

ADJOURNMENT OF THE HOUSE

HON KIM CHANCE (Agricultural - Leader of the House) [10.00 pm]: I move -

That the house do now adjourn.

Mark Paxton, Fishing Licence - Adjournment Debate

HON BRUCE DONALDSON (Agricultural) [10.01 pm]: I have a few issues on the question I asked during questions without notice yesterday of the Minister for Fisheries. I preface my remarks by saying that I would have much preferred that the minister was in the house tonight. I do not like raising issues when the member whom I am addressing is not present. However, I must raise this matter tonight because the season to which this application for an Abrolhos Island mid-west trawl managed fishery licence applies opens on 4 April this year.

Hon Ed Dermer: Do you understand why the minister is not here?

Hon BRUCE DONALDSON: I fully understand; it is because of ill health. However, I cannot delay this matter until he is present because a series of events has occurred. When Hon Kim Chance was Minister for Fisheries, he gave an exemption to Mr Paxton to fish in the mid-west trawl fishery for the 2004-05 season simply because accusations against the Department of Fisheries needed to be investigated and concluded. A letter dated 1 October 2004 from the executive director, Mr Peter Rogers, to Mr Paxton states -

This letter is to confirm that you lodged an Application at the Department of Fisheries on the 1 September 2004 for the grant of an Abrolhos Island Mid West Trawl Managed Fishery Licence.

Your application raises some issues that I am investigating and I will respond to you in due course.

Some questions were raised by Mr Paxton at that time about a lot of other issues. I will not go into them because, as I am sure the Leader of the House knows, it would take 40 minutes of my time - I could be here until midnight spelling out the issues, and I do not intend to do that. This matter is a prime example of something to which a number of members in this house have referred. When applications for a licence are made to a government agency, and no reply whatsoever has been received after a period of, say, six months, the licence should be automatically deemed to be granted.

The documents show that the Department of Fisheries has sat on its hands over this application. It is more concerned about the accusations that were made against it, and it sought legal advice on that matter. I do not question the integrity or the credibility of the minister, Hon Jon Ford. He gave an assurance to Mr Paxton that he was entitled to his day in court. The minister also gave me an assurance that he wished to see Mr Paxton have his day in court at the first opportunity. That has been denied to him because of the delays that have occurred. I have asked that Mr Paxton be given an exemption. On 28 February this year the matter went before the State Administrative Tribunal, which was set up by this government to assist people to have their day in court so that they could appeal against a decision that had been made against them. The decision to not grant Mr Paxton a licence could have been made some time ago. The case could have been heard on 28 February. Yesterday it was adjourned again. How can Mr Paxton go to a court of appeal and appeal against a decision that has not been made? No definitive answer has been given. The president of SAT has clearly stated that. The fishing season opens on 4 April. Yesterday I asked the Minister for Fisheries whether an exemption could be granted to Mr Paxton to fish until December 2006. The introductory remarks of the president of SAT convinced me that it was necessary to allow Mr Paxton to have his day in court. The minister replied to my question that the department has further advised that if an application for exemption is received, it will be assessed on its merits. A letter from the minister, dated 21 October 2005, states -

In regard to the Ministerial Exemption permitting you to operate in the Abrolhos trawl fishery during 2005, in light of the outcome of the investigation I will not be renewing or extending the Exemption further.

I now view the matter of your claim of a lost right to fish in the Fishery as concluded. I am advised that the matter regarding your application form for a managed fishery licence submitted to the Department in 2004 can now also be finalised and that the Executive Director has written to you regarding your application form.

Thank you for raising these matters with me.

It is signed by the Minister for Fisheries, Hon Jon Ford. In light of that letter, I do not know how the Department of Fisheries could have provided the response it gave in answer to the question I asked yesterday, which was that if Mr Paxton would like to apply for an exemption, the department would look at it. The department has failed to realise that the minister has already written to Mr Paxton and said that he will not grant Mr Paxton an exemption. The minister may reconsider that decision because Mr Paxton has been denied his day in court at the

SAT. That is the reason the tribunal was set up by this government. It seems very funny that two days after the minister's letter was received, the executive director of the Department of Fisheries, Mr Peter Rogers, wrote to Mr Paxton. He stated that after considering all the accusations with the State Solicitors Office, the issue was concluded. However, page 2 of Mr Rogers' letter states -

The matter of your application for the grant of a managed fishery licence is quite separate and distinct from the circumstances surrounding cancellations of LEFL 1921 and LFFL 1890. I shall write to you separately concerning the application.

