill before. Perhaps I have not read enough Acts or Bills but it is an undesirable method of making resolutions.

Mr HODGE: To some degree I sympathise with the sentiments expressed by the member for Albany, but he is probably over reacting and reading more into this proposal than is intended. This clause was recommended for inclusion in the Bill by Parliamentary Counsel and it is being and will be regularly used in modern pieces of legislation. I am advised that this is not an isolated instance and is designed to recognise the new technology with which we live. I would not envisage that it would be used regularly or in deciding important matters, but it will probably be used when a decision is required urgently. I would be as concerned as the member for Albany if I thought that it was to become a standard method of operation and I would not be prepared to tolerate that. However, it gives some flexibility in an emergency and will enable the trust to use electronic means of transmission to resolve urgent matters. It would be silly if we did not move with the times and include this provision in the Bill.

All members would have been involved in multiple telephone conversations. Quite often committees of various organisations have telephone link up conversations instead of meeting and it can be helpful even if it is not to make a decision, but just to hold a discussion. I do not envisage this proposal being used regularly and I certainly cannot see its being used as a standard means by which to make decisions; but it is useful to have it in the Bill.

Clause put and passed.

Clauses 25 to 34 put and passed.

Clause 35: Consultation -

Mr WATT: This clause deals with the consultative process and provides that in the preparation and review of a management program the trust will be required to consult with certain bodies. The trust will consult with the public authorities which are, in its opinion, likely to be affected in a material way by the program. It will also consult with the local government authority of a municipality that is affected in a material way by the program. The trust will also consult with the Local Government Association. Having argued on behalf of the Local Government Association that it should have nomination, I will now argue against the association and ask the Minister what makes it so special that it needs to be consulted in this manner. The Western Australian National Parks and Reserves Association raised the following query in relation to this clause and clause 39 -

> These include provisions for the referral of management programme proposals to the Local Government Association of W.A. The L.G.A. is a private association and in this respect no different to any other incorporated association, be it a yacht club or river conservation group. There is no rationale for it to be given special privileges in this way, especially as the same Clauses provide for referral to individual local authorities and the L.G.A. is already represented on the Trust.

I raised the same query when I first read the Bill and it seems a trifle odd that the association should be singled out when there are other bodies that may have a special interest in the matter under question.

Mr HODGE: There are many reasons for the inclusion of this reference to the Local Government Association. The first is that similar requirements apply in section 5AA of the planning policy under the Town Planning Act and this clause was modelled on that Act. That is the sort of consultation that occurs under the Town Planning Act.

The second reason, which I regard as more important, is that the management program is a regional program which affects the whole river, and approximately 20 local government authorities have a border on the river. Therefore, any change made to that program can have

an impact in a regional sense on a range of local government authorities. Although certain changes may have an effect on a single municipality, the Government believes that the management program and, indeed, the river are of interest and concern right across the board to all municipalities with a waterfront section and, probably even wider than that, to other municipalities in Perth who feel they have an interest in and should have a say about these matters. Because the whole thrust of this legislation is to work in a cooperative and harmonious way with local government - almost in partnership with local government - I do not regard it as inappropriate for the Government of the day to consult with the Local Government Association of Western Australia. It is a very important program and that is a wise step for the Government to take. I am surprised that the Opposition has queried that aspect because the usual concern expressed in this Chamber is that not enough consultation takes place with local government; I feel that there cannot be too much consultation with local government particularly in a matter as important as the future of the river.

Mr Watt: It is already there.

Mr HODGE: It exists for a specific local government authority but although the implications of a change to a management program may have a direct bearing on one municipality, the river is a regional reserve and is likely to impact on a number of other councils. Therefore, I see no harm in consulting other local authorities.

Clause put and passed.

Clauses 36 to 49 put and passed.

Clause 50: Development to be approved -

Mr LEWIS: In the second reading debate I referred to some parts of this legislation as draconian; I consider clause 50 to be in that category. I say that on the basis that a person could quite innocently be carrying out a development - as described in the interpretation on page 2 of the Bill - without realising that his property comes within the boundaries of the trust. If such a person dug a hole in his backyard or erected a garden shed, for example, he could be breaking the law and be subject to a maximum penalty of $20 000 with a $2 000 ongoing cost. I accept that it is highly unlikely that any magistrate would impose such a penalty; however I make that point on the basis that the Minister has stated quite categorically that it is intended that everybody should know about it. I put it to the Minister that many people whose properties will be included in the trust's boundaries are not aware of it. They may know that portion of their land is reserved under the metropolitan region town planning scheme, but at the moment they do not know that someone else will be looking over their shoulder - I refer to the Swan River Trust and the powers of the Minister to restrict the property owner's use of his land in accordance with this legislation. Some properties will be further encumbered by their automatic inclusion in the boundaries upon the proclamation of this Bill, yet the owners of those properties have not been told. The Government has not told them and I am quite sure that neither the State Planning Commission nor the Waterways Commission has told them. Has the Government forgotten these people and just decided that it is too bad and they will have to cop it? There must be some equity and people must be informed that their land is included with the trust's boundaries.

I accept the undertaking previously given by the Minister that notwithstanding the plans tabled which showed the river coloured in red, it will not be included in the trust's boundaries. That is very important indeed because much of that land is not reserved under the metropolitan region town planning scheme. I also suggest to the Minister that the plan must be redrawn because of his undertaking to this Chamber today; probably 30 per cent of the land over which he believes he has jurisdiction - the upper tributaries of the Swan River systems - will not be included in the boundaries. I do not know whether the Minister is aware of that fact. My main concern is that those people whose land is so reserved under the metropolitan region town planning scheme have not been told their land will be further encumbered by the legislation before us. It is right and proper that the Minister advise the Parliament why they have not been told. He could also indicate whether it is the intention of the trust and his department to tell these people that they will be under the jurisdiction of the trust, and that if they dig a hole, put a room on their house, or pull down a garden shed that has been there for 30 years, that they will be transgressing the law.

Mr HODGE: The penalties for unauthorised development are consistent with the sort of penalties provided for under the Environmental Protection Act.

Mr Lewis: That does not make them right.

Mr HODGE: That is a matter of opinion. They were modelled on that Act, the penalties in which were approved by the Parliament. Those penalties were not regarded as unreasonable and, therefore, I have included similar penalties for similar offences in this legislation. The member for East Melville made great play of saying that these people's private land will be further encumbered. In my opinion it is not being further encumbered; the position is precisely the same. The administration of the reserve will go from the State Planning Commission to the Swan River Trust. Nothing else will change. So it is not a further encumbrance; it really is just a different authority being charged with responsibility for enforcing the reserve.

The member gave the impression to the Parliament that people were fairly ignorant about any restrictions imposed on that portion of their land that may be included in the reserve. I do not believe that. I believe that most people who live on the river are very conscious of the fact that part of their property is in the reserve. The member for Moore demonstrated that very clearly yesterday in his contribution to the debate. He lives on the river, and spoke at some length about it, and showed that he clearly understood he has certain obligations and responsibilities, while at the same time getting a lot of pleasure and enjoyment out of living so close to the river. I understand the member for East Melville lives on the river, so I am sure he will understand. I would be surprised if anyone who lives on a property going down to the water and included in the reserve would be ignorant of the fact that before they undertake any sort of major development on such property, they have to check with the appropriate authority. In the past, that authority has been the SPC; in the future it will be the Swan River Trust.

It is really to exaggerate the debate and take it to extremes to talk about people being fined $20 000 for digging a hole in their backyard. Everyone knows that is not going to happen. I guess theoretically that could be argued, but let us try to keep this debate sensible. What we are really talking about is trying to protect that part of the reserve from unauthorised development that may have an impact on the river. If such people are denied approval to go ahead and build their boatshed, or whatever they want to build, the compensation provisions of the Act are applicable, as they would be if they were refused permission by the SPC. I do not see what the member for East Melville is getting so hot and bothered about. In my opinion, the penalties are not unreasonable. They are similar to those in other legislation passed by this Parliament in recent years.

Mr LEWIS: The Minister has missed the point about the $20 000 fine. I accept that fine would probably never be imposed. The question I was putting to the Minister is whether he is prepared to tell people that they will come under the -

Mr Hodge: I have answered that. I said that people already know.

Mr LEWIS: That is in the Minister's opinion.

Mr Hodge: Yes, and it is only in your opinion that they do not know.

Mr LEWIS: I am not talking about property that happens to be on the actual Swan River estuary, as it were; I am talking about property down in the southern river and the like.

Mr Thomas: Where they vote Labor.

Mr LEWIS: That may be so, but they may not after this.

Mr Hodge: Nothing is changing. It is the same area as is reserved under the metropolitan region scheme parks and reserves system.

Mr LEWIS: There is a significant difference, because the Government's legislation prescribes a format of what can happen directly to the trust. Hitherto, people would have gone to their local authority and to the SPC to obtain approval.

Mr Hodge: What is the difference? They can go now to the Swan River Trust and obtain approval.

Mr LEWIS: I consider that if the Government is going to change the ground rules, it has an obligation to tell the people.

Mr Hodge: Do you think it will make a big difference to people whether they go to the SPC to get approval or to the Swan River Trust?

Mr LEWIS: There is far more power in this Bill to prohibit people, on broader grounds, from doing things than there was in the metropolitan region scheme approval system.

Mr Hodge: That is debatable.

Mr LEWIS: If the Minister does not see a need to notify the public, which will be encumbered in the future by this Bill, then so be it.

Clause put and passed.

Clauses 51 to 53 put and passed.

Clause 54: Public notice -

Mr WATT: I want to ask the Minister why it is that the trust has to give public notice of proposed developments only if it thinks they are a matter of significant public interest. What bothers me about that is it becomes a fairly subjective thing, and I am concerned that it is a recipe for argument about why something may or may not have been required to be included in a requirement to give public notice. I am told that under the Mining Act there is a requirement for all mining tenement applications to be advertised. While this may not necessarily be the same thing as an application for a mining tenement, it would be a fairly simple matter to have all proposed developments given public notice in this manner, rather than to have the need for argument about just what represents "significant public interest" or otherwise. I know it might be a bit of a nuisance to some people, but I would be interested to hear the Minister's explanation about how a definition will be applied to what represents "significant".

Mr HODGE: It is a very simple, commonsense answer. The present Swan River Management Authority and the Waterways Commission deal with dozens, if not hundreds, of applications for minor developments and for their approval and assessment of all types of developments. The member for Moore talked the other day about his jetty. It may be that he wants to do some work on his jetty to upgrade it a little bit. It seems to me it would be a nonsense for the trust to go through an elaborate procedure of advertising, as is specified in this clause, for that sort of minor procedure. However, if there was going to be a major development which the public would obviously want to have a say about, then the trust is required to advertise such development. This gives the Minister the power, if the trust does not think something is important enough to advertise, to overrule the trust and to say, "The Government certainly thinks it is important. We have had a lot of representations from the community. Therefore, we think you should advertise it." It is not unusual for that to be done. All sorts of Government authorities make value judgments. For instance, the Environmental Protection Authority makes similar value judgments about the level at which it will assess any proposal, whether that be at the internal departmental level, at the PER level or at the ERMP level.

Mr Watt: One of the problems with these sorts of things is that because of the interpretation of "significant" that I was talking about, people often feel aggrieved that they did not know about something until it was too late. That has always been a bit of a problem.

Mr HODGE: I guess it is a matter of treading a fine line between trying to involve the public as much as possible - and much of the thrust of this legislation is aimed at doing that - but not bogging down the trust in unnecessary red tape and procedures that will delay everything. If someone has a relatively minor development on their property - and the member for East Melville was talking about people digging holes to plant trees, which is taking it to extremes -

Mr Lewis: I did not mention trees.

Mr HODGE: Well, just digging holes then. But if someone has a truly minor development, that should be dealt with at an administrative level and should not clog up the important work of the Swan River Trust.

Mr Watt: I accept your explanation but I think it is important to get it on the record.

Mr HODGE: I agree, and that is why we have in there the words "if it is directed by the Minister to do so." So if the public start to yell and say, "This is important, people should be told about this, it should be advertised", the Minister has the ability to direct that it be done.

Mr Watt: My point is that if they do not know they cannot yell and scream.

Mr HODGE: Someone always knows about these things. It happens with the EPA. I am asked quite often to overrule the EPA. It may choose to assess a project at a certain level and I am often asked to overrule that assessment and increase the level of assessment. I have occasionally done that but I do not exercise that power very often.

Clause put and passed.

Clause 55: Report by Trust -

Mr HODGE: I move -

> Page 29, line 5 - To delete "The Trust shall give a copy of its report to" and substitute the following -
>
> The Minister shall give a copy of the report of the Trust to

The reason for that change is to correct a mistake that was made in the procedure. Once the trust has reported to the Minister for Waterways it is the Minister who should forward copies of the report to the interested people and organisations. The procedure as amended follows that in the Environmental Protection Act where the EPA reports to the Minister for Environment. It was an error that crept in and after the Bill was tabled it was pointed out to me that it seemed to be back to front. I agreed with that and asked that that amendment be drawn up. The idea is that the report is made by the trust to the Minister, who reads it and then causes it to be published and distributed. That is the way it works with the EPA, and it works very well. The EPA gives me advice and I cause the report to be published and released and sent to the various persons and bodies which have an interest in the matter.

Mr WATT: The Opposition accepts the Minister's explanation and supports the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 56: Steps to be taken by Minister -

Mr LEWIS: I would like the Minister to comment on subclause (3) which provides that the trust shall comply with any direction given to it under this clause. This means the Minister is absolutely in control and the trust's responsibility is only to make a report of all things to the Minister. The decision rests entirely with the Minister with all things to do with the Swan River Trust boundaries.

Mr Hodge: This really does not affect the boundaries.

Mr LEWIS: The second reading speech suggests that the trust is in place to run the river and do all things associated with it under the patronage of the Minister. I am saying that really the trust is there as a wise counsel, as it were, for the Minister's benefit, because all things that happen are under his jurisdiction as Minister for Waterways. I would like the Minister to confirm to the Parliament that that is the intent of the legislation; in other words, that the Waterways Commission is really an advisory body which has no power but must do what the Minister says in all things and really is only there to make reports to the Minister and be his wise counsel.

Mr HODGE: The member for East Melville is not quite correct. We have based this legislation very closely on the Environmental Protection Act, and it is true that under the terms of that Act the final decisions on important matters are made by the Minister responsible for the EPA; that is, the Minister for Environment. A similar philosophy has been followed in this legislation; namely, that the final policy decision on important matters is made by the Minister.

I do not feel at all uncomfortable about that. It is quite proper and appropriate and that is what we have Ministers for. Ministers are answerable to the Parliament and are elected, and the buck stops with the Minister, who must answer to the Parliament and ultimately to the electorate. The members of the Swan River Trust are not elected by the public and are not answerable to Parliament.

