Legislative Council

Tuesday, 13 November 1990

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

BILLS (3) - ASSENT

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

1. Financial Institutions Duty Amendment Bill
2. Acts Amendment (Parliamentary Secretaries) Bill
3. Goldfields-Esperance Development Authority Bill

PETITION - BICYCLE HELMETS
Compulsory Wearing Legislation

The following petition bearing the signatures of 71 persons was presented by Hon George Cash (Leader of the Opposition) -

> To the Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned respectfully request the Government to -
>
> 1. Introduce legislation and/or regulations to make the wearing of an approved safety helmet mandatory whilst riding a bicycle.
> 2. to continue the scheme whereby parents are reimbursed a proportion of the cost of approved safety helmets purchased for their children;
> 3. to promote the safety benefits of wearing bicycle safety helmets for both riders and pillion passengers through a campaign of public awareness and education.
>
> Your petitioners, therefore humbly pray that you will give this matter earnest consideration and your petitioners as in duty bound, will ever pray.

[See paper No 721.]

PETITION - DUCK SHOOTING
Controlled Season Support

Hon P.G. Pendal presented a petition bearing the signatures of 1 042 persons supporting the continuation of controlled duck hunting.

Similar petitions, bearing the signatures of 110 and 74 persons respectively, were presented by Hon Muriel Patterson.

[See papers Nos 722, 723 and 725.]

PETITION - COAL MINE AND POWER STATION PROJECT
North East of Jurien - National Park Establishment Support

The following petition bearing the signatures of 412 persons was presented by Hon Margaret McAleer -

> To the Honourable the President and Members of the Legislative Council in Parliament assembled.
>
> The Petition of the undersigned respectfully showeth.
>
> Support for the establishment of a coal mine and power station, north east of Jurien, and the establishment of a national park adjacent to this project. Our support is conditional upon all Environmental Protection Authority requirements being met.

Your Petitioners most humbly pray that the Legislative Council, in Parliament assembled, should

Consider the establishment of the coal mine and power station, and a national park on their commercial and environmental merits.

And your Petitioners, as in duty bound, will ever pray.

[See paper No 724.]

OMBUDSMAN - SMITH PAPERS

Bribery Allegations - Police Inactivity Complaint

THE PRESIDENT (Hon Clive Griffiths): Honourable members, I have received a letter from the Office of the Parliamentary Commissioner for Administrative Investigations which reads as follows -

On 8 November 1990 I received a letter of complaint from Mr B J MacKinnon MLA concerning alleged police inactivity into bribery allegations.

I have made preliminary inquiries into the matter. Meetings have been held with -

- the Commissioner of Police, the Deputy Commissioner of Police - Operations (who is responsible for the day to day running of the Internal Affairs Unit), and the Head of the Internal Affairs Unit;
- the Head of the Internal Affairs Unit; and
- the Commissioner of Police and the Head of the Internal Affairs Unit.

I have seen and given consideration to "the Smith Papers".

I record that I received full co-operation from the Commissioner of Police, as has always been my experience.

I can well understand the public concern about what might be seen as an undue delay in the police investigations into this matter. At the same time and from my inquiries, I am also aware of the extremely difficult investigation facing the police.

I have been informed of the stage that the investigation has reached and the reasons for the strategy adopted to date. In my view, the Commissioner should have the opportunity to complete the investigation and nothing should be done to jeopardise it.

The Commissioner has agreed to my recommendation that the Parliamentary Commissioner for Administrative Investigations reviews the progress of the investigation in three months time and also reviews the position on the conclusion of the investigation, irrespective of the outcome.

Such reviews would be undertaken by my successor, since it is my intention to resign from office on 31 December 1990. I do so with regret (after more than eight years in office and as the State's longest serving Ombudsman), on medical advice following hospitalisation earlier this year.

Notwithstanding the outcome of the police investigation or any review by the Parliamentary Commissioner, I believe that the mounting public concern will not be put to rest.

The public interest will, in my view, only be satisfied by a Royal Commission with extended powers (as was the case in the Fitzgerald Inquiry) investigating this and other related matters.