The solicitors for Mr Paxton wrote to the minister on 14 March, which was after the part-heard tribunal hearing of 28 February. I do not have time to read out the entire letter, but I am happy to table it. It states in part -

Our client's application for the managed fishery licence has been outstanding since 1998. When the writer appeared before the President of the State Administrative Tribunal on 28 February 2006, the Department's representative advised the President that the application for the managed fishery licence was outstanding in part because some information was awaited from the applicant. We indicated to the President, and it was accepted by the Department's representative, that, so far as the applicant was concerned, there was no outstanding request for information and, indeed, the Department's representative advised the President that the Department would be seeking further information from the applicant but had not, at that stage, done so. As at the time of writing there has still been no further request for information addressed to our client.

It was then suggested by Mr Paxton's legal representative that an exemption should be granted until that fisherman had the opportunity to have his day in court.

On 17 March, Mr Paxton sent a fax headed "Application for Authorisation - Abrolhos Island Trawl Fishery - One (1) Managed Fishery Licence & Unit" to Mr Peter Rogers, the executive director of the Department of Fisheries, in which he said -

I am now giving you 10 days notice of my intention to serve you with a Supreme Court Writ of Mandamus as per Civil Procedure Western Australia - Supreme Court, s56.15.1, Mandamus:

"A Writ of Mandamus does not issue except to command the fulfilment of some duty of a public nature which remains unperformed."

Put simply, the department has not responded to Mr Paxton. What has been going on is something like *Blue Hills*. The Leader of the House knows what I am talking about. It is up to the court to decide the outcome. However, this man has been denied an opportunity to appear in the court.

Can I conclude my remarks, Mr Deputy President? I am wrapping them up; I am about to conclude.

The DEPUTY PRESIDENT (Hon Graham Giffard): If the member is wrapping up, I will take my time calling him to order.

Hon BRUCE DONALDSON: Thank you for that, Mr Deputy President. I think what I am asking for is fair and reasonable, because the previous minister said that this matter should have been concluded. Probably the answer no should have been given some time ago, so that at least this man could go to court and the court could decide the issue. I will not argue or be presumptuous enough to say that Mr Paxton is right, but at least this man should be given an opportunity to go to court. Quite frankly, I believe it is a travesty of justice to now deny him an opportunity to do that prior to the season opening on 4 April. I am very disappointed in the attitude and the conduct of the Department of Fisheries in this matter, which has been outstanding for too long. I do not think this man has been given what I would consider to be, in Australian terms, a fair go. I ask the minister - he will read my comments in *Hansard* - to do something about it straightaway and at least get something done.

Hospitality and Tourism Training Facility - Adjournment Debate

HON SALLY TALBOT (South West) [10.13 pm]: In the Peel region, we are well used to innovation in the areas of education and training. After all, we have the first co-located school, TAFE and university campus in the whole of Western Australia; that is, the Peel Education and TAFE Campus, which comprises years 11 and 12 at Mandurah Senior College, the Peel campus of Challenger TAFE and Murdoch University. As I said, we are well used to innovation in the areas of education and training.

The other day I was fortunate enough to be an observer at the ceremony for the signing of a memorandum of understanding between the City of Mandurah, Mirvac Fini (WA) Pty Ltd and Challenger TAFE to introduce a landmark agreement that will result in the establishment of a hospitality and tourism training facility as part of the new development on the site of the old Peninsula Hotel. I want to take the opportunity in the house tonight to pay tribute to some of the people who have spent some years working very hard to get this landmark