That is the general philosophical point, but the member for East Melville is really querying subclause (3) of this clause. That is quite irrelevant to the general philosophical point we were making. Again, this provision is very closely modelled on a similar provision in the Environmental Protection Act. It boils down to the fact that if a major or controversial

development is under way and the trust gives advice to the Minister who is convinced that there is still much controversy and public concern about a matter, this provision allows the Minister to send that advice back to the trust and say, "I do not think the public will accept that", or, "Local government is not satisfied with that advice; could you have another look at it, consult further with the proponent, or local government, or someone else and then give me some more advice?" This provision is there to give the Government an opportunity on odd occasions where things are particularly contentious or controversial to say, "Go back and have another look, consult a bit more, and advise us."

Clause put and passed.

Clause 57: Review committee -

Mr WATT: This clause was discussed to some extent during the second reading debate. I move -

Page 30, line 3 - To delete the words "one person who has, or"

The purpose of this amendment is to remove what I see as a silly situation where a review committee of one person is appointed. I have heard the Minister's explanation but I simply cannot accept that a committee of one person is adequate. In fact I looked up the definition of "a committee" in the dictionary to see if a committee could comprise only one person, but it is not in my *Concise Oxford Dictionary*. The definition given there is "a body". I suppose one could say a body is one person, although a body is usually a dead person.

I have made my point. Some would see this clause giving the opportunity for a Caesar to Caesar approach with the Minister appointing a committee of one. At least the Minister could be accused of appointing someone who was likely to give the advice the Minister wished to receive. I do not refer necessarily to the present Minister but others will follow. If we have two or more committee members we will see more consensus and fairness in the decision making process.

Mr HODGE: The Government does not accept the Opposition's amendment. I am beginning to wish the word "committee" had not been used because the member for Albany has become hung up on the word. Perhaps we should have used words such as "review process".

Regarding the reference to a Caesar to Caesar approach, this clause is not part of the appeal system; it is an advice giving process to the Minister. The final decision rests with the Minister to give the process the opportunity to obtain outside expertise separate from the trust; perhaps from a tertiary institution because the person needs to have appropriate expertise. The clause gives the opportunity to get a person in to look at a particular aspect of the problem and give the Minister advice.

Mr Watt: That is set out - I understand what it is.

Mr HODGE: I am at a loss to understand the member's concern apart from the use of the word "committee". I have checked with the Parliamentary Counsel who advises this is a correct and proper use of the word. I am surprised the member for Albany is having problems but I will not labour the point as we have discussed this in the second reading debate.

Amendment put and negatived.

Clause put and passed.

Clauses 58 and 59 put and passed.

Clause 60: Request for reconsideration of condition -

Mr LEWIS: This clause could be considered an appeal clause although I note within the legislation no mention is made of appeals or rights of people to appeal against the Minister's decision. This clause gives an applicant two requests to the Minister. In other words, Caesar unto Caesar. Over many years one of the banes of applicants - certainly under town planning legislation - was that an appeal could be made to a Minister and a decision reached in that fashion. When the Government was in Opposition it was concerned about this point - certainly in connection with the town planning process. A town planning tribunal was put in place and subsequent to that the legislation was amended to give people the ability to appeal to the town planning appeals court.

The right of appeal is fundamental to democracy. Bearing in mind that the Minister has amplified his omnipotence to deal with the Bill - his absolute jurisdiction - the public could rightly consider this clause not an appeal clause at all. Perhaps it is not; it may be an odd way of saying another appeal can be made. This is not satisfactory. Quite often in rational debate and argument people can take a different attitude to the situation notwithstanding the transience of one person. If we have only one person making a decision that person needs to be of such character that he can accept criticism and accept that maybe the original decision was wrong.

Provision should be made within this legislation to put in place an advisory tribunal which could rightfully consider legitimate appeals and the tribunal's decision conveyed to the Minister. Perhaps then the Minister could make a decision but at the moment decisions are made Minister to Minister. The situation is unfair and not acceptable in this day and age when people's fundamental rights of appeal have been raised so high, especially by people on the Government's side of this Chamber.

Mr HODGE: The member for East Melville has to a certain degree misunderstood the clause. As I have pointed out the clause provides for a request for reconsideration of a condition of a development or restriction. The member seems to be talking about the fundamental question of approval of a project. In this clause the Minister gives approval subject to a condition or restriction, and the applicant may within 28 days of receiving notice of the Minister's decision, in writing, request the Minister to reconsider.

Mr Watt: That is the nearest clause to a ministerial discretion; that is what the member for East Melville spoke about.

Mr HODGE: For the sake of accuracy and to make the situation clear, this clause relates specifically to an applicant asking the Minister to reconsider a condition or restriction that may have been imposed on a particular development. I see nothing inappropriate about asking the Minister to reconsider a restriction or condition. This legislation is based closely on the Environmental Protection Act which works very well indeed. On many occasions I have upheld appeals either in full or in part and if members look at the results they will see that has happened.

Mr Lewis: Maybe at another time when the Minister is in Opposition he will rue the day that this clause was put in place.

Mr HODGE: I do not think so. As I understand the situation appeals under the planning provisions, when made to the Minister, are final with no further appeal allowed.

Mr Lewis: There is an option.

Mr HODGE: There may be, but the member for East Melville is saying that it is not appropriate to appeal to the Minister and not have another avenue of appeal. Under the planning legislation people may choose to appeal to the Minister, but there is no other form of appeal.

I have no problem with saying that the Minister should be asked by people who feel aggrieved to reconsider a restriction he has imposed. I refer to the Environmental Protection Act and advise members that on a number of occasions I have reconsidered restrictions that I have imposed and have changed them. Members may look at the record to see that what I have said is correct. I can see nothing wrong with clause 60.

Mr LEWIS: I would like to get it correct. Clause 60 is not an appeal clause. The Minister recognises that there is no right of appeal under this Bill. The Minister has confirmed that and his comments should go on record.

Clause put and passed.

Clauses 61 and 62 put and passed.

Clause 63: Compensation -

Mr LEWIS: This clause completely ignores amendments to the trust's boundaries. Under clause 4 of the legislation an amendment to the boundaries can be made after the Minister has discussed the matter with the State Planning Commission and the local authority concerned. The anomaly is that the land would not necessarily be reserved land under the Metropolitan Region Scheme. The Bill does not say that it has to be. In other words, land

under the jurisdiction of the trust need not be reserved land under the Metropolitan Region Scheme. If this is the case there is absolutely no right to compensation for those persons whose land is not reserved under the Metropolitan Region Scheme, but has been brought under the operation of this Act. I ask the Minister whether he considers this to be discriminatory and, if so, what he will do about it.

Mr HODGE: The member for East Melville is wrong. The management area is defined in schedule 1 which describes in detail the area that is shown on the maps that I have tabled. It explains that the area so delineated may be described as comprising the waters of the Swan River, Avon River, Helena River, Southern River and Canning River and lands adjoining those waters that are reserved as parks and recreation areas under clause 12 of the Metropolitan Region Scheme and certain other land delineated on the maps referred to in the schedule.

It is perfectly clear that the Government's intention is to include only land that will be in the Metropolitan Region Scheme. There may be the odd exception of reserves vested in local authorities that are on the water's edge. It is possible under the regulation clause to include those lands; that is, reserve land. As I said this morning, it is not the Government's intention to include private land and we have gone to the trouble of demonstrating that with maps and schedules, etc. I do not know how many times I have to tell the member for East Melville that it is not the Government's intention to include private land - only land included in the Metropolitan Region Scheme. I have given that assurance several times and I hope that on this occasion I have reassured the member.

Mr LEWIS: I would like the Minister to correct me if I am wrong: He has just assured this Parliament that no land will be included within the boundaries of the trust unless it has been reserved under the Metropolitan Region Scheme.

Mr HODGE: The proviso I added was that there are one or two isolated cases where reserved land is vested in a shire and it may be appropriate to amend the maps which have been tabled to include that reserved land. I have said on several occasions that we are seeking to include reserved land and not private property.

Mr LEWIS: With the passing of time there may be a change in administration. Perhaps in three or four years' time no one would have heard or read this debate and it may well be that the trust will include certain land. The executive director of the trust may read the legislation and interpret it differently.

I accept that the Minister is genuine in what he is saying, but the laws go on. There is no provision in the Bill to prohibit the Minister from bringing forward a regulation unless at first that land has gone through the due process of rezoning as prescribed by the Metropolitan Region Scheme. That is my point and frankly I am not prepared to accept the Minister's explanation, genuine as it may be. We are dealing with Statutes that exist for years. Parliamentarians, Ministers and even heads of departments come and go and the same will apply to the members of the proposed trust who may never read the Committee debates in this House and they do not know what the undertakings of the present administration are. They mean nothing. The only time they are ever considered is in a court of law. Then the presiding judge sees the intent of the legislation and reads the debates in Parliament and makes his ruling accordingly.

Mr Thomas: He cannot take into account the debates in Parliament; he can only take into account the second reading speech.

Mr LEWIS: I bow to the superior knowledge of the member.

I would like an undertaking from the Minister. A very simple amendment to put in place the Minister's undertaking could be included in this Bill after it passes through the Assembly and before it goes to the other place. If the Minister is genuine in what he has said, that would be the right and proper course for him to follow. If that does not happen, those whose land may be included in the trust's boundary will be disenfranchised of their rights to compensation five or 10 years down the line, whereas others from day one will have the right to compensation. It is an anomaly that needs more than just an undertaking given to the Parliament by the Minister at the Table. I ask that the Minister consider what I have said and put in place a suitable amendment after the Bill leaves this Chamber before proceeding to the other place.

Mr HODGE: I have already given this matter a lot of consideration. I am prepared to give further consideration to it. I will reflect on what the member has said. I am not convinced at this stage that it is necessary. I think it is quite clear: The schedule spells it out; the maps spell it out. There is some flexibility in clause 4 to allow for some additions or deletions along the lines that I mentioned where a small reserve may be vested in a shire or some other Government authority which we wish to include. I am not anxious to take away the flexibility of the trust to be able to add or to delete those areas.

The only other comment I can make is that the member for East Melville is glossing over the fact that if this change is made it must be made by way of regulation and regulations have to come to the Parliament and be subject to scrutiny by Parliament. Thus it is not something that can be done surreptitiously or quietly. Parliament always retains the ultimate sanction of being able to disallow a regulation, and I remind the member for East Melville of that. Nevertheless I will give some more thought to the point that he has made in this regard.

Mr WATT: As the Minister has given an undertaking to talk about the matter raised by the member for East Melville, I ask him also to talk to Parliamentary Counsel with respect to clarifying the matter that I first raised. I got a bit confused about it, but I refer the Minister to the terms of subclause (5). I believe that paragraph (b) should read, "the value of the land if not so affected,". I have spoken with the departmental officer and he believes that that is right, but to me the paragraph as presently constituted is not grammatically correct. I ask the Minister to take up the matter with Parliamentary Counsel and have it corrected if it is wrong.

Mr HODGE: I will check it.

Clause put and passed.

Clause 64: Inspectors -

Mr HODGE: I move the following amendments -

Page 33, lines 20 to 23 - To delete the lines and substitute the following -

Inspectors and honorary inspectors

64. (1) The Trust may appoint -

(a) any person on its staff, including an officer or employee of the Waterways Commission, to be an inspector; or

(b) any person to be an honorary inspector,

for the purposes of enforcing Part 5 and the regulations.

(2) An honorary inspector -

(a) may be appointed for the whole or a specified part of the management area;

(b) may perform, in respect of the area of his jurisdiction, such of the functions of an inspector as may be specified in his instrument of appointment.

Page 33, line 24 - To insert after "Every inspector" the following -

or honorary inspector

Page 34, line 9 - To insert after "an inspector" the following -

or honorary inspector

This involves the appointment of inspectors and honorary inspectors. I debated the matter earlier in Committee. This is a consequential amendment.

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 65 to 68 put and passed.

Clause 69: Removal of property that is abandoned etc. -

Mr HODGE: I move -

Page 37, line 15 - To delete "(1)" and substitute the following -

(1)(a)

This was a straight out drafting error. The amendment merely corrects the drafting error.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 70 put and passed.

Clause 71: Review of Act -

Mr WATT: I do not want to dwell on this issue, but I raise the matter on behalf of the Conservation Council which was somewhat unhappy about the fact that the legislation does not spell out any public participation in the proposed review of this legislation after a period of five years. It may well be that the Minister would seek some form of participation, so I raise the matter to see just what procedure will be followed. The clause does provide that the Minister, having prepared a report based on his review, must table that report in the House, but it does not specify how the Minister is to obtain the information. I would be grateful if the Minister could indicate whether it is proposed there should be some form of public participation and, if so, how that will be achieved.

Mr HODGE: This is a standard sunset clause that goes into all new legislation these days. I have not given detailed thought to how it will work. Obviously, we would be interested to have public participation and comment relating to this matter. I am sure that will occur once the Minister's report is laid before the Houses of Parliament. I will try to ascertain how other Ministers are handling review clauses as this is a standard clause and it would be peculiar if I adopted an entirely different and separate review approach from that adopted in other portfolios. I have no fundamental objection to, and see a great deal of benefit in, public comment and participation in the review.

Clause put and passed.

Clause 72: Schedule 3 -

Mr WATT: When I came to this clause I made the notation "What on earth does it mean?" It seems incomplete. Does it mean that schedules 1 and 2 do not have effect?

Mr HODGE: Clause 72 gives effect to the transitional provisions of the Act whereby the Swan River Management Authority is dissolved and the trust takes over its rights, properties and obligations. Schedule 3 comprises the traditional provisions which are given effect under section 72 and which include dissolution of the present Swan River Management Authority and the transfer of its rights, properties and obligations to the trust.

Mr WATT: Is the Minister saying that there must be a clause there to bring schedule 3 into operation for that transition?

Mr Hodge: That is correct.

Clause put and passed.

Schedule 1 -

Mr LEWIS: I think it is necessary for the record, and maybe for the further understanding of the Minister, that he realises that the plans which have been tabled and which include in continuity the rivers right to the ends as prescribed will not automatically, under his undertaking, come under the jurisdiction of the trust because there is a large amount of land that is currently privately owned over which the rivers flow and which is not reserved under the region scheme. If the Minister is of the opinion that the red lines delineated on the plans automatically include those lands within the trust's boundaries, he is wrong. A lot of that land is not yet under the metropolitan region scheme. That being the case, there are not just one or two isolated areas that may have been left out, as it were, from compensation. I say there is a large amount of land intended to be included - and I have no argument with that - but perhaps because of a misunderstanding on what land is reserved under the region scheme to do with the rivers - that is not reserved - the land included in the Minister's undertaking and the red lines on those plans will be deleted from the area under the jurisdiction of the trust. This is the point I have been trying to make right through.

