without charge for the purpose of its operations. The clause also provides for the issue of a licence or easement for these purposes if required. Clause 18 recognises that the company will operate a private wharf within a public port. The clause also specifies the port facilities and services to be provided and maintained by the company and State respectively. The clause also provides for the use of the company's facilities by the State and third parties, subject to Onslow Salt being paid a fair and reasonable fee. The company charge is subject to ministerial approval. Subclause (5) provides for the introduction of by-laws for the purpose of levying such charges.

Clause 22 provides for the rating of all agreement lands, with the exception of the work force accommodation area and lands used for commercial undertakings not directly related to the mining operations. Rating will be on the basis of the unimproved value of the land, which is consistent with other salt agreements.

Clause 24 requires the company, subject to the fulfilment of its overseas contracts, to use its best endeavours to make salt available for use in Australia.

Clause 29 provides assurances that the State will not authorise the construction of any future works which could diminish the flow or affect the suitability of sea water so that the project is unable to draw water for salt making purposes. Clause 29 further provides that the State may authorise such construction only with the agreement of the company or by making alternative arrangements for the supply of sea water. This provides an important level of security for the sea water supply to the project.

Clause 34 specifically ensures that the agreement Act cannot override the Environmental Protection Act of 1986. A similar clause has been included in all agreements since 1972 but this is the first agreement to mention specifically the Environmental Protection Act of 1986. This recognises the effectiveness of that legislation in protecting the environment and provides greater certainty for the project. The previous wording was more general in its scope and, although being effective in its intent, was less clear in its wording compared to the present clause. The change is consistent with efforts being made within Government to provide simpler and more certain procedures for projects.

Clause 38 of the agreement restricts stamp duty exemption for company to company transactions to a set period ending on 31 December 1994. The limited stamp duty exemption was granted by the State to assist the company to attract joint venture participants to the project. Stamp duty exemption was also granted for specific instruments of transfer relating to exploration licences 08/732, 08/335 and 08/373 from Gulf Holdings Pty Ltd to Onslow Salt. Transfer of the exploration licences is necessary as prior to the transaction Onslow Salt was not the holder of the exploration licences but a sublessee under an arrangement with Gulf Holdings. Although Onslow Salt is a majority owned subsidiary of Gulf Holdings, it is still necessary to formally transfer the licences to the agreement participant, Onslow Salt.

Clause 42 provides for the expiry of the agreement upon expiry, surrender or determination of the mining leases. Other provisions within the Onslow agreement are of a standard nature. They conform to those contained in other State agreements and do not require additional comment. I commend the Bill to the House.

Debate adjourned, on motion by Hon N.F. Moore.

FREEDOM OF INFORMATION BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Mark Nevill (Parliamentary Secretary), read a first time.

HON MARK NEVILL (Mining and Pastoral - Parliamentary Secretary) [6.05 pm]: I move -

That the Bill be now read a second time.

The Government introduced the Freedom of Information Bill 1991 in November last year. At the time it was stated that the Bill would lie on the table over the Christmas break to allow the community to consider it and comment on it. As a result of submissions and discussions since then, including discussions with the Opposition, a number of amendments have been

made to the Bill. Those amendments have been consolidated in the Freedom of Information Bill 1992, and the Freedom of Information Bill 1991 has been withdrawn. Explanatory notes on the amendments are available for distribution to members.

The Freedom of Information Bill 1992 retains the key features of the Freedom of Information Bill 1991; namely, the creation of a right of access to documents held by State and local government; unlimited retrospectivity; and provision of a comprehensive means of review, including the creation of the independent office of Information Commissioner. The most significant amendment is the inclusion in the Bill of a new part which provides a means to ensure that personal information held by the State and local government is accurate, complete, up to date and not misleading. This part was to be left for the proposed privacy legislation. However, due to the Government's very full legislative program the privacy legislation will not be ready for introduction this year; therefore, the provisions have been included in the Freedom of Information Bill 1992.

Part 3 is the new part of the Bill. Clause 44 gives people the right to apply for amendment of personal information which is inaccurate, incomplete, out of date or misleading. The agency may make the amendment by altering, striking out, deleting or inserting information, or inserting a note in relation to information. The agency is not to make the amendment by obliterating or removing information, or destroying a document, unless the prejudice or disadvantage to the person outweighs the public interest in maintaining a complete record and the agency has notified the Library Board of Western Australia. If the agency does not agree to the amendment, applicants can have a notation or attachment containing their claims added to the information. The applicant's claims are to be passed on to anyone to whom the information is disclosed. There will be no fees or charges for applications for amendment of personal information. An applicant can seek internal review of decisions of an agency and can complain to the commissioner. Appeals to the Supreme Court are allowed on some grounds. A number of amendments have been made throughout the Bill as a result of the addition of this new part. For example, the objects clause now includes an object relating to amendment of personal information.