agreement off the ground. I will start by acknowledging the work of Mr Malcolm Goff, who for some years now has been the managing director of Challenger TAFE and has done a truly outstanding job. Many members of this place will be familiar with Mr Goff's work over the years. We are very lucky to have had Malcolm working in the Peel region as managing director of the TAFE college. He was at the signing of the memorandum of understanding, and tribute was paid to the part he played in bringing about this agreement. He assures me that the person who actually did the work on the ground was Liz Harris, the general manager of training, research and development at Challenger TAFE. Malcolm saw the opportunities to be involved in developing some truly innovative programs through the development of the Peninsula Hotel site, and Liz has spent the past year or so doing all the groundwork to put this agreement in place. Also taking part in the ceremony was Adrian Fini, obviously representing Mirvac Fini, whose work in the Peel region has led to innovations in all sorts of areas. We were also very lucky to have Mr Michael Quinlan at the ceremony. As some members will know, Mr Quinlan is a very eminent physician in Perth, and is now, as he approaches the point of retirement, devoting more time to his role at the University of Notre Dame Australia. Mr Quinlan attended the ceremony because he lent the Quinlan family name to the restaurant that will be the shopfront of this new hospitality and tourism training facility on the Peninsula Hotel site. Michael Quinlan's family has played a very significant role in the political history of Western Australia. Some members might know that at one stage his grandfather was the Speaker of the Legislative Assembly and his uncle, I believe, was the President of this house.

I will also mention the truly outstanding work done in the City of Mandurah and the Peel region in general by Paddi Creevey, the Mayor of the City of Mandurah. She attended the signing of the memorandum of understanding also wearing her hat as chair of the Challenger TAFE governing council. She has been ably supported in devising this arrangement by Ian Hill, the director of community development at the City of Mandurah, and by Mark Newman, her chief executive officer. I appreciated very much that the Minister Assisting the Minister for Education and Training attended the ceremony and played his part in signing the memorandum of understanding on behalf of the minister. He was one of the signatories at the table to bring about this world-class training facility at the Mandurah Peninsula Hotel redevelopment site.

Of course, one of the things that Challenger TAFE has carved out a real reputation for, particularly in its work at the Peel campus, is forging close links between education and training opportunities for people in the region and local employment and community needs. One of the most exciting features of this new development is that it will go a long way towards addressing some of the very real skills shortage issues in the hospitality industry. These issues are very important to people in the Peel region. A large part of the income of the region is derived from that industry. Work on the development of the Peninsula Hotel site has already commenced. It is a \$210 million project, and that includes the new hospitality and tourism training facility. I understand that the project is expected to be completed by mid-2008.

I look forward very much over the next few years to having a close working relationship with Mr Robert Player, who will be taking over or probably has done so this week from Mr Malcolm Goff, as well as with Liz Harris, the people from Mirvac Fini and, of course, the Mandurah City Council and particularly Mayor Paddi Creevey. I pay tribute to them all, and to the government's role in bringing about this innovative project, which will be of great benefit to Mandurah.

Drug-Use Kits - Adjournment Debate

HON DONNA FARAGHER (East Metropolitan) [10.20 pm]: The availability of drug-use kits in Western Australia is a serious concern to me and to many people in the Western Australian community. According to an article in *The West Australian* on 6 August 2005 -

Cocaine snorting kits and pipes used for smoking ice, crack and heroin are just some of the wide array of drug paraphernalia legally available over the counter at shops in Perth.

The article further states -

An investigation by *The West* found two shops selling a range of drug-related items and staff openly discussed the products' use in drug taking, giving detailed instructions on how the devices worked.

At Joynt Venture in the city, upon requesting a "coke kit", the shop assistant produced a large box from behind the counter filled with an array of cocaine kits complete with razor blade, mirror and snorting tube, as well as especially designed spoons, vials and other drug items.

She demonstrated how to operate a small device known as the "Bullet" and said that the cocaine kits were popular around New Year's Eve.