I do not think the Minister understands what I have been trying to say. If he wants the land he has delineated to come under the jurisdiction of the trust, I suggest that he put an amendment in place that will give people the right to compensation notwithstanding the fact that the land is not reserved under the metropolitan region scheme because a lot of land and a lot of people, if that land is included, will be affected by this. It can be included and we have only the Minister's word that it will not be so included. The Bill says that it will be included and people will be disfranchised of their right to compensation. I think the Bill is silent on the basis that the land the Minister intended be included is not reserved land, but the Minister thinks it is. I ask the Minister to consider what I am saying and to put an appropriate amendment in place to sort out these two anomalies; first, that in relation to the land he intends to include that is currently not reserved land the people involved are informed of what is happening and that they will be included and, secondly, that they are given the right to compensation.

Mr HODGE: The member for East Melville has raised this point several times and I have already given an undertaking that I will look at it. I repeat that if there are areas that have been included in error, we will look at them and either remove them or take other appropriate action. It is open to us to change those maps at any time before the Act is proclaimed. I have given an undertaking that we will review the matter and I have discussed it with Dr Hamilton who will be looking immediately at this aspect. I repeat that we have noted the point raised and will check on it and take appropriate action.

Schedule put and passed.

Schedules 2 and 3 put and passed.

Title put and passed.

Bill reported with amendments.

ACTS AMENDMENT (SWAN RIVER TRUST) BILL

Second Reading

Debate resumed from 2 June.

MR WATT (Albany) [3.50 pm]: This is a consequential Bill to give effect to the very many changes in departments, authorities and laws which are affected by the debate which has just concluded. Having passed the previous Bill we need to pass this consequential Bill, so the Opposition supports it.

MR HODGE (Melville - Minister for Waterways) [3.51 pm]: I thank the Opposition for its support of the Bill. The member for Albany has quite rightly said that this is really a machinery Bill to facilitate the various changes contained in the Swan River Trust legislation. It is essential that this Bill be passed by the Parliament to make the legislation work, so I appreciate the cooperation and support of the Opposition.

Question put and passed.

Bill read a second time.

Third Reading

Leave granted to proceed forthwith to the third reading.

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

MISUSE OF DRUGS AMENDMENT BILL (No 2)

Second Reading

Debate resumed from 2 June.

MR CASH (Mt Lawley) [3.54 pm]: This Bill seeks to amend the Misuse of Drugs Act in a number of areas. Firstly, it seeks to amend the definition of an analyst to that of a person being registered under section 203 of the Health Act. Secondly, it seeks to amend the definition of a botanist by deleting the words "in the Department of Agriculture", and the purpose of this amendment is the impended transfer of the WA Herbarium to the Department of Conservation and Land Management.

In the definition of "summary court", it is intended to delete the words "stipendiary", and in general terms the Opposition has no argument with these proposals. It also intends to include other authorised persons in addition to persons licensed under the Poisons Act 1964, where a person attempts to induce certain specified persons to administer or supply by injection or otherwise a prohibited drug.

It would seem that in the past prosecutions have been dismissed or have failed as a result of the prosecutor failing to establish that the pharmacist who administered the prohibited drug was a licensed person. This has occurred where the principal pharmaceutical chemist in a business may be the holder of the licence, but he delegates certain work to other chemists within the organisation, and an unlicensed chemist may be the person dispensing a prohibited drug. Under the present Act a prosecution would fail if that were the case. Again the Opposition has no objection to this amendment.

The area of concern to the Opposition is clause 7, which seeks to amend section 27 of the Act. The general proposition here is that the Commissioner of Police be given authority to instruct other police officers to destroy in whole or in part a prohibited drug or plant or other thing which may have been seized under section 26, whether or not it is intended that a prosecution be launched.

At the moment it would appear that the commissioner is entitled to order the destruction of a drug or prohibited plant or other thing which has been seized under section 26 if no case is to be answered in respect of that drug or plant. The proposal is to extend that so that even where someone is to be charged with an offence under the Misuse of Drugs Act, the commissioner would have the authority to have the drug, prohibited plant or other thing destroyed, either before or during a trial.

It will be obvious to all members that a question of justice comes into play here. The Opposition has no argument with allowing the Commissioner of Police to order the destruction of a drug or plant if no charges are to be laid, but surely, where a person is to be charged under this Act - given that some of the penalties are as high as a fine of $100 000 or imprisonment up to 25 years - it is reasonable that the evidence be available at the time of the trial for examination by the defendant or his expert analysts, or if that is not possible for logistical reasons, that an examinable quantity be set aside and kept during the time of the trial until someone has been convicted or proved innocent of a particular charge to enable the defendant's expert witnesses to examine the evidence and satisfy themselves that that is the same drug or prohibited plant which has been described under a certificate granted under section 38 of this Act. To do anything less than that would, in my view, appear to be a contradiction of an intention to see that a fair trial is afforded someone who might be charged under this Act.

The Opposition recognises the practical situation in respect of the storage of drugs seized under this Act. The Western Australia Police Force has in recent times been faced with a problem in storing prohibited plants and drugs. I understand it is the wish of certain members of the Police Force to be able to get rid of those drugs so that they are not placed in the position where those drugs may be stolen or mislaid prior to a trial. At the same time they want to clear themselves of any responsibility for ongoing storage. I recognise the problem presented to the police, but if we are to talk about justice in Western Australia as ensuring that an accused person is convicted if he is guilty but acquitted if he is innocent, it seems to me that the defendant should be entitled to fair and reasonable access to any evidence which may be led against him in a trial.

For a Commissioner of Police to have the authority to destroy evidence, either prior to or during a trial, seems to me certainly to cause a defendant to be put in a lesser position than if that evidence were made available to him. If the Crown is to charge people with offences it has an absolute obligation to ensure that the accused is not disadvantaged when it comes to inspecting evidence. It is also reasonable for a defendant to be given the opportunity during a trial to controvert any adverse testimony that may be led against him. Members should ask themselves whether an accused person can in fact controvert adverse testimony if that testimony relates to evidence that already has been destroyed.

I recognise and reiterate that the present Misuse of Drugs Act requires that an analyst or botanist issue a certificate in respect of prohibited drugs or plants and it also requires that where charges are laid a copy of that certificate be given to the accused. That is a reasonable

proposition, but at present when someone is charged and sent to trial for an offence under this Act the evidence is still available - it is still around - and if there is a dispute in relation to the certificate under section 38 of the Misuse of Drugs Act it is still possible at least to go back and check that evidence.

I put to the House the hypothetical case of an analyst or botanist under this Act examining a prohibited plant or drug, issuing a certificate, having that certificate recognised by the court, and then having the defence counsel submit that the analyst or botanist was not of sound mind when he recorded his opinion in respect of that certificate, or - even worse, and I suppose it is possible - having the defence counsel argue that the analyst or botanist had been influenced in the recording of his expert opinion about the prohibited plant or drug. I want to make it clear to the House that I have no knowledge whatsoever of that occurring to date, but I accept the advice of a number of criminal lawyers in Perth who say to me that it is a proposition that could be advanced in a court, and if it were advanced there could be some difficulty in the Crown establishing its case - a case that might reasonably be established if only there were an opportunity to go back to the evidence to check it.

If the Government's proposed amendment is to overcome the logistic problem of storing either prohibited drugs or prohibited plants, we accept that there is a problem; but we do not accept that the whole of any evidence should be able to be destroyed, either before or during a trial, unless the defendant is able also to have access to that evidence or to have his expert examine that evidence. If that were the case it is probably not unreasonable that the prohibited drug or plant be destroyed. But to take away the opportunity for a defendant or his expert to examine the evidence seems to me to prejudice any idea of a fair trial. It is true that at the moment if an accused person requires during a trial to have the prosecution's expert witness called to the court for cross-examination, that is possible; but what is the good of the defence counsel cross-examining the prosecution's expert witness if the defence counsel cannot himself call an expert witness to question that witness's evidence or show that his examination of the evidence has come up with a different answer?

As a result of this amendment I have been approached by a number of law firms in Perth which very clearly put the point that they believe an examinable quantity of the evidence should be retained at all times until someone is either convicted or acquitted of an offence, and that that examinable quantity should be made available to the defendant's expert witnesses so that they can assess the evidence, go into court and either agree or disagree with the prosecution's expert witness on that evidence.

If we look at reality and the practical situation as it is today, in about 90 per cent of the cases that come before our courts the defendant never questions the quality or quantity of the plant or drug which he is accused of having illegally. Generally the accused denies absolutely that he had anything to do with the illegal drug or plant. I am concerned that unless we are prepared to recognise that a defendant should be given access to evidence the time will come on a very serious case where the defendant's lawyers will claim that the certificate under section 38 is not an accurate representation of the illegal drug or plant and that as a result the police may not get the conviction they deserve.

I also want to make very clear to those who argue that this would inconvenience the police that I agree that it may, in some respects. However, it is fair to say that if it is only inconvenience to the police that is caused by affording someone justice, this House should see that justice is allowed to occur. I remind members of a recent case in the Northern Territory, that of Lindy Chamberlain. As I recall it, Lindy Chamberlain was accused of the murder of her infant child and much scientific evidence was introduced into the court by both the prosecution and the defence to argue whether or not this evidence could be shown to indicate the murder of an infant child.

There was the first conviction of Lindy Chamberlain; and after that a huge public outcry at the possibility that a miscarriage of justice had occurred, and that the scientists themselves may have made a mistake in giving evidence to the court. After some time, sufficient scientific evidence was made available to cause a retrial in that case. As a result of the retrial it was found that some of the scientific evidence and scientific claims made in the first trial were not necessarily correct and had to be set aside. New scientific evidence was led in the court which in the end caused many questions to be raised and later, as a result of the confusion that occurred in respect of that case, Lindy Chamberlain was released from prison.

I am not sure whether her conviction was quashed but certainly the question of scientific evidence and the confusion that surrounded certain evidence given by some expert witnesses caused tremendous problems in that case.

That confusion would not necessarily occur or certainly would occur far less often if, firstly, an examinable quantity of the drug for which someone was charged with an offence was set aside and kept for the period of the trial; secondly, the accused's expert witness should have access to the examinable quantity so that he could agree or disagree with the prosecution's expert.

I will now quote from a number of letters sent to me by some leading criminal law firms in Perth. The firms do not all necessarily believe that the setting aside of an examinable quantity of evidence is the only way to attack this problem but it is fair to say that all the law firms which approached me quite clearly saw a problem in the total destruction of evidence either prior to or during a trial where that destruction was not necessary. I am not talking here of a deceased person and where there is a need to dispose of a body. We are talking about evidence that can be stored for a period of time. I do not believe it will cause the inconvenience that some people have suggested if we were to set that aside.

One law firm in a letter to me answered, in part, in the following terms -

> I would have to admit that it is not often that one would produce contrary evidence from an Analysist or a Botanist as to the nature of the substance or the weight. Its also the case that in many situations of trial, where there is obviously going to be no dispute, the drug is not even brought into Court. It may be that photographs of the drug or the plant are brought to Court. However, the fact remains the physical evidence is available if its required, and the Analysist and the Botanist in appropriate cases can be required to attend.

The letter goes on -

> In any area of criminal law we must be ever vigilant of attempts to shift the balance against an accused person.

Further on, the letter reads -

> There may be strong arguments for such an approach, however, it would appear unsatisfactory to me for a system whereby the drug is immediately destroyed prior to a Trial. It seems to us there could well be situations where an accused person could be at a severe disadvantage.

The letter concludes -

> In my view the proposed amendment is founded on shallow justifications and could place an accused at a disadvantage.

That letter comes from a leading law firm in Perth. A letter from another firm refers to the area of the existing Act where the accused is entitled to require the prosecutor's analyst or botanist to appear in court to give evidence. The point made by this barrister is as follows -

> There seems little point in allowing the defendant to require the analyst to give evidence if there is no basis for cross examination other than speculation.

The barrister's conclusion is -

> Although the matters being dealt with here are more precise areas of forensic evidence, we need only have the reminder of the Azaria Chamberlain case for us to realise that forensic evidence is not as infallible as it might otherwise seem.

That point is well made.

If the Minister wants access to these letters I would be prepared to speak to the authors and provide the correspondence. I do not anticipate any dispute with that. I now quote in part from another letter; I do not think I am leaving out any relevant matter. This comment reads -

> However, there could be occasions where it might be important for the accused person to challenge the actual identification of the substance which is alleged to be a prohibited drug or prohibited plant, although personally I have not come across such a case.

> I have in mind that if for example it was alleged that a person had in his possession a prohibited plant which had been cultivated at a particular place, the accused might wish to have the plant examined to ascertain whether or not it could be said that soil on it indicated whether or not it came from a particular geographical area. If the plant had been long since destroyed, the opportunity to do that may well have been lost.
>
> Alternatively, if it was said that a person had in his possession a prohibited plant which had been imported from Thailand, it might be necessary to analyse that plant to see whether it had the characteristics of something from that country.

This barrister talks about a possible compromise to setting aside examinable quantities and says -

> A compromise might be to have the proposed amendment to Section 27 incorporate a proviso that the destruction of the whole or any part of a prohibited drug or prohibited plant may take place if and only if the accused consents thereto. I would envisage that in 90 per cent of the cases the accused would consent, but this would preserve the right of an accused to challenge the actual substance if in the course of his defence there was a necessity to do so.

Those comments came from a leading Queen's Counsel in Perth.

Another letter containing comments by a leading criminal barrister who has practised in overseas jurisdictions, in particular in South East Asia, reads as follows -

> I agree with the last paragraph of your letter that always the defence should be given an opportunity if they so desire of having their own Analysts or Botanist look at the material in question. When you defend drug cases of course everybody is only too anxious to say that they had nothing to do with the drug and know nothing about the drug and in the whole course of my criminal career I have never had an Analyst or Botanist inspect the drug. My clients always deny all knowledge of the drug.
>
> However, it would not be a bad precaution to have an Amendment to the effect that seven days prior to destruction of the drug that any person who has been charged with an offence relating to the drug could be given notice that if he wishes to inspect the same by his own expert then the same will be made available.
>
> This would remove any cause of complaint that the Botanist or Analyst of the defence was not in a position to inspect the same.
>
> As you know particularly in the case of heroin and cocaine the drugs are often cut with other substances. The extent of the purity therefore may be of some relevance. If a person is found in connection with one kilo of a substance only 1% pure then of course it can be relevant on those occasions.

Further on he states -

> The storage of drugs for long periods and unfortunately trials are taking longer and longer inevitably result in drugs going astray.

That barrister refers to drugs going astray in both South East Asia and other States of Australia prior to trial.

Again I confirm to the House that in any comments I make today there is certainly no intention on my part to reflect, in any way, on members of the Western Australia Police Force. I believe we have an honourable and hard working Police Force, in particular members of the drug squad who, in my opinion, do everything in their power to see that those charged with drug offences are given every opportunity for a fair trial. I say for the record that I have no knowledge whatsoever of any evidence of drugs or prohibited plants being misplaced or going astray prior to a trial in Western Australia. I accept it could happen if they were left lying around for any length of time.