I do not propose to make any further comment.

E G FREEMAN
Parliamentary Commissioner for
Administrative Investigations

13 November 1990

[See paper No 726.]

On motion by Hon J.M. Berinson (Leader of the House), resolved -

That consideration of the statement of the Parliamentary Commissioner for Administrative Investigations be made an order of the day for the next sitting of the House.

URGENCY MOTION - BANANA INDUSTRY

THE PRESIDENT (Hon Clive Griffiths): I have received the following letter -

Dear Mr President

URGENCY MOTION

Under SO 63, it is my intention at today's sitting to move that the House, at its rising, adjourn until Sunday, December 23 1990 at 8 00 am for the purpose of discussing the inroads being made on the commercial viability of the banana industry in Western Australia by imports of bananas, particularly those imported from Latin American countries.

Yours faithfully

P H Lockyer MLC
Member for the Mining & Pastoral Region

The mover of this motion will require the support of four members.

[At least four members rose in their places.]

HON P.H. LOCKYER (Mining and Pastoral) [3.50 pm]: I move -

That the House at its rising adjourn until 8.00 am on Sunday, 23 December 1990.

I thank the House for allowing me this opportunity. The purpose of these motions is to bring to the attention of the House matters which are of concern and I consider this matter to be just that.

Two and a half weeks ago, following a request from the Liberal Party spokesman on agriculture to the Minister for Agriculture, a paper was released by the Australian Quarantine and Inspection Service relating to a proposal to examine the importation of fresh bananas from Ecuador. That was the first indication to the two most important banana growing areas of Western Australia, Kununurra and Carnarvon, of any proposal to examine the importation of bananas. I am not opposed to free trade anywhere in the world; in fact I support it. However, as members are aware, the Australian banana industry has operated for 140 years. In its early days, it was particularly difficult to deal with the diseases that affected the industry.

It is necessary to bring to the House's attention part of the proposal which was set out in the document that was received by the major grower organisations in both Kununurra and Carnarvon and by organisations throughout Australia. I understand that, subsequently, the associations in other States were as surprised as were the organisations in this State. The introduction to this paper states -

> The purpose of this paper is to seek comment from interested parties on a preliminary biological risk assessment of a proposal to import fresh banana fruit from Ecuador. A further more detailed paper can be expected in the future if this proposal is to be pursued.

Members can imagine the shock of banana growers in this State and in Australia when they read that. They were horrified by the plan to examine the effects of the importation of this fruit. The paper goes on -

> Under provisions of the *Quarantine Act 1908* and more specifically under Quarantine Proclamation 76P, which relates to importation of fresh fruit and vegetables, fresh banana fruit is a prohibited import into Australia unless authorised by the Director of Quarantine.
>
> Fresh banana fruit has not been imported into Australia in the recent past and certainly not since the Second World War. In the early part of this century some fruit was imported from the Pacific Region, particularly Fiji but this trade is thought to have ceased by the mid 1920s.

> The main banana production areas in Australia are in Queensland and Northern New South Wales with smaller commercial plantings in the Northern Territory and Western Australia. The Australian industry is essentially run as an owner/grower operation which in Queensland is demonstrated by a total area of plantings in 1988 of 6181 hectares involving 1334 growers.

Regardless of that comment, Carnarvon is a long established banana growing region. One of the fastest growing banana areas of Australia is Kununurra. That industry is very important because, since the birth of the Ord River scheme, it has been difficult to establish profitable industries in that region. One of the more recently introduced products is bananas and it has been found that not only do they grow successfully but also they grow for 12 months of the year. Enormous investments in the industry will be made and have been made, particularly in the last two or three years, by banana growers. One grower I spoke to last week had received a bank loan of $120 000 to be paid back over 15 years to cement his and his family's future in a banana plantation. He was shocked when he read this report. It continues -

> In late 1989 the Australian Quarantine and Inspection Service (AQIS) received a proposal to permit import of fresh bananas into Australia from Ecuador. This was followed by information provided by the Ecuadorian Ministry of Agriculture on the occurrence and distribution of pests and diseases of bananas in Ecuador. This information and that derived from other sources has been used to prepare this paper to allow early consideration of the technical issues by interested parties and permit an opportunity for input at all stages in the biological risk assessment process. It is emphasised at the onset that this risk assessment is at a preliminary stage and its further development will depend on this consultative phase and other investigations currently being undertaken.