Other amendments in the Freedom of Information Bill include: Requiring agencies to give effect to the Act in a way that allows access to documents to be obtained promptly and at the lowest reasonable cost; allowing the Information Commissioner to reduce as well as extend the 45-day time limit within which agencies must decide applications for access; requiring agencies to notify applicants of the basis of their estimate of charges as well as their estimate; allowing applicants to seek a review of charges before an agency completes the work; allowing consultation with someone representing the interests of the child of a deceased person; requiring the Information Commissioner to make decisions within 30 days of a complaint unless it is impractical to do so; allowing the Commissioner to award costs against a party whose conduct is exceptionable and unreasonable; allowing the Information Commissioner to refer questions of law to the Supreme Court without the agreement of all parties, but allowing a party to opt out of such a reference, avoiding any associated cost; allowing the Supreme Court more flexibility in dealing with references of questions of law; restricting applicants to the mechanisms of review, complaint and appeal provided in the Bill; extending the law enforcement exemption to matter that has originated with or been received from a Commonwealth intelligence or security agency; and exempting for 12 months matter which is the subject of three specified secrecy clauses in other Acts.

A number of drafting amendments also have been made to ensure consistency of terms used throughout the Bill and to clarify the meaning of clauses.

In addition to these amendments, several important amendments have been made to the Bill during the course of its consideration in the Legislative Assembly. The most important of these, to which I would direct the House's attention are as follows: New provisions to protect the interests of intellectually handicapped persons in relation to applications for access to documents containing personal information about them;amendments to implement recommendations of the second report of the Royal Commission in relation to the transfer of applications for documents and the publication of reasons by the Information Commissioner; and extension of the rights to appeal on questions of law to the Supreme Court from decisions of the Information Commissioner.

A new clause 97 has been inserted to provide specific recognition of the rights of guardians

and parents to make applications on behalf of children and intellectually handicapped persons. A new clause 108 has been inserted which will make it an offence to conceal, destroy or dispose of a document for the purpose of preventing an agency from being able to provide access to that document. A number of amendments have been made to the exemptions set out in schedule 1 including: The 20 year limit on the exemption for Cabinet and Executive Council documents has been reduced to 15 years for existing documents and 10 years for documents created after the Bill comes into force; the 20 year limit on the exemption for deliberative process documents has been reduced to 10 years; and a public interest limitation has been placed on the exemption for documents relating to the State's economy. I commend the Bill to the House.

Debate adjourned, on motion by Hon Peter Foss.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [6.11 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Aboriginal Projects Funding

HON E.J. CHARLTON (Agricultural) [6.12 pm]: Before the House adjourns, I refer to another issue in connection with the comments I made in the adjournment debate on Tuesday, 24 November. As members know, I and others are deeply concerned about a number of issues that have come very much to the fore and have been supported by written documentation relating to the funding of Aboriginal projects. Funds are not ending up where the instigators of that funding intend it to go. I am concerned that if I do not raise these issues in this place, a blind eye will be turned to what is going on and these activities will be condoned or, more importantly, somebody will not check out my complaints. Therefore, I raise these issues on the basis that the responsible people will have to inquire into my allegations and make public their findings which will ensure that the evidence that I have been given is either correct or that there is another reason for my being given the information.

As I have said before, about $2 billion a year is allocated supposedly for the advancement and betterment of Aboriginal people in this nation. However, it is not being spent on making better the lives of Aboriginal people. Some of it is ending up in the pockets of people who are either not Aboriginal or do not intend spending it on the betterment of Aboriginal people in the long term. Members know that currently we are awaiting a decision of the Supreme Court. I look forward to that being handed down next Monday. We have heard a lot recently about accountability. However, the first time that the Government had an opportunity to demonstrate to the public that it was accountable, it failed to support my motion for Aboriginal Legal Service documentation to be lodged with the Clerk.

In addition, I have been given information by Aboriginal and other people which raises important questions about funding for and accounting procedures used in the operation of the Wiluna emu farm, a report on which was published in the *Kalgoorlie Miner* this week. Questions have also been raised about accounting procedures of the Three Springs emu farm which is associated with the Wiluna operation. I have been told by Aboriginal people that a person there is being directed to sign documents and that that person is not aware of the consequences of his signing those documents. Questions were also raised about a housing project at Meekatharra.

I have also been approached to take up with the Federal Minister for Aboriginal Affairs matters relating to tenders for various capital improvements around this State. Apparently tenders were called by the Aboriginal and Torres Strait Islanders Commission. However, the lodgment of those tenders did not comply with the tendering system. In fact, the successful tenderer was made aware that he had won the tender before tenders closed.

Hon Tom Helm: Did he go to the ALS as well?

Hon E.J. CHARLTON: No.

Hon Tom Helm: Are you talking about the Morley tennis club?

Hon E.J. CHARLTON: I will leave that up to Mr Helm. He has such a wide interest in this subject he should know. He must know the facts otherwise he would not raise the matter.