I put the proposition to the Minister that while we accept the majority of amendments he has before the House we do question the amendment in clause 7 which amends section 27 of the Act. The Crown has an obligation to ensure that an accused person is not disadvantaged; that the defendant should be given an opportunity, through expert witnesses acting on his behalf, to controvert adverse testimony. The fact that an accused may be given the opportunity to controvert evidence should not be assumed to be a privilege, but should be seen to be an absolute right on the defendant's part.

The increase in the terms of imprisonment which go as high as 25 years and the monetary penalties which go as high as $100 000 have caused me to look at the Bill in a different way than would have been the case if the penalties had only been minor. I accept in terms of justice that it is not a reasonable thing for members of Parliament to do, but again one has to face reality and practicalities. This Bill includes prison terms of long periods and we are talking about a serious problem; that is, the illegal use, manufacture or distribution of prohibited drugs and plants in Western Australia. It is a problem which I recognise is getting worse year by year and the police statistics confirm that. It is important, if there is to be any amendment to the Act, that at no time should we put an accused person in a lesser position than he is at present. Certainly, this Parliament should at no time, by dint of law, take away the obvious rights to which a person is entitled in our democracy.

I am prepared to discuss the amendments that the Opposition has on the Notice Paper in a reasonable manner. If they cause grave problems to the Police Force I suggest to the Minister that rather than dismiss them completely he adjourn the debate for the time it will take to reconsider them. However, to say that the Opposition's amendments will cause problems to the Police Force and other law enforcement agencies and should not be accepted will not recognise a real problem of justice being seen to be done in this State.

MR TAYLOR (Kalgoorlie - Minister for Police and Emergency Services) [4.26 pm]: Over recent times the Government has made a special effort to tackle the drug problem in Western Australia. It is a problem that is not to be ignored and one which we will do our best to come to grips with and, if possible, stamp out.

Members may be aware that as part of the crime prevention strategy the Government, in liaison with the Commissioner of Police, has announced that the Commissioner for Police has decided that he will double the size of the drug squad. The recent graduation of 123 police officers from the academy enabled the commissioner to appoint four of those officers to the drug squad. That is part of the process of doubling the drug squad in this State.

In addition, Western Australians have the opportunity to use the drug hotline in an anonymous way if they wish to make information they have about people who are trafficking drugs available to the Police Force. The number of our hotline is 008 012468. The Government will ensure that number receives more publicity. It is a toll free number and can be used by all Western Australians in this State. I encourage people to make use of the drug hotline because undoubtedly the information they can give will be of great assistance to the police in tackling the drug problem.

The Attorney General will introduce legislation into this Parliament which will allow the confiscation of profits in relation to drug trafficking. I have had several briefings with the National Crimes Authority and the Australian Bureau of Criminal Intelligence and it has become apparent to me that a deterrent to international drug trafficking in Australia is strong laws in relation to the confiscation of profits. Such action takes away the incentive from people who engage in this activity; that is, greed. Not only will profits from drug trafficking be confiscated, but also assets that can be related to drug trafficking can be confiscated from offenders. It will prove to be a powerful weapon.

Another important weapon is one announced some weeks ago; that is, that I will be introducing into the Parliament legislation that will allow for the interception of telephone calls in relation to a number of serious offences, particularly drug trafficking. No doubt one of the best weapons the police can have against those involved in drug trafficking is the opportunity, through the Commonwealth Government and the Federal Police, to intercept telephone calls in order to have the knowledge required to combat drug trafficking in this State.

As a former Minister for Health I was also very pleased to be involved in the national drug offensive and in the national campaign against drug abuse. As part of that campaign Western Australia has been in the forefront of trying to combat drug abuse, not only the illegal and illicit drugs but also the legal drugs such as alcohol and tobacco which can cause great harm to young people. I am pleased that the member for Mt Lawley is wearing a Drinksafe badge and that a number of other members in this House are doing the same. One of the things I endeavoured to do as Minister for Health, as part of the campaign against drug abuse, was to ensure that it was a joint political campaign from both sides of the political fence. I set up a committee of people from both the Liberal Party and the National Party and including me as

Minister for Health to discuss the various issues associated with drug abuse in Western Australia. I do not know whether that committee is still going, but it was a useful way of letting members opposite know exactly what was happening as far as the national campaign was concerned.

Mr Cash: Yes, the committee is still going.

Mr TAYLOR: In that way members opposite knew exactly what was happening as far as the national campaign against drug abuse was concerned. It is a little more difficult to do that as Minister for Police and Emergency Services because obviously some of the information made known to me by national agencies, such as the National Crime Authority and the Australian Bureau of Criminal Intelligence, is highly confidential and cannot be passed on under those circumstances.

I turn now to the important matter raised by the member for Mt Lawley - the nature of the amendments he has put on the Notice Paper. I do not want to appear highly critical but I am placed in a very difficult situation as I received these amendments only yesterday. The second reading of this Bill took place almost three months ago, and it would have been better to have received these amendments some time ago.

Mr Cash: We have been relying on a parliamentary draftsman who has quite clearly been overloaded with work. I received them a couple of days before I gave them to you.

Mr TAYLOR: I do not know whether it is a matter the member for Mt Lawley thought worthy of consideration having considered the Bill himself or whether it was drawn to his attention by criminal lawyers in Perth. If the member had talked to me about that it would have been useful for those people to sit down with the law review unit in the Police Department and also the Crown Parliamentary Counsel involved in this matter to ascertain whether there may be some way around the problem raised. It is a matter of some importance. I understand completely the need for the police to deal with what can obviously be the vast quantities of drugs they collect. I referred to quantities in my second reading speech, sometimes thousands of kilograms of all sorts of plants and the like. I have looked at the area in police headquarters where these drugs are stored and it is most unsatisfactory. It is almost impossible to store some of the quantities of plants and the like collected by the police during the course of investigating these drug matters. That must be overcome one way or another.

The proposals I have presented are the means by which we can overcome some of the difficulties the police currently face, especially with regard to the storage of these materials. The Commissioner of Police cannot have these drugs destroyed unless they have been analysed by an analyst or a botanist, and a certificate provided. That is most important. The other important part is that in section 38 of the Misuse of Drugs Act, as the member for Mt Lawley mentioned, the certificate given by the analyst or botanist is regarded as sufficient evidence by the court in matters before it as far as identification and evidence in relation to drugs are concerned. It is very rare for that evidence to be challenged in any way, and I am not aware of any challenges in relation to certificates provided by an analyst or botanist with regard to the identification of drugs. We must be careful about how far we take this. One of the reasons is that in relation to drug laws quite obviously sometimes the people involved have vast resources at their disposal because of the nature of their operations in the drug trade. They are often very wealthy people and, therefore, can afford to employ the very best lawyers not only in this State but also nationally in their defence. The job of these lawyers is to get their clients off the charges, so we need legislation which has as few loopholes as possible with respect to legal challenges. That is absolutely vital as far as the Misuse of Drugs Act is concerned. That is why I am personally concerned about the late notice of these amendments, although I understand from the member for Mt Lawley that it was due to circumstances beyond his control.

Mr Cash: I approached the parliamentary draftsman on the matter a few days after you made your second reading speech and that is an indication of the problem.

Mr TAYLOR: I accept that. It is important that any amendments that come before the House on legislation of this type are absolutely spot on. That is why it was important that I referred the Opposition's amendments to the Parliamentary Counsel. He has drawn up this legislation and has also discussed the problems with the police law review unit. I point out the problems they envisage with the Opposition's amendments -

> Going through the proposed amendments, those relating to clause 7 of the Bill (and hence section 27 of the Act) appeared to cast a burden on a police officer to set aside and forward to the Commissioner of Police examinable quantities of drugs, plants, etc. in every case in which it was proposed to destroy or release a prohibited drug or prohibited plant under the proposed section 27(1). This setting aside and forwarding would apparently have to occur even if there had been no prior analysis or examination by an analyst or botanist. One can imagine the problem of dealing with, say, a single marijuana cigarette found abandoned by the roadside. Most police officers had no qualifications in the precise measurement of quantities of drugs, plants or other things with which the Act is concerned.

We have to realise that the Act is not just concerned with cannabis, marijuana, heroin and the like; all drugs of addiction, including specified drugs whether or not they are also drugs of addiction, are covered by this legislation. Parliamentary Counsel also stated that apart from the fact of the officers not having the necessary qualifications to set aside specific examinable quantities, there may be little time to spare for the extra documentation the proposed procedure would require. He also stated -

> As far as the proposed section 27(2) was concerned, the Commissioner of Police would be faced with the serious documentation and storage problems caused by the host of "examinable quantities" forwarded to him.
>
> Turning to clause 9, it was clear that analysts and botanists would have difficulty in complying with the requirements proposed . . . In the case of an examination of a microdot of LSD, for example, how could examinable quantities and samples be prepared from such a tiny original quantity? What could an analyst do with a trace of marijuana found on a smoking implement or a piece of rice paper impregnated with LSD? When, for example, cannabis oil has to be decanted from one container to another, how does one account for small quantities unavoidably left in the "empty" container? It seemed that the procedure proposed . . . might work only in the case of a bulk seizure of a substance of reasonably uniform composition.
>
> Once a quantity of, say, an alleged prohibited drug had been divided up for the purposes of the proposed procedure, questions of labelling and proof of provenance and safe custody would have to be dealt with.
>
> There was, moreover, the problem of complying with the proposed procedure in relation to defendants in remote areas far from analysts, botanists and other experts and the likelihood of long delays in such cases.
>
> If defendants were to be able to have drug samples, say, referred for analysis to persons of their own choice, it would be difficult to ensure that that choice was reconciled with the need of the Commissioner of Police to be satisfied that those drug samples were securely kept and that the persons chosen were appropriately qualified. Would it not be possible to require defendants to choose from among analysts and botanists, who were by definition not under the control of the Commissioner of Police?
>
> In short, the proposed procedures raised serious administrative and other problems and the Commissioner of Police would be bound to ask for time for extensive investigation . . .

There are problems associated with the nature of the amendment the member for Mt Lawley has put forward. At the same time I believe he has raised a matter which is worthy of further consideration, and I am not about to dismiss it lightly. I ask him whether he is prepared to take this matter through the second reading debate to the Committee stage, and whether he will give me the letters to which he referred -

Mr Cash: I will have to check.

Mr TAYLOR: I will ask Parliamentary Counsel and the law review unit of the Police Department to look at the matter. There are one or two interesting ideas such as the seven day delay, and giving people the right to say yes or no in relation to the destruction of drugs. Depending on the outcome, I will bring legislation back to the House indicating that we are prepared either to make changes or reach a compromise. As the member for Mt Lawley says, I would not want to be in a position - in a situation where people face fines of up to

$100 000 or gaol sentences of up to 25 years - of taking rights away from people which they quite properly have. At the same time, like other members of this House I find it difficult to have much sympathy with some of the lawyers involved in these cases. I have probably made clear my views in relation to lawyers on a number of occasions in this House. Nevertheless, we have to be careful. People are considered to be innocent until proved guilty, we have to abide by that principle as far as the law is concerned, and I am not about to change it in any dramatic way by this legislation.

The legislation itself, as a whole, is very necessary. Certainly the point that the commissioner has made, in relation to the need to be able to dispose of these drugs, given the quantities that are seized by the authorities these days, must be dealt with one way or another. At the same time, we are prepared to look at ensuring that the existing rights of the accused are preserved. I commend the Bill to the House, and make it quite clear that, having gone through the second reading stage, I am prepared to take the Bill back, together with the letters from the member for Mt Lawley.

Question put and passed.

Bill read a second time.

JURIES AMENDMENT BILL

Second Reading

Debate resumed from 2 June.

MR MENSAROS (Floreat) [4.44 pm]: This Bill is short; it does not contain a large number of controversial provisions, and accordingly I will spend only a short time debating it, which has not always happened with previous legislation today, provided I can see in the Chamber the Minister handling the Bill.

The Bill seeks to extend the computerised random selection of jury panels from the Supreme Court and District Court in Perth to the circuit courts in 10 different towns. The Bill also does away with the compulsory presence of justices of the peace at the selection of jury panels. In civil trials it removes the requirement for the attendance of parties or their solicitors during the selection process. Instead, the summoning officer will have to supply the list of names selected to the parties.

I have canvassed a number of criminal law practitioners for their opinions on computer selection. Generally speaking, they are not averse to the system as it currently operates in the metropolitan area, or to the extension of those arrangements to the circuit courts. I cannot see any reasonable objection to computer selection of jury panels for criminal trials. The integrity of such a process, of course, depends on the people who conduct the selection by using the computers. That is the same as with the previous system. The integrity of any selection depends on the person operating it.

Much more importantly, the Bill does not interfere with the system by which criminal juries are empanelled, and leaves intact the right of the Crown and the accused to challenge jurors. It was proposed - and this might be a question which the Minister can answer - in the second reading speech by the Attorney General when the Bill was introduced in the other place before the recess, that the legislation would be implemented on 1 July, because that is the day on which the jury books would be available. I do not know whether the fact that the legislation was not dealt with before we rose in June - although it was not controversial - has affected the consequences of that plan. What happened to the jury books?

It is also claimed that the Bill will result in the saving of court staff. This is a recurring claim whenever new technology is introduced. Based on past experience I do not believe that that is going to happen. Today we receive the same very good service from Hansard which we used to receive before the introduction not only of computers, but also of the dog boxes in the corridors, and with fewer staff. We had the same service then, and as soon as computers were introduced the number of staff increased.

The same point arose in reverse, when assuring the population that there would be no unemployment, as far back as during the industrial revolution. Again when computer systems were originally introduced a lot of people, particularly industrial unions, were seriously concerned. State authorities such as the State Energy Commission and the Water Authority, or board, as it was then, feared that there would be dismissals because computers

would take over, whereas exactly the opposite occurred. In fact, not only did the existing Water Authority staff increase but also, through the necessity for equipment maintenance, the staff of maintenance companies increased even further.

That part of the Minister's second reading speech regarding saving of staff might have been taken over as a custom and I do not think it has been given a great deal of consideration. It may be that it is impractical to be present at the computer selection. I question that because I do not know how the computer selection of the jury is made. I wonder if the Minister does.

Mr Grill: The jury is not selected by computer; the jury panel is.

Mr MENSAROS: I understand that, but I do not know what random selection means. How does it become random as opposed to pulling names out of a hat?

Mr Grill: I think a lot of these things like lotteries and bingo are done by computer rather than manually nowadays.

Mr MENSAROS: If one watches the lottery draws, they are still done mechanically with balls and rotating machines. That at least is the way they are done in Western Australia by the Lotteries Commission, and also some in the Eastern States. Criminal lawyers seem to accept the position, despite the fact I could not get an acceptable answer to satisfy my curiosity regarding random selection.

A further question which comes to mind is what happens if the computer breaks down.

The ACTING SPEAKER (Dr Alexander): The level of background conversation is so high that I am finding it very difficult to hear the member's comments and the odd interjection. Please keep the level of background conversation down.