The hard thing for the growers to realise is that they had to read this in this document tucked inside a magazine put out by these people. I cannot believe that a Federal Government of any political persuasion would give consideration to a proposal like this, particularly when we consider the quarantine problems that will have to be faced. Two of the most important diseases of the banana industry in Australia are moko and black sigatoka. The first is caused by a bacterium and the second by a fungus. Either of those diseases would completely wipe out the Australian banana industry in a short time. Over a number of years, the industry has been able to avoid these diseases even though there have been instances, which I will detail later, of disease coming into Australia and causing an enormous scare. The report goes on -

> The Ecuadorian list of diseases did not include any reference to the occurrence of Black Sigatoka in Ecuador. However, a recent literature search has indicated that Black Sigatoka is present in Ecuador (Esplanosa, 1986), and AQIS is investigating its distribution.
>
> Considering the seriousness of these diseases it is unlikely that AQIS' concern could be resolved solely through literature research. In order to resolve the issues raised in the discussion paper it may be necessary for Australian experts to visit Ecuador to obtain information on pests and diseases of bananas if the proposal is to progress. The findings from these studies will be reported in a later discussion paper.

More should be done than to put this in a discussion paper. Both the grower associations in my electorate are absolutely outraged that the proposal got as far as it did - almost to the stage of being a fait accompli - before they were informed. I commend the Kununurra Banana Growers Association and the Carnarvon Banana Growers Association who, when informed, joined with their counterparts in the Eastern States and sought meetings with Hon John Kerin, the Minister for Primary Industries and Energy. Their representatives met with him on 26 October and put their case to him, part of which was -

> Australia is one of the few banana producing countries that is free of the massively devastating diseases of Moko and Black Sigatoka. Black Sigatoka has occurred at Bamaga on the tip of Cape York Peninsula and on islands in the Torres Strait. In 1981/82 an expensive eradication campaign was carried out but unfortunately Black Sigatoka reappeared in 1984. The banana industry decided in 1988 to again attempt an eradication of all banana plants in this area as it was imperative to keep Black Sigatoka out to our commercial growing areas.

> The Queensland banana growers have supplied $75,000 worth of bananas to the local inhabitants whilst the replacement resistant cultivars have been growing to production. The eradication program will cost in excess of $65,000, taking the total 1988-90 exercise over $130,000.

The next quarter will be extremely important and this country cannot possibly take any chances in this area. The industry also told the Minister -

> Moko disease was recently found near Cairns after heliconia plants were imported from Hawaii (previously thought not to have this disease). Despite AQIS procedures being in place these plants got through the system and it was pure good luck not good management that they were discovered and remedial action taken. Subsequent monitoring of the area has not found any sign that Moko has spread and we have our fingers crossed that it was caught in time.
>
> Any risk, even minimal, of the two main scourges of the world banana industry entering Australia is too much.

We cannot take the chance of allowing AQIS or some other quarantine people, for technical reasons, to consider importing any bananas. For the interest of members I indicate that the value of the Australian banana industry at wholesale level last year was $247 million; more than 252 000 tonnes of bananas are produced in Australia; and 18 million cartons of bananas are produced in this country in north Queensland, south east Queensland, northern New South Wales, Kununurra, Carnarvon and the Northern Territory. The effect of any losses in the banana industry would be enormous on those areas. The industry in north Queensland is worth far more to the area than the sugar industry, even though north Queensland is recognised as the sugar growing capital of Australia. Bananas are worth far more to the region on a dollar basis.