This is a deplorable situation. How can we teach children and young people about the dangers of drugs if drug-taking paraphernalia is legally sold over the counter, apparently even at delicatessens? How can we allow a situation in which glass pipes, for example, can be sold legally to enable users to smoke crystal

methamphetamine, or ice? Anyone who watched the *Four Corners* program on Monday night would have been aghast at the destruction that this highly dangerous and potent drug causes to not only the user, but also innocent bystanders, the police and health professionals. Indeed, according to the head of St Vincent's Hospital in Sydney, Dr Gordian Fulde, there has been a five-fold increase in patients admitted to hospital with methamphetamine, or ice, psychosis. A special security cell has been built at the hospital for these patients, who often require up to six staff members to contain them. As reported on the *Four Corners* program, Dr Fulde said -

We hold the patient down safely by their limbs. We don't sit on them, we don't do any of that, because it's obviously dangerous. And then we inject in a vein, preferably, very powerful chemicals. It's like a tranquilliser for elephants, it just brings them down instantly, because these people are so stimulated, so high, so out of control, that a dose of, basically, like a Valium derivative that would put you to sleep for ages, won't even touch them.

The *Four Corners* reporter went on to say -

But it's not just hardcore addicts who take ice. On the party circuit, it's the drug of the moment.

He continues -

Recreational users tend to smoke ice. But doctors say this still makes the drug just as addictive as injecting it. This is how an increasing number of casual users are becoming entrapped.

It is outrageous that the kits used to smoke these drugs are legal in Western Australia. In response to a number of questions asked by me in this house since August last year, the Minister for Health has finally advised that a number of legislative options are available to the government and that the issue will be considered by cabinet in coming weeks. That is excellent, but the minister has also told us that there is some capacity within the Consumer Affairs Act 1971 to prohibit the supply of goods in the public interest. My question is quite simple: if the capacity to ban these kits exists under that act, why has the government not already banned them? I know from an answer given to a question I asked during question time yesterday that the Department of Consumer and Employment Protection intends to ban ice pipes as of 24 March, which is this Friday. That is a very good thing. However, is it also going to ban cocaine kits and other paraphernalia, which can be bought for between \$20 and \$35? If the capacity already exists - having regard to the fact that future legislative options might be superior in the longer term - why has the government not already acted? As I have already mentioned, I first raised this issue in Parliament in August 2005 after reading the article in *The West Australian* to which I have already referred. I have consistently asked the Parliamentary Secretary to the Minister for Health whether the minister intends to ban these kits and I now find that there has always been a capacity to deal with their prohibition. Surely, given that these kits are used for taking often highly dangerous and illegal drugs - I stress again that these drugs are illegal - they should have been prohibited in the public interest long before now. The government should have taken immediate action and done something about it when the matter was first raised by the media and the opposition. As the Western Australia Police alcohol and drug coordination unit's Acting Senior Sergeant Kevin Tinley said in an article in the *Sunday Times* on 5 March 2006 -

It is an offence to have the drug, yet the paraphernalia for its exclusive use is available for anyone to buy, which sends crossed messages to the community,

People using the drug are a significant risk to police officers and the community because of the effects and dangers of the drug.

As the Commissioner of Police also said in the original article in *The West Australian* to which I referred -

The last thing you want to be doing is encouraging people to take or use illegal substances by giving them advice on what sort of equipment they need, . . .

I say again, if there was a capacity back in August to do something about these drug kits through the operation of the Consumer Affairs Act, even if it was an interim measure until legislative options were progressed, then it should have been acted upon immediately. I find it incredible that this course of action to curtail the sale of these kits has not been undertaken before now. Let us not forget that illegal drugs can and do kill people, so surely it is clearly in the public interest that the kits used for the purpose of taking these drugs should be banned from future sale as a matter of urgency.

Mark Paxton, Fishing Licence - Adjournment Debate

HON KIM CHANCE (Agricultural - Leader of the House) [10.26 pm]: I regret that I was not in the chamber to hear all of Hon Bruce Donaldson's comments relating to the Mark Paxton case, although I heard the second half of his comments. Hon Bruce Donaldson and I had discussed the matter earlier this evening outside the chamber. Obviously, as a former Minister for Fisheries, I have some history on this issue and I am as keen as is the honourable member to see the matter resolved. I inform the chamber that first thing tomorrow I will be advising the minister's office of Hon Bruce Donaldson's comments and seeking a response.

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Hon Kim Chance; Hon Bruce Donaldson; Deputy President; Hon Dr Sally Talbot; Hon Donna Faragher

Question put and passed.

House adjourned at 10.27 pm