Mr MENSAROS: I was asking what happens when the computer breaks down. According to the strict interpretation of this Bill, it would not be legally possible to go back to a physical selection. If the computer breaks down, certain things may affect the juries. Yesterday in Hansard we experienced the phenomenon of a computer breakdown and they were in difficulties. These are only comments, and the proof of the pudding is that the legislation should be tried out for a reasonable time after which it will be seen if there are any shortcomings regarding its working which can be remedied. We support the Bill.

MR GRILL (Esperance-Dundas - Minister for Agriculture) [4.53 pm]: I thank the Opposition for supporting this Bill. As the previous speaker indicated, it is a fairly straightforward Bill and one which does not cause a lot of dispute.

In respect of the specific question as to the commencement date of the legislation, the legislation has not yet commenced; it cannot commence until it has passed through the Parliament. The commencement date will have to be set now that it is due to pass through, and that date will be set in due course.

Secondly, in respect of this question of whether anything is saved by putting in computers in terms of man-hours for staff, the general experience is, as expressed by the member for Floreat, that by and large one does not see a reduction in staff as a result of installing computers. I made inquiries in other areas, and what one tends to see is a lessening of the growth of staff. But the statement I made in my second reading speech, namely that there would be a saving in time for court staff, is probably correct. There would be some saving in time as a result of using the computer rather than doing the whole thing manually, which would be fairly time consuming.

I have never seen these jury panels selected, although I have had dozens of jury trials, and I have been involved in selecting juries. All one gets is a list. I think one may be present when the list is made up if one wants to be. When I was a criminal lawyer I never took the opportunity to be present when the panel was drawn up; I normally accepted the fact that the clerk of the court was an impartial person and did it in an impartial way. The critical period was when the jury was picked from that panel. However, I can imagine doing it by computer would save some time.

In respect of the third question, which related to the technicalities of random selection, I could not tell the member just how that is done. We would probably need to bring in some sort of computer expert to tell us the technicalities behind that. I do not have that sort of knowledge.

Fourthly, what to do if the computer breaks down? I guess you get the computer fixed up and have another go. I understand this method has now operated in the metropolitan area for some time in a satisfactory way, so there has been the trial period that the member refers to. In the country there is no critical question of timing in the sense that these jury panels are normally selected some time before the session actually commences so that if there were a breakdown in a computer it would be possible either to have it fixed or to have the program go through another computer, possibly in another town or in the city. That is probably the way around it. The jury panel is not picked within an hour or two of the trial itself; it is picked some days before, so I would imagine they could find the fault, fix up the computer, or else use another computer. I hope that sheds some light on the questions put forward.

Question put and passed.

Bill read a second time.

Third Reading

Leave granted to proceed forthwith to the third reading.

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

ARTIFICIAL BREEDING OF STOCK AMENDMENT BILL

Second Reading

Debate resumed from 19 May.

MR BLAIKIE (Vasse) [4.59 pm]: This amendment to the Artificial Breeding of Stock Act was brought in some months ago. It proposed a series of changes to the Act. One of the important changes being recognised here is to authorise the appointment of certain persons known as authorised ovum transplant technicians who have knowledge of artificial breeding and have the competency to perform certain ovum transplants.

Of all the areas of agricultural techniques and expertise I think the artificial breeding of stock is probably one of the highlights of agricultural research and advanced agricultural technology because it is only a few years since it was introduced to Western Australia. In fact it was introduced in the late 1950s and since then there has been a significant development in artificial breeding technology not only in Western Australia, but also throughout Australia. There has been a series of significant developments in the various techniques of artificial breeding, which were used in the past. The Bill before the House is yet another significant stage of that advancement.

Previously only veterinary officers could carry out the operation of transplanting ovum from one animal to another, because it required a surgical incision, and it required a very experienced and competent operator to do that. Over the years there have been significant advances with this technique and the Bill introduced by the Minister for Agriculture signals yet another significant advance.

I support the proposals made by the Minister and during the Committee stage it is my intention to move an amendment to part of this legislation. Rather than delay the House further with what will probably become a repetitious debate during the Committee stage, I want to thank the Minister on behalf of the agricultural industries I represent and pay tribute to him for the role he has played in ensuring that this legislation comes before the Parliament. I wish the legislation a speedy passage, although I intend to move an amendment to it. I seek the Minister's cooperation in respect of that.

MR WIESE (Narrogin) [5.04 pm]: The National Party supports this legislation. The National Party is aware of the amendment to be moved by the member for Vasse and fully supports it.

The member for Vasse briefly outlined the history of this Bill, although he did not completely outline the need for the change which will be brought about by this Bill. Members would have a general understanding of what is involved in this legislation because over the years there have been amendments to the artificial breeding of stock legislation. These changes have roughly paralleled technological developments which have taken place in the artificial breeding of stock technology over the last 25 or 30 years in this State. In fact, this legislation runs a little behind the developments taking place in the artificial breeding industry.

We have now reached the stage where we need to amend the legislation to allow technicians to carry out the artificial insemination of animals, the collection of semen and that type of thing. The industry has developed to the point where it is concentrating not only on male animals, but also on using the genetic potential of female animals. To do that ovum must be collected, which is what this Bill authorises. Ovum collection happens at present but it has always been handled by licensed veterinary surgeons. The industry has developed to the stage where those operations can now be done by people who do not have the qualifications of a licensed veterinary surgeon, and the Bill makes it possible for ovum transplants to be done by them.

The only problem the National Party sees with the Bill is one which can be fixed by an amendment to allow the use of spinal anaesthesia. If it is necessary for spinal anaesthesia to be used in an operation, from all the information I have gleaned, it will be possible for a licensed technician to be trained to perform the procedure. The National Party has no problem with this legislation, particularly if the foreshadowed amendment is allowed. The National Party commends the Minister for introducing this legislation, which allows us to catch up with the available technology.

MR GRILL (Esperance-Dundas - Minister for Agriculture) [5.08 pm]: I thank both members for their support of the Bill and for the kind remarks they have made in respect of it.

I suppose this is a move towards a change in what we would normally call "work practices" if we were dealing with blue collar workers. I think it is appropriate for us to endeavour to change work practices in the professional area where appropriate because our industries - especially our rural industries - are in direct competition with industries overseas, and they have very little protection. Therefore we should do anything we can do to make these industries more efficient and productive. I believe this is a move down the right track. I thank the two members for their support on behalf of their respective parties.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Dr Gallop) in the Chair; Mr Grill (Minister for Agriculture) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 5A amended -

Mr BLAIKIE: I move -

Page 2, line 21 - To delete the words -

or the application of spinal anaesthesia

Clause 5 is the operative clause in this Bill. The Committee should understand that only veterinary officers can carry out ovum transplants. Previously it required an incision to be made in the animal. Technology has advanced to such a stage where the ovum can be flushed from the animal and now transplanted in another animal, all non-surgically. The operation does not necessarily require tertiary skill; the level of competence of the operator is most crucial. An authorised ovum transplant technician can carry out this operation. Lindsay Woolridge who lives in my electorate has done thousands of these operations. His semen collection business was one of the first in the State.

My amendment proposes to allow a skilled person, not necessarily a veterinary qualified person, to carry out such an operation including a spinal anaesthesia. The decision as to whether a person is approved to do the operation will be made by the chief veterinary officer of the Department of Agriculture. He would need to be satisfied with the competence of the person giving the spinal anaesthetic to the animal.

If the amendment is not successful, livestock owners will continue to do their own spinal anaesthetics as they are permitted to do. Therefore, rather than cleaning up the operation as proposed under this Bill, the Bill will have a deleterious effect on the way transplant operations are carried out. Vets who carry out spinal anaesthetics charge an hourly fee. He

could wait for anything up to 10 hours while the technician removes the ovum and transplants it into the recipient animal to which he only has to administer a spinal anaesthetic.

The two safeguards will be that the chief veterinary officer will determine the competence of technicians to be approved, and livestock owners will not allow anybody to carry out an operation unless they believe that person is properly skilled and competent.

I believe the amendment has merit and that the agricultural industry will strongly support it.

Mr WIESE: I support the amendment. At the moment, technicians are able to perform these ovum transplants. There are two phases to the operation. The first is the actual collecting of the ovum from the female animal. At present that can be done by veterinary people or technicians - it is being very capably done by technicians. The technique can be carried out without the need for a spinal anaesthetic. However, everybody involved in the industry believes it is far better for the welfare of the animal and for the comfort of the operator to perform a spinal anaesthesia.

At present a veterinary surgeon has to attend an operation. He administers the spinal anaesthetic and the technician then does an ovum flush. Three or four hours later when the ovum have been prepared for implantation in the recipient cow, the vet has to reappear and administer a spinal anaesthetic to the recipient cow for the technician to complete the transplant. This technique is an unnecessary impost on the farmer and causes him great inconvenience. Everybody has agreed to the need for spinal anaesthetics. This amendment endeavours to ensure that those anaesthetics are carried out by the person carrying out all of the procedures.

I have contacted people in the Eastern States who do many ovum transplants. The feedback I have is that technicians are extremely capable of performing spinal anaesthetics. It is simple to train them in the technique.

I do not believe it will have the deleterious effect on their industry that vets seem to think it will have. Vets believe that they will lose a lot of their work. I believe that the majority of work will be carried out by veterinary surgeons as it is at present. They are involved at the moment in ovum transplant work and will remain involved.

I do not believe we should be doing anything which will make it impossible or not feasible for those ovum transplant technicians to operate. If we do not allow the technicians to carry out the spinal anaesthesia, we may as well not carry on with the Bill at all because it would be a farce to have a vet turn up to the job to inject or administer the spinal anaesthesia when the ovum transplant technician would then do the work. Again, the vet would have to come back and administer spinal anaesthesia when the ovum is implanted in the recipient cow.

I fully support the amendment and ask the Chamber to carry it.

Mr GRILL: The Government will accept this amendment. I am convinced by the arguments put forward by the member for Vasse and supported by the member for Narrogin. The decision will be contentious; there is no doubt about that. The veterinary profession will be unhappy about the decision. It probably lobbied the Opposition in the same way that it lobbied me about the matter. Veterinarian surgeons believe very strongly that their profession is being attacked, that this amendment will derogate from their professional responsibilities and that the work belongs to them. I recognise that they have considerable force behind some of their arguments. Nonetheless, I believe that on balance it is appropriate for the amendment to be carried.

As the member for Vasse has rightly pointed out, in Western Australia at present a farmer or the owner of livestock is allowed to undertake almost any surgical procedure on an animal, whether qualified or not. That seems to me to be an anomaly. I know there are some safeguards in that respect, but the situation appears anomalous in some senses. It would be wrong to prevent highly skilled technicians from undertaking the work that is proposed.

I go along with the sentiments expressed by the member for Narrogin when he indicated that a lot of what this Bill in its initial form sets out to achieve could be undone if we did not allow technicians to go ahead with spinal block injections.

I thank the members for Vasse and Narrogin for their contributions. I thank the member for Vasse for his amendment. I must admit that prior to introducing the legislation, I had thought about going down this track and had been advised by officers within the Agriculture

Department that it probably was not appropriate. I took their advice. Subsequent to the amendment being introduced by the member for Vasse, I asked for further advice from them. Their advice has not been clear: Some of the advice that I received from members of the department was to allow the amendment to go through; other advice was to the contrary. Thus there is division within the Agriculture Department over the matter, with a general consensus coming through in favour of allowing the amendment to proceed.

As I mentioned before, the veterinary profession will be unhappy about it, but in the interests of the livestock industry in Western Australia we should allow the amendment. It will allow greater efficiency within the industry and there are the safeguards which were alluded to by the member for Vasse. It is not as though each and every technician will be able to do this sort of work. They will need to be approved and those who will give the approvals will be qualified, professional veterinary officers.

On balance, the amendment is a fair and proper one. I am pleased that the Parliament will be able to speak with one voice on this matter; that is, the Government, the Liberal Party and the National Party all support the amendment. Some time earlier, when the amendment was put forward by the member for Vasse, I discussed the matter with the Leader of the National Party. At that stage he was not keen for his party to support the amendment. I am pleased to see that there has been a change of attitude and that we can go to the public and to the veterinary profession, in particular, and say that all parties within the Parliament support the amendment put forward by the member for Vasse. I thank him for putting forward the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 6 to 9 put and passed.

Title put and passed.

Bill reported with an amendment.

BILLS (2) - RETURNED

1. Road Traffic Amendment Bill.
2. Local Government Grants Amendment Bill.

Bills returned from the Council without amendment.

[Questions taken.]

House adjourned at 6.03 pm

QUESTIONS ON NOTICE

PASTORAL LANDS - CATTLE
Trespass

826. Mr BLAIKIE to the Minister for Lands:

(1) Is she aware that in some areas of the pastoral country of Western Australia, cattle trespassing from adjoining cattle stations on to sheep stations have caused considerable damage to boundary and internal fencing, water points and scrub and grossly interfered with good managerial land practices on the sheep stations on which the trespass has occurred, thus possibly creating a financial loss to the sheep stations?

(2) Is she aware that the current legislation on such cattle trespass has, so far as the pastoral areas are concerned, proved inadequate and is in urgent need of reviewing?

(3) Is she aware that as a result of a submission on this issue received by the then Minister for Agriculture in August 1985 and in conjunction with the then Minister for Lands and Surveys it was decided that the Pastoral Board, or a committee established by the board, would be the appropriate body to carry out the review?

(4) (a) Has this committee been established;

(b) if yes, is it active;

(c) will it supply the names of the chairman, members and the interests they represent;

(d) the date the committee was established; and

(e) current progress?

(5) If the answer to (4) is no, will she take early and positive action to implement (3)?

Mrs HENDERSON replied:

(1) There has been some notification of occurrences of cattle trespassing of varying degrees.

(2) The occurrences have indicated a need for probable review but as it is not industry-wide this matter was considered of relatively low priority. The extent of review has yet to be assessed.

(3) Yes.

(4) (a) No;

(b)-(e) not applicable.

(5) As stated in (2) above, this particular issue was not considered to be a high priority, within existing resource constraints, as the matter of cattle trespass on to sheep stations has not been identified as an industry-wide problem.

YOUTH EMPLOYMENT SCHEMES - MOBILE SHOP
North West Itinerary - Costs

834. Mr MENSAROS to the Minister for Employment and Training:

(1) How many young people have been recorded as having sought information and advice from the Mobile Shop of the Youth Employment Scheme during its north west itinerary, from 4 July to 22 August, in each town?

(2) What was the approximate cost of this service?

(3) How much of this was borne by the Commonwealth and how much by the State Government?

Mr GORDON HILL replied:

The member is referred to the answer given to a question without notice in this House on Wednesday, 24 August 1988.

UNIVERSITIES - "UNIFIED NATIONAL SYSTEM"
Entrance

845. Mr COWAN to the Minister for Education:

(1) Has she sought a legal opinion as to whether the universities are constitutionally able to agree to enter the Commonwealth's "unified national system"?

(2) If yes, what is it?

(3) What does she understand to be the consequences for a university that does not apply to enter the "unified national system"?

Dr LAWRENCE replied:

(1) Formal legal advice has not been sought.

(2) Not applicable.

(3) The white paper "Higher Education" states: "Those that choose to remain outside the system will have no guaranteed base of Commonwealth funding and will be funded by contract for specified teaching activities." - p.28.

TECHNICAL AND FURTHER EDUCATION - ACCOUNTING DIPLOMA
Award - Proposed Changes

849. Mr WILLIAMS to the Minister assisting the Minister for Education with TAFE:

(1) Is he aware that there is disquiet amongst a number of TAFE students currently studying towards their Diploma in Accounting because changes are proposed to alter the award to an Associate Diploma in Accounting?

(2) Would he explain the reason for this proposed change?

(3) Can he give an assurance that students will not be disadvantaged by having what appears to be an inferior qualification?

(4) Can he indicate whether a transition period is being provided to permit students to complete the award for which they are currently studying?

(5) If the answer to (4) is no, would he consider the provision of such a transition period?

Mr GORDON HILL replied:

(1) Yes.

(2) The change results from a decision by the Australian Council on Tertiary Awards to bring national consistency in standards, structure, and nomenclature, to TAFE and higher education awards.

(3) Yes. There is no suggestion of an inferior qualification. The associate diploma will have enhanced recognition by industry and the higher education sector.

(4) There are no indications that a transition period will be necessary.

(5) In the unlikely event that students do not accept the advantages of the new system, consideration will be given to a transitional strategy.

SELECT COMMITTEE - SMALL CLAIMS TRIBUNAL
Recommendations

875. Mr COWAN to the Minister representing the Minister for Consumer Affairs:

Can he advise the House what action his Government has taken in response to the following recommendations of the Legislative Assembly's 1985 Select Committee into the Small Claims Tribunal -

(a) the appointment of part-time referees in regional centres;

(b) the provision of telephone hook-up facilities to enable the hearing of disputes between parties living a considerable distance away from the tribunal?

Mr TAYLOR replied:

The recommendations of the Select Committee have been deferred pending Parliament's final decision on disposal of the dispute resolution procedures of the Residential Tenancies Act. In light of Parliament's decision the recommendations will be reassessed by the Government. However, many of the recommendations will require legislative amendment.

CORPORATE AFFAIRS DEPARTMENT

Business Names

879. Mr CASH to the Minister representing the Attorney General:

For what period are records in respect of business names kept by the Corporate Affairs Department?

Mr GRILL replied:

The Corporate Affairs Department keeps records for 12 years after a business name has ceased to be registered. While most records exist back to 1972, some old records were water damaged and had to be destroyed.

WA FIRE BRIGADES BOARD - STATE EMERGENCY SERVICES

Rescue Roles

883. Mr CASH to the Minister for Police and Emergency Services:

(1) Will he clearly distinguish the rescue roles to be carried out by the following agencies -

(a) WA Fire Brigades Board;

(b) State Emergency Services?

(2) What is the situation where there is an overlap of responsibility in a particular area, and which service is to be nominated as the principal provider of rescue services?

(3) Is it intended to introduce legislation to clearly define the rescue roles of these two agencies?

(4) If not, why not?

Mr TAYLOR replied:

(1) (a) FIRE BRIGADE

Primary Role	Secondary Role
Building collapse	Cliff rescue
Borehole/well/trench	Large working mines
Dangerous goods accidents	Railway accidents
	Industrial accidents
Fire - rescue from within gazetted fire districts	Large working mines, deep cut and open mines
Mines and Mine Shafts (excluding large working mines, deep cut and open cut)	
Road Vehicle Accidents	

(b) STATE EMERGENCY SERVICE

Primary Role	Secondary Role
Cliff rescue	Building collapse
Flood rescue	Borehole/well/trench

Cave rescue	Industrial accidents
Land search and rescue	Mines and mine shafts
	Road vehicle accidents
	Railway accidents

Note: In a location where there is a State Emergency Service unit, but no Fire Brigade volunteer unit, the SES unit would undertake those road rescue responsibilities for which the Fire Brigade has primary responsibility.

(2) With regard to rescue from road vehicle accidents, currently in some towns there is some conflict as to which organisation has the responsibility. It is intended to resolve this conflict by conciliation to be undertaken by a neutral third party.

(3) Yes. A working group with representatives from both agencies is currently examining the matter.

(4) Not applicable.

CARS - IMPORTS
Western Australia - Design Requirements

884. Mr CASH to the Minister for Police and Emergency Services:

(1) Are private persons who import used vehicles into Western Australia required to meet the design requirements and safety features incorporated in the Australian design regulations?

(2) If not, why not?

(3) Do motor vehicle dealers registered in Western Australia, who import used vehicles into this State, have to modify such vehicles prior to licensing in Western Australia to take into account the design requirements and safety features incorporated in the Australian design regulations?

(4) If not, why not?

Are there any sections of the review of firearms legislation carried out by Mr Oliver Dixon in 1981 which the Government is considering implementing in the near future?

Mr TAYLOR replied:

(1)-(3)

Where practical the intent of the Australian Design Rules must be met by both private persons and motor vehicle dealers registered in Western Australia who import used vehicles into this State, for example, child restraints and seat belts must be fitted.

(2)-(4)

Not applicable.

FIREARMS - DIXON, MR OLIVER
Review of Firearms Legislation

914. Mr MacKINNON to the Minister for Police and Emergency Services:

Are there any sections of the review of firearms legislation carried out by Mr Oliver Dixon in 1981 which the Government is considering implementing in the near future?

Mr TAYLOR replied:

It is not anticipated any sections of the review of firearms legislation are to be implemented in the near future.

CHATTEL SECURITIES ACT 1987 - PROCLAMATION OF LEGISLATION

921. Mr MacKINNON to the Minister representing the Minister for Consumer Affairs:

(1) When was the Chattel Securities Act 1987 passed through the Parliament?

(2) Has the legislation yet been proclaimed?

(3) If not, when is it expected that the legislation will be proclaimed?

(4) Why has the legislation not yet been proclaimed?

Mr TAYLOR replied:

(1) December 1987.

(2) Yes.

(3)-(4)

Answered by (2).

CONSUMER CREDIT TASK FORCE
Members

922. Mr MacKINNON to the Minister representing the Minister for Consumer Affairs:

(1) Who are the members of the consumer credit task force?

(2) What are its terms of reference?

(3) Who has been invited to make representations to the committee?

(4) When is it likely that the committee will be reporting on its work?

The answer was tabled.

[See paper No 377.]

EDWARDS, MR KEVIN - RETIREMENT
Payments

923. Mr MacKINNON to the Premier:

(1) What payments were received by Kevin Edwards on his retirement from the Public Service?

(2) Did those payments include any special payments in consideration of his superannuation entitlements?

(3) If so, what was the nature of those payments and why were they made?

Mr PETER DOWDING replied:

(1)-(2)

No special payments have been or will be made. As is the normal practice adjustments are made for holiday pay and the like.

(3) Not applicable.

CONSUMER CREDIT TASK FORCE
Members

936. Mr COURT to the Minister representing the Minister for Consumer Affairs:

(1) Who are the members of the Government's credit task force?

(2) Will this task force be inquiring into the extent of credit overcommitment of the State Government and its instrumentalities?

(3) Will it be preparing strategies to prevent overcommitment of these Government instrumentalities?

(4) Will this credit task force examine the extent of credit obtained by corporations using Government guarantees?

Mr TAYLOR replied:

See answer to question 922.

STATE GOVERNMENT INSURANCE COMMISSION - MINISTERS
Investment Decisions

938. Mr COURT to the Premier:

(1) Has he or any of his Ministers directed the State Government Insurance Commission to make certain investment decisions over the past year?

(2) If yes, what were those investment decisions?

Mr PETER DOWDING replied:

(1) No.

(2) Not applicable.

HEALTH - FOOD IRRADIATION
Western Australia

953. Mr HOUSE to the Minister for Health:

Does the Government intend to permit the irradiation of food in Western Australia?

Mr WILSON replied:

The question of food irradiation is currently being examined by a Standing Committee of the Australian House of Representatives. Its report is expected in September. No action to approve food irradiation in WA will be taken prior to that report being issued.

SHEEP - KIMBERLEYS
Fat Tail Sheep Project - Melioidisos

954. Mr HOUSE to the Minister for Health:

(1) With regard to the disease known as melioidisos which affects humans and is known to be carried by fat tail sheep, similar to those being held in the Kimberley area of Western Australia on the project known as the fat tail sheep project, can he tell the House: Have those sheep in the Kimberleys been positively identified as having melioidisos?

(2) Are any humans in Western Australia known to have contacted the disease melioidisos?

(3) As the disease is bacterial in nature, can he tell the House how long it would remain in the soil once the soil is affected?

(4) Can he tell the House whether normal antibiotics will control the disease?

Mr WILSON replied:

(1) Yes.

(2) Melioidisos is not notifiable to the Health Department, but I am informed there have been a few cases in WA.

(3) Not known to the Health Department; refer to the Department of Agriculture.

(4) Unlikely.

HODGE, HON B.J. - SWAN BREWERY SITE
Public Reserve - Recommendation

956. Mr WATT to the Minister for Conservation and Land Management:

(1) In view of the fact that the Government has already spent in excess of $5 million for the Swan Brewery site on behalf of the public, and yet prides itself on giving about the same amount to boost all national parks in the entire State, did he make a recommendation as Minister for Conservation and Land Management that the Swan Brewery site should be used for public reserve and recreation?

(2) If so, what was his recommendation?

(3) If not, why not?

Mr HODGE replied:

(1) No.

(2) Not applicable.

(3) The site is not appropriate for the categories of land managed by Department of Conservation and Land Management.

HODGE, HON B.J. - SWAN BREWERY SITE
Executive Director - Recommendation

957. Mr WATT to the Minister for Conservation and Land Management:

(1) Did he request a report or recommendation from the Executive Director of the Department of Conservation and Land Management about the old Swan Brewery site with regard to -

(a) its purchase; and

(b) its future use? .

(2) If so, was a report or recommendation received and what did it recommend in each case?

(3) If not, why not?

Mr HODGE replied:

(1) No.

(2) Not applicable.

(3) The land is not appropriate for categories of land managed by Department of Conservation and Land Management.

HOSPITALS - WYNDHAM HOSPITAL
Downgrade

962. Mr BRADSHAW to the Minister for Health:

(1) Is the Wyndham Hospital to be downgraded in any way?

(2) If yes, what services will be removed?

(3) What is the bed average for the last 12 months of the Wyndham Hospital?

(4) How many out patients have been seen at the Wyndham Hospital in the last 12 months?

Mr WILSON replied:

(1) No.

(2) Not relevant.

(3) 19.73 for year July 1987-June 1988.

(4) 12 384 - includes doctor, nurse, radiographer and physiotherapy outpatient treatment.

POWER INDUSTRY - STATE ENERGY COMMISSION
Nailed Poles - Eltek System

964. Mr COWAN to the Minister for Economic Development and Trade:

(1) Has an evaluation been made of the Eltek system of nailed poles as a possible means of reinstating defective SEC poles?

(2) Was the Eltek system taken into consideration in the reinstatement of those defective SEC poles on the Perth to Kalgoorlie line?

(3) If not, why not?

(4) If yes, what was the comparative cost of the Eltek system with the actual method chosen?

Mr PARKER replied:

(1) Yes.

(2) No.

(3) The Eltek system only reinforces pole bases. The Perth-Southern Cross line required the poles to be raised. The Eltek system does not allow this.

(4) Not applicable.

WILDLIFE - NATURE CONSERVATION
Rare Fauna List - Changes

966. Mr GRAYDEN to the Minister for Conservation and Land Management:

(1) Have there been any changes made to the list of fauna declared rare or otherwise in need of special protection, pursuant to the Wildlife Conservation Act 1950, published in *Government Gazette* 116 on 22 November 1985?

(2) If so, what changes have been made?

Mr HODGE replied:

(1) No.

(2) Not applicable.

ROAD TAXES - STATE GOVERNMENT POLICY
Heavy Vehicles - Higher Charges

970. Mr COWAN to the Minister for Transport:

(1) Is he aware that his Commonwealth counterpart is considering higher road charges for heavy vehicles?

(2) Does he know what form those higher charges will take?

(3) (a) Has the State Government got a policy on the Commonwealth proposals; and

(b) if yes, what is it?

Mr PEARCE replied:

(1) No. In fact the Commonwealth Minister recently announced that Federal registration fees would be frozen at current levels until January 1990.

(2)-(3) Not applicable.

PARKING FACILITIES - HANDICAPPED
ACROD Concession - Privileges

975. Mr COWAN to the Minister for Transport:

With respect to parking in the metropolitan area, what benefits or privileges are available to disabled persons in possession of a parking concession through ACROD - Australian Council for Rehabilitation of Disabled?

Mr PEARCE replied:

ACROD - Australian Council for Rehabilitation of Disabled - provides disabled persons parking permits which are recognised throughout Australia. The benefits or privileges from possession of the permit are determined by local government authorities. In general, priority parking is provided.

ABORIGINAL EDUCATION - GNURAREN ABORIGINAL ENTERPRISE GROUP
Woodwork Classes - Busselton

976. Mr COWAN to the Minister for Aboriginal Affairs:

(1) Is he aware of a light industrial property in the Busselton area being leased by the Gnuraren Aboriginal Enterprise group for 30 weeks commencing from 14 February 1988 for the purpose of woodwork classes?

(2) Was anybody appointed to teach the woodwork classes?

(3) (a) Did the Gnuraren Aboriginal Enterprise group purchase a bus to transport students to and from the classes; and

(b) if yes, at what cost?

(4) (a) Have the classes started;

(b) if yes, when; and

(c) if no, why not?

(5) How many students were enrolled in the class?

(6) What is -

(a) the cost so far; and

(b) the total estimated cost of this project?

Mr BRIDGE replied:

(1)-(6)

The State Government has had no involvement in this matter and all inquiries concerning it should be directed to the Federal Department of Employment, Education and Training and the Gnuraren Aboriginal Enterprise Group.

AIDS - STATISTICS
Testing - Western Australia

977. Mr BRADSHAW to the Minister for Health:

(1) Since AIDS testing commenced in Western Australia, how many people have been tested?

(2) Is all AIDS testing carried out by Government pathology laboratories?

(3) Are the people being tested differentiated into categories, e.g. male; female; homosexual; bisexual?

(4) If yes to (3), would he please supply the figures since testing began until the last figures were available?

Mr WILSON replied:

(1) An estimate of the total number of anti-HIV tests performed in 1985, 1986 and 1987 is 219 413 tests. These included 188 758 tests performed on blood donors. It should be noted that many persons have undergone more than one test.

(2) HIV antibody tests are performed by -

(a) State Health Laboratory Services;

(b) Department of Clinical Immunology of Royal Perth Hospital; and

(c) Red Cross Blood Transfusion Service.

No other laboratory has direct access to the test kits.

(3) Since 1 January 1988, the Health Department has routinely recorded statistics on the reason for each HIV antibody test performed at the State Health Laboratory Services, where this is stated by the requesting doctor.

(4) A summary of reasons for tests performed by the State Health Laboratory Services from January to May 1988 appears below.

Reason for test	Number of Initial Tests	Number Positive
Reported sexual contact with HIV	27	3
Male homosexual contact	228	9
Prostitution	164	0
High risk heterosexual contact	327	1
Several heterosexual partners	1 128	0
Illicit IV drug use	340	2
Blood or tissue recipient	592	0
Haemophilia patient	3	0
Child of infected mother	2	0
Needle-stick injury, etc	59	0
Tissue donor	399	0
Immigration	86	0
Other specified reason	621	1
Unspecified	1 928	2

High risk heterosexual contact means sexual contact with a bisexual male, IV drug abuser or prostitute.

HOSPITALS - GRAYLANDS HOSPITAL
Heathcote Hospital - Beds

978. Mr BRADSHAW to the Minister for Health:

(1) What is the bed average for Graylands Hospital?

(2) How many beds are there for -

(a) secure patients; and

(b) low security patients?

(3) How many beds exist at Heathcote Hospital?

(4) How many beds are currently used at Heathcote?

(5) When is Heathcote Hospital scheduled to close?

Mr WILSON replied:

(1) Current beds 305 - 30 bed ward closed for redevelopment. Average bed occupancy for July 1988, 76 per cent - 233 beds.

(2) Short stay beds 202 - 73 secure and 129 open slow stream. Rehabilitation/long stay 103 - 44 secure and 59 open.

(3) Beds at Heathcote 86.

(4) Beds currently used at Heathcote 86.

(5) Estimated closure March 1990.

CHATTEL SECURITIES ACT 1987 - PROCLAMATION OF LEGISLATION

979. Mr MENSAROS to the Minister representing the Minister for Consumer Affairs:

When is the Chattel Securities Act 1987 going to be proclaimed?

Mr TAYLOR replied:

See answer to question 921.

CREDIT REFERENCE ASSOCIATION OF AUSTRALIA LTD - WRITS
Representation

980. Mr MENSAROS to the Minister representing the Attorney General:

(1) Has he received representation from the Credit Reference Association of Australia Ltd regarding the undesirability of recording writs and summonses as opposed to judgments only as is the case in other States?

(2) If so, what action is he taking on this representation?

Mr GRILL replied:

(1) Yes.

(2) The matter is under consideration.

ELECTORAL REDISTRIBUTION - INDEXES

981. Mr MENSAROS to the Minister for Parliamentary and Electoral Reform:

When is the index showing Legislative Assembly electoral districts and corresponding Legislative Council regions for streets, institutions, towns, etc. going to be available following the recent redistribution of electoral boundaries?

Mr PEARCE replied:

The member asked a similar question on 1 June 1988 - No 433 - when the answer was that the Streets and Towns Directory showing Legislative Assembly electoral districts and Legislative Council electoral regions would be ready in a preliminary form by the end of next September. The Electoral Commissioner has informed me that a computer printout of the directory

should be ready by 15 September 1988, and its printing in book form would start immediately.

MACKEREL ISLANDS PTY LTD - SALADIN PROJECT
Interests - Government Protection

988. Mr COURT to the Minister for Mines:

Have the interests of the Western Australian company Mackerel Islands Pty Ltd been properly protected by the Government during negotiations for the Saladin project to proceed?

Mr CARR replied:

It is considered the interests of Mackerel Islands Pty Ltd have been properly protected and that the offer of services and an ex gratia payment of $100 000 to Mackerel Islands Pty Ltd by West Australian Petroleum Pty Ltd - WAPET - is equitable; however, I have offered to assist in any appropriate manner should Mackerel Islands wish to negotiate further with WAPET on this matter.

ECONOMIC DEVELOPMENT - GOODWIN FIELD
Woodside Consortium - Government Agreements

989. Mr COURT to the Minister for Economic Development and Trade:

(1) When is it anticipated that the go-ahead will be given for the commencement of construction of the Goodwyn field?

(2) Has the Government reached any agreements with the Woodside consortium to ensure a high level of Australian content in this project?

(3) Has the company expressed concern that Australian industry is generally uncompetitive in quality and delivery of equipment and materials compared with overseas suppliers?

Mr PARKER replied:

(1) The joint venturers are expected to make an announcement at the end of January 1989 on the development of the Goodwyn offshore field.

(2) Provisions obligating the joint venturers to use local professional services, labour and materials and to report to the Minister for Economic Development and Trade on how this is to be implemented are contained in the North West Gas Development (Woodside) Agreement Act.

The North West Shelf liaison group - NLG - was formed in April 1985 to bring together representatives of the North West Shelf joint venture participants, Australian industry, unions and the Commonwealth and Western Australian Governments to consult on the project, particularly in the area of local content. The NLG is co-chaired by the Minister for Economic Development and Trade and the Commonwealth Minister for Resources. The NLG is currently active in obtaining a high level of Western Australian and Australian content in the North-West Shelf project.

(3) Woodside identified certain deficiencies in this area and briefed industry, Government and unions on the matter in December 1987.

SWAN RIVER - POLLUTION CONTROL
Boom

992. Mr COURT to the Minister for Waterways:

(1) When did the Government purchase a boom to help control major oil/petrol chemical spills in the Swan River?

(2) What was the cost of this boom?

(3) Was the purchase of the boom put out to tender?

(4) How many companies tendered?

Mr HODGE replied:

(1) 23 October 1987 - replacement boom.

(2) $15 938.33.

(3) No.

(4) Not applicable.

The oil boom purchased on 23 October 1987 was to replace oil boom originally purchased by the Swan River Conservation Board, that is prior to 1976. It is not possible to ascertain when it was acquired or the cost. The replacement boom was purchased only after an exhaustive study of the types of booms available. The boom had to be effective and light enough to be carried to foreshores many of which are inaccessible to vehicles. The type of boom purchased was the only type which met all the requirements and is totally Australian made.

SHIPPING - MAYLANDS
Slipyards

994. Mr COURT to the Minister for Transport:

(1) Who owns the Mayland slipyards?

(2) How much money has been spent on the Maylands slipyards in the years -

(a) 1984;

(b) 1985;

(c) 1986;

(d) 1987; and

(e) 1988?

(3) What is the current valuation on the slipyards?

(4) What is the rental that is paid?

Mr PEARCE replied:

(1) The State Planning Commission.

(2)-(3) This information will take some time to collate and will be forwarded to the member separately.

(4) From 1 July 1987, $2 000 per year, and reappraised after the expiration of two years.

WATER AUTHORITY - PLUMBERS
Licensing

995. Mr COURT to the Minister for Water Resources:

(1) What is the existing procedure carried out by the Water Authority to allow registration of a plumber?

(2) What is the purpose of this registration?

(3) How many plumbers are currently registered in Western Australia?

(4) How many plumbers were licensed in Western Australia?

Mr BRIDGE replied:

(1) On receipt of an application for registration, the applicant's qualifications are assessed against the following requirements -

(a) Evidence of satisfactory completion of a WA apprenticeship in the water and sanitary plumbing trade; or

(b) evidence of overseas or interstate trade certificates and experience acceptable for automatic recognition under the Australia New Zealand reciprocity agreement; or

(c) evidence of acceptable trade experience and demonstration of skills in a trade test.

(2) To ensure that only persons meeting Water Authority requirements perform work on water and sanitary plumbing systems connected with authority schemes.

(3) Approximately 4 300 plumbers have been registered to date. No adjustment is made for plumbers who have died or left the State.

(4) In 1987-88, 1 153 renewed their licence.

STATE GOVERNMENT REVENUE - PLUMBING
Plumbing Inspection Fees

996. Mr COURT to the Minister for Water Resources:

For the financial year ending June 1987, what amount of revenue was obtained from the plumbing inspection fees?

Mr BRIDGE replied:

$977 226.

QUESTIONS WITHOUT NOTICE

FEDERAL GOVERNMENT BUDGET - GRADUATE TAX
Lawrence, Dr - Opinion

148. Mr CLARKO to the Minister for Education:

Does the Minister support the graduate tax announced in this week's Federal Budget?

Dr LAWRENCE replied:

The Opposition has been trying to get what it regards as a clear answer to this question for a long time. I have in various forums made my opinion very clear, as has the Government. It is of some interest to me that when Mr Moore and I were described as participating in a debate, a clash I think it was, at the University of Western Australia on both the green paper and the graduate tax, our views on this question were so coincident it was almost embarrassing.

On a number of occasions we have said that we would prefer growth in the tertiary sector to occur via central revenue. Given that the Commonwealth has announced its proposal, we decided to have input and suggested that there be modifications. I am pleased to see that some of those modifications have been announced in the current Budget. They include: A higher income threshold; a lower rate of repayments, depending on the income of the person affected; and the exemption of certain groups altogether.

PETROCHEMICAL PROJECT - SHAREHOLDERS
Connell, Mr - Dempster, Mr

149. Mr MacKINNON to the Premier:

(1) Can the Premier confirm reports that Mr Laurie Connell or companies associated with him will be receiving $150 million and Mr Dempster or companies associated with him $50 million or thereabouts for their respective half shares in the proposed Kwinana petrochemical refinery project from the new participants in the petrochemical project of which the Government is one?

(2) If so, what is the reason for the different amounts being paid for identical shares in the project?

Mr PETER DOWDING replied:

(1)-(2)

No.

STATE GOVERNMENT - PETROCHEMICAL PROJECT
Rothwells Guarantee - Connection

150. Mr HASSELL to the Deputy Premier:

I refer the Deputy Premier to his answer to question 135 on Tuesday concerning the connection between the Government's announced intention to buy into the petrochemical project and the release of the Rothwells guarantee given by the State Government. With respect to the Deputy Premier he has not explained the connection between what are two completely separate deals, so will he kindly advise the House -

(1) How is it that a purchase by the Government with Bond Corporation of shares in PICL from Connell and Dempster affects in any way the separate transaction between the Government and the National Australia Bank for a guarantee of Rothwells?

(2) Is the purchase price of the PICL shares to be increased beyond the $700 million value of the project announced by the Deputy Premier to enable some transfer of funds to be made to Mr Connell for him to deposit it with or pay Rothwells?

(3) Is the whole transaction in fact and in substance no more and no less than another Government rescue - in this case of Mr Connell who is publicly known to be having difficulties in meeting his obligations to Rothwells?

(4) What Government money has been paid or promised to be paid in connection with this transaction to Mr Dempster, Mr Connell, Mr Bond, or interests associated with them?

Mr PARKER replied:

(1) The answer to the first question is, first, that the question is based on a false premise; in fact, the Bond Corporation - and I think it is the Bond Corporation as such or a company associated or wholly owned by the Bond Corporation - is purchasing Mr Connell's and Mr Dempster's shares in PICL, and the Bond Corporation has asked the Government to participate in the subsequent project by taking equity in that project which it will by then own.

Mr Hassell: Does that mean Bond Corporation can charge you a different price from the price it pays for the PICL shares?

Mr PARKER: I am not saying that at all.

(2) The second point is that I have never announced that the value of this project was $700 million; what I have announced is that the construction cost of this project is approximately $700 million.

Mr Hassell: On a turnkey basis.

Mr Lightfoot: It could be substantially less, could it not?

Mr PARKER: It could be less and it could be more. I will come to that in a moment.

The point I have made repeatedly, which has been understood by some but not by all, is that the difference between the value and the cost of a project are two entirely different things. Perhaps I can best give an instance by giving an example.

Mr Lightfoot: Not Fremantle Gas?

Mr PARKER: Fremantle Gas is an extremely profitable project for the Government. We are making millions a year out of the purchase of Fremantle Gas. When in a few weeks I am able to reveal the full details of the current SEC financial position the people of this State will see just how lucrative a deal that was for taxpayers.

Perhaps this could be best instanced by comparing it with something much simpler than a petrochemical project - the construction of a building. If one

buys a piece of land for $100 000 and spends $900 000 putting a building on it one has spent $1 million, but that does not mean the building is worth $1 million - it might be worth more or it might be worth less than $1 million.

Mr Hassell: That is true; in this case you are buying a concession that the Government has given.

Mr PARKER: That is not true, either. If I can finish my example I will come back to the point raised by the member for Cottesloe. If we have a million dollar building the value of that building will be dependent on the rent it will bring in, zoning and a whole range of extraneous issues quite unrelated to the cost of construction.

Mr MacKinnon: The price of gas.

Mr PARKER: In the case of a building it would not be the price of gas. The price of gas for this project was negotiated last year. In the case of a petrochemical project it will have a construction cost and its value will be determined not by that construction cost but by its profitability. That profitability will be related to input costs including gas, salt, labour costs and other inputs and by the revenue that it earns; also, of course, by the cost of servicing the debts. That is the basis upon which the project will be valued and any project of like value will be valued.

Let me deal with the issue raised by the member for Cottesloe as to whether or not a project acquires any value at all simply because of a concession granted by the Government. First, let me briefly canvass the history of the so called concession, because I think it is important to understand that when I was approached by Dallas Dempster, initially alone, saying that he wanted to put together a petrochemical project, he told the Government that he thought he was able to do all of that, and of course there have been many people over the years who had looked at the question of developing a petrochemical project for Western Australia.

Although I was aware of the fact that there was no-one else in the field at the time, because people continually tried to cast aspersions on us dealing with people like him I went to considerable trouble two or so years ago to ascertain whether there was anybody else interested in building, developing or even investigating the feasibility of a petrochemical plant. Advertisements were placed and letters were written to every company that had ever expressed an interest and to every other company we could think of that was active in the petrochemical field throughout the world. The net result at that time, a time when the outlook for the petrochemical industry was somewhat different from today, was that other companies simply were not interested. Some expressed the view that they might at a later stage be interested in taking up an interest and others were not interested at all. As a result of that a mandate was awarded to Dempster Nominees at that time which ultimately became PICL or developed PICL as a company to develop that project. That was then pursued by them with considerable diligence to the extent that they put together a whole range of thing which means that there is considerable extra value in the project to that which would be the case than if we simply said tomorrow we want to build a petrochemical plant.

Mr Hassell: Especially if you have shares in Gofair.

Mr PARKER: Gofair has absolutely nothing to do with us.

Mr Court: It has a lot to do with you.

Mr PARKER: It has absolutely nothing to do with us. As the Premier said to the House yesterday, the Government has no, never has had and never will have any relationship with Gofair; let me make that categorical statement that it has never had and will never have such a relationship.

Mr Court: You know why it was set up.

Mr Peter Dowding: You have had the answer; it is unequivocal and it remains unequivocal.

Mr PARKER: The Government has had no relationship with Gofair, it has had no need to, and it does not want to have a relationship with it. It does not know anything about it. That is the beginning and the end of the matter, because it has nothing to do with us and absolutely nothing to do with the taxpayer.

So far as the project is concerned, in August or July last year, I forget the precise date, the mandate was replaced by a heads of agreement negotiated between PICL and the State Energy Commission for gas and electricity, because the only basis for a mandate is as a result of the block of gas which would be required to develop the project. That heads of agreement was signed by the SEC, negotiated by them with PICL, and that is now a heads of agreement between those bodies.

At the same time, other negotiations were conducted with suppliers, inputters and offtakers of the project. It is not true that the only basis for the project was a concession granted by the company, because apart from the history of that, the project had long since passed the stage where the only thing it had going for it was a mandate or a concession granted by the Government.

(3) No.

(4) None.

LIBERAL PARTY - PARTY CONFERENCES
Esperance - Illegal Taping Complaints

151. Mr CUNNINGHAM to the Premier:

Further to my question 134 on Tuesday, has the member for Cottesloe or any other member of the Liberal Party made any official complaint about the illegal secret taping of conversations of those seeking to become delegates to the ill-fated Liberal Party annual conference in Esperance?

Several members interjected.

Mr PETER DOWDING replied:

What a raw nerve the member has touched! I am not aware of any official complaint about breaches of the Listening Devices Act arising from the terrible events surrounding the Liberal Party's disastrous conference. Whether it is the same reason the honourable member for Cottesloe declined to give evidence before a committee of inquiry in another place about similar matters I do not know, but there have undoubtedly been many internal complaints within the Liberal Party; so many that the former member for Mundaring, the unhappy Mr Tom Herzfeld, was forced to resign as State Director of the Liberal Party. What the Liberal Party did to Tom Herzfeld is scandalous.

Mr MacKinnon: He has not resigned.

Mr PETER DOWDING: They searched around and settled on poor old Tom as a scapegoat. All he was doing was carrying out the bidding of the power directors of the Liberal Party to make sure that the ruling faction did not lose any numbers at the conference. I understand the member for Cottesloe's anger, but he did not have to queue for 11 hours, like some of the other unfortunate delegates. I support him in his internal battle to clear Mr Herzfeld's name and defend the rights of those members who did seek to be delegates of the Liberal conference in Esperance.

GOFAIR - PETROCHEMICAL PROJECT
State Government - Rothwells Guarantee

152. Mr HASSELL to the Deputy Premier:

(1) Would he acknowledge that it would be a matter of interest to the taxpayers of Western Australia if the company Gofair in Hong Kong were being used as a syphon to take money out of a project granted to Western Australians on the basis that they were Western Australians under a concession given by the Government?

(2) For the third time I ask the Deputy Premier, with great respect, if he could explain to the House the connection between the Government's acquisition of an interest in the petrochemical project and the release of the entirely separate Rothwells Ltd guarantee given by the Government, not to Rothwells but to the National Australia Bank?

Mr PARKER replied:

(1)-(2)

I remind the member for Cottesloe of questions (3) and (4) of his previous question which I answered quite unequivocally. The answer to question (3), as I said before, was no. The answer to question (4) was none. In other respects my answer stands.

STATE GOVERNMENT - STATESHIPS
Deficit

153. Dr WATSON to the Minister for Transport:

Is the Government working to reduce Stateships' deficit?

Mr PEARCE replied:

The Government certainly is working to reduce Stateships' deficit. I understand Stateships would be one of the best of the Government's enterprises. It is rare in Government enterprises these days in that it has attracted the approbation of almost everybody, except, for some strange reason, the member for Mt Lawley.

About three or four weeks ago I was able to announce Stateships' new plans to reduce its $10 million deficit to zero over five years by increasing the size of the fleet with a number of small, high technology ships of the *Jon Sanders* style which would increase services to ports in South East Asia, Papua New Guinea, and the Eastern States. It would have meant a saving of $10 million to the taxpayer and would have meant a great boost to exports for manufacturers in Western Australia. This action was criticised publicly by the member for Mt Lawley. The reason he criticised it was that he thought this might have an adverse impact on shipping agents operating for overseas shipping lines. The member for Mt Lawley took up the case of shipping agents acting for overseas shipping lines against this State's own shipping service and against the proposal to reduce the draw on taxpayers of Western Australia by $10 million.

That followed the efforts of the member for Mt Lawley when he criticised the State Government and me personally for granting a Commonwealth contract to Stateships to operate a service to Cocos Islands. The member for Mt Lawley took up the case of a Darwin based shipping company to get that contract instead. There was a coalition between the Federal shadow Minister for Transport and the State shadow Minister for Transport, both of whom wished to give the contract for the Cocos Islands service to the Darwin company.

We ought to look at ourselves as citizens of Australia and as citizens of the world, but I reckon it is a bit rough when shadow Ministers in the State Parliament take up their positions as representatives of foreign shipping companies or Northern Territory shipping companies against the interests of the State Government's shipping company and against the interests of State taxpayers.

GREYHOUND RACING AUTHORITY BILL
Mitchell, Mr - Report

154. Mr TRENORDEN to the Minister for Racing and Gaming:

In her second reading speech on the Greyhound Racing Authority Bill the Minister refers to a report carried out by a Mr Mitchell.

(1) When will the Minister make that report available?

(2) If the report is not to be made available, how are we to evaluate the Bill?

Mrs BEGGS replied:

(1)-(2)

The report by Mr Mitchell was an internal report to Government.

Mr Hassell: The same as many other things you dip out of.

Mrs BEGGS: The member is becoming paranoid.

Mr Hassell: You people are paranoid about telling the public what their money is being spent on in this State.

Mr Peter Dowding: Do you want a yarn about that?

Mrs BEGGS: The report on greyhound racing was an internal report to me which indicated that certain things happened in the greyhound racing industry. Those things have been implemented to the letter. The legislation I introduced today is an endorsement of those practical things. If one speaks to anyone involved in the greyhound industry he will endorse very positively the results of this internal report.

Mr Clarko: They would be embarrassed if it were released.

Mrs BEGGS: If it were released, the Opposition would be embarrassed.

COURT, MR R. - R & I BANK
Teachers Credit Society - Meeting

155. Mr THOMAS to the Treasurer:

Has the Leader of the Opposition responded to the offer made by the Treasurer to arrange a briefing by officers of the R & I Bank on the position regarding the Teachers Credit Society?

Mr PETER DOWDING replied:

The Leader of the Opposition has now responded to that request. He responded to it publicly and was reported on the 11 o'clock news broadcast of one of the radio stations as saying, in effect, that he had no intention of meeting the R & I Bank because he thought the R & I Bank was only a bit player in the Teachers Credit Society fiasco.

I do not know what the Leader of the Opposition was actually referring to in that derogatory comment about the R & I Bank - his bank, my bank, the bank of Western Australia - but it is undoubtedly indicative of the fact that he did not want to reveal he had been caught out telling a pork pie. The pork pie was his assertion yesterday that losses of the Teachers Credit Society could go as high as $300 million. The truth is that he did not have any basis at all for coming to that conclusion. It was not a figure based on any credible assessment of the information at all. It was a figure which was absolutely drawn out of a hat and thrown out into the public arena because he thought it would do him some political good to frighten people with that sort of figure.

I offered the Leader of the Opposition that opportunity because I regard it as absolutely irresponsible for there to be speculation which is so far wide of the mark. As I said yesterday, the Leader of the Opposition is paid by the taxpayers, staffed at the taxpayers' expense, given advisers by the taxpayers and holds a position of authority in this State not simply to be as irresponsible as that.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr PETER DOWDING: Regrettably, sooner or later the Leader of the Opposition will have the reputation of the boy who called "Wolf!" because he has done this on a number of occasions.

Mr MacKinnon: I have been right every time.

Mr PETER DOWDING: The Leader of the Opposition has gained absolutely no credit from what he said. I will come back to this in a minute.

Mr Lightfoot interjected.

Mr PETER DOWDING: Belt up for a minute! I am going to give the Leader of the Opposition a bouquet because he caught me off the hop yesterday by asking me whether my answers about the number of members of the Teachers Credit Society was right or wrong, given a Press release 12 months old, which was issued by the former Premier at a time when I had absolutely no responsibility or carriage for the matter. The Leader of the Opposition got a good laugh and a good little bit in the paper about it.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr PETER DOWDING: I went to the Registrar of Building Societies and asked him for the specific information, and I will give the Leader of the Opposition the answer now. The administrator has advised that at the close of June 1987 the society had 121 500 accounts maintained by its 60 000 members. Of these 110 000 accounts contained $5 000 or less, and the remainder exceeded the balance of $5 000. Thus 90 per cent of the people who were saved by the actions of this Government had accounts containing $5 000 or less. In other words, they were the little people of this State - the ordinary people of this State - who are entitled to the protection of this State. They were given it under the Labor Government and they would probably have lost it under a Liberal Government.

Mr MacKinnon: How many depositors were there?

The DEPUTY SPEAKER: Order!

Mr PETER DOWDING: I want to -

Mr MacKinnon: How many depositors were there?

The DEPUTY SPEAKER: Order!

Mr PETER DOWDING: I want -

Mr MacKinnon: How many depositors were there?

The DEPUTY SPEAKER: Order!

Mr PETER DOWDING: I want to -

Mr MacKinnon: How many depositors were there?

The DEPUTY SPEAKER: Order! The Treasurer said there were more than 110 000 accounts and there were 60 000 depositors. I have called for order four times and four times the Leader of the Opposition has asked how many accounts there were and how many account holders. That is not fair interjection. This is the last warning I will give.

Point of Order

Mr MacKINNON: Last night on "State Affair" the Premier said there were in fact 100 000 depositors who were protected, so I think it is important to find out exactly what the facts are.

Several members interjected.

The DEPUTY SPEAKER: That is not a point of order. It is a frivolous comment, and I would have expected better from someone with the political experience of the Leader of the Opposition. The Treasurer clearly referred in his answer to the question without notice to the number of accounts and the number of account holders. I certainly heard him and I do not think I have better hearing, with the cold I am carrying, than the Leader of the Opposition should have.

Questions without Notice Resumed

Mr PETER DOWDING: The Leader of the Opposition can play games about this and obviously people would expect him to try to score political points, but his figure of $300 million is frankly inexcusable.

Mr Lightfoot: What is the figure going to be?

Mr PETER DOWDING: Members opposite can joke about it but when the Leader of the Opposition issues a Press statement like that without any basis at all, people are entitled to say he is simply irresponsible. I had a meeting today with the R & I Bank and I was informed by it as follows -

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr PETER DOWDING: I was informed as follows -

> In the light of recent inaccurate media speculation, we believe that it is incumbent upon us to clarify the cost to the W.A. Taxpayer resulting from the collapse of the Teachers Credit Society.
>
> It is also important that the reasons for the increase in this cost be more fully explained. I have therefore sought the permission of the Registrar of Cooperative and Financial Institutions to address you direct on this matter.
>
> As you announced on 23 August 1988, the cost to the W.A. Taxpayer as at 30 June 1988 was estimated to be $119 million.
>
> This is the amount that would have been required, as at that date, to fully cover the estimated bad debts and other losses suffered by The Teachers Credit Society.
>
> Of the $119 million estimated cost to the Taxpayer, an allowance of $59 million has been made for unpaid interest, leaving the principal component of the loss to be borne by the Taxpayer at $60 million.

I interpolate to say that the Leader of the Opposition's mate, against whom we have a judgment in the sum of $35 million -

Mr MacKinnon: Who is my mate?

Mr PETER DOWDING: Mr Potter. I repeat that -

> Of the $119 million estimated cost to the Taxpayer, an allowance of $59 million has been made for unpaid interest, leaving the principal component of the loss to be borne by the Taxpayer at $60 million.
>
> You will appreciate that the provision for bad and doubtful debt is an estimation, but we believe it is a realistic expectation of the loss that would have been borne by the Taxpayer as at 30 June 1988.
>
> We are confident that this estimate is accurate and should not be exceeded given continuation of existing economic conditions.

Mr Court: Did you get the same assurance for the $43 million?

Mr PETER DOWDING: I continue -

> As you are aware, legal action is in train including against the former auditors of the Society and numerous delinquent debtors who will continue to be pursued to the full extent of the law.
>
> There has been speculation in the press that the loss to the Taxpayer could be as high as $300 million. This figure bears no relationship to any calculations that we have made on our estimation of the loss as at 30 June 1988.
>
> It is our intention to continue to use all the resources of the R & I Bank as Administrator to ensure that losses are minimised and the maximum recovery is achieved in the shortest possible time.

That is information which the Leader of the Opposition could have had had he been willing to receive it, and it is information he could have tested by questioning the relevant officers. Instead the Leader of the Opposition chose to go into the public arena and without any responsibility or sense of responsibility floated a figure which was absolutely and totally false.

Point of Order

Mr LIGHTFOOT: Would the Treasurer, under Standing Orders, table the document from the R & I Bank he has just read?

[See paper No 376.]

Questions without Notice Resumed

CREDIT UNIONS ACT - TEACHERS CREDIT SOCIETY
Registrar - Quarterly Reports

156. Mr CASH to the Treasurer:

(1) Is the Treasurer aware that under the Credit Unions Act and its regulations, credit unions must report quarterly to the registrar on a prescribed form 28, which, among other details, requires a report on bad debts and provision for bad debts; and that the registrar also has wide powers to independently obtain this information?

(2) Was the Government made aware of the problems within the Teachers Credit Society as required in these reports?

(3) Did the registrar carry out proper independent inquiries under his powers to check these returns?

Mr PETER DOWDING replied:

(1)-(3)

I understand that the member opposite may not have wished to listen to the speech which I made on the subject of the urgency motion on Tuesday. In that speech I detailed in some measure the fact that, as the inquiry which we have just concluded in the Supreme Court has revealed, false and misleading information was supplied - as a result of which no action could reasonably be expected to be taken.

Mr Court: What did the registrar do?

Mr PETER DOWDING: He was misled.

Mr Court: He has the power to be independent; the Premier's job is to be independent.

Mr PETER DOWDING: It is important to understand and listen to the context in which I put those issues on Tuesday night; that is, when the evidence suggests a course of action deliberately designed to mislead those people who had responsibility -

Mr MacKinnon: By the auditors!

Mr PETER DOWDING: On the one hand the member does not want me to publicly say something about individuals in respect of which there might be an action but on the other hand he demands that I do. He cannot have it both ways.

Mr MacKinnon: You have already said it; don't be stupid.

Mr PETER DOWDING: Do you think that is stupid.

Mr MacKinnon: You are duplicitous!

Mr PETER DOWDING: I cannot make comment about individuals now because a number of court cases are in train; charges are being laid and further investigations will continue.

In closing, I remind the Opposition that we, as taxpayers, are still writing off Bunbury Foods after so many years.