At present Ecuador exports 100 000, 18 kilogram cartons of bananas to New Zealand every two weeks at a landed price of Australian $15. We consider that this is a tit for tat exercise by the Ecuadorian exporters to get back at Australia, which is considering exporting bananas to New Zealand. There is no question that Australian bananas are disease free because our growers have carefully monitored their plants over a great number of years and production has reached the stage at which they can consider exporting bananas. A period of 140 years of banana growing cannot be risked in the negotiations under way with South American countries on the General Agreement on Tariffs and Trade. Ecuador is using the excuse that in view of the current negotiations Australia should consider importing this product. If the Ecuadorian product were totally free of any diseases, that would present no problem. I am sure the banana industry in Australia could stand on its own two feet; however, it is not prepared to allow diseases to be introduced into this country which could wipe out an industry that is absolutely essential to Australia.

Members will probably be surprised to learn that after apples bananas are Australia's most popular fruit and they are regarded as a highly nutritious addition to our diet.

Hon B.L. Jones: They are a bit fattening.

Hon P.H. LOCKYER: I am sure that would not worry a lady with the svelte figure of Hon Beryl Jones. Although they are fattening, that does not stop them from being the second most popular fruit in Australia.

To his credit, Hon John Kerin gave serious consideration to the input from the growers and a further meeting was held on 26 October with a number of interested parties, including representatives from every growers' organisation in Australia. The Minister checked the preliminary risk assessment of the proposal to import fresh bananas from Ecuador and, after examining the background papers presented by the various organisations, he conceded that it may well be a tit for tat arrangement by the large importing/exporting companies in Ecuador to have a crack at Australia because of the possibility of its exporting fruit to New Zealand. He said he believed that -

> . . . due to the number of pests and diseases listed in the AQIS paper as being found in Ecuador, it was unlikely that a decision on imports would be made before the end of 1991 and more likely into 1992. If after submissions from industry AQIS was still not convinced that imports should be kept out of Australia, it would be necessary for AQIS scientists to travel to that country to have a look at the situation for themselves.

The Minister was also informed by the group that information from a reliable source indicated that the Ecuadorian Government provided shipping subsidies to the Bonita company which currently exports fruit to New Zealand. There is no doubt that this very large and ruthless company is not playing by Marquess of Queensberry rules. It is determined to spread its wings and it is not bothered about the fact that there is disease in Ecuador. In the first reports presented to AQIS the company carefully left out the diseases of moko and black sigatoka. Mr Kerin further stated that -

> . . . should the current round of GATT talks in Uruguay not fulfil all hopes and should signatories to the agreement not be forthcoming to the satisfaction of the Australian Government, the Government would have no option but to review all its policies on trade matters.

It seems to me that this issue is being held over the heads of the growers, and it has terrified the industry. Never in my almost 11 years in this House have I seen banana growers in Carnarvon as united as they are on this issue. Last week I spoke with the growers in Kununurra, who are also totally united. They are not scared of free trade but they are terrified of disease.

The Minister for Primary Industries and Energy said in his speech at the opening of the 58th Annual General Meeting of the Banana Growers' Federation Co-operative Ltd at Mullumbimby on 26 October that -

> The banana industry in Australia is almost entirely domestically oriented. In 1989/90 only 86 tonnes of fresh and dried bananas were exported from Australia out of a total production of over 200 000 tonnes.

So exports comprise only a small proportion of our total production.

Hon Mark Nevill: There is a message there.

Hon P.H. LOCKYER: I am glad Hon Mark Nevill made that comment. There certainly is a message there because at the moment Australia is battling to meet its own requirement for bananas, let alone having to worry about exporting them.

Hon John Kerin said also -

> Banana plants are susceptible to a range of pests and diseases. The crop is highly perishable and has specific requirements for ripening prior to retail sale.

So there are considerable problems in producing bananas. The Minister continued -

> In the past Australia has been able to rely upon its geographic isolation to protect its native species and primary industries from exotic pests and diseases which afflict other countries.
>
> However increased passenger, cargo and mail movement has greatly increased quarantine risks, and we are also more aware of the risks posed by other factors such as wind currents and migratory birds.

What the Minister did not say was that we are subject to an ever increasing propensity on the part of other countries to not care too much about what they send here. I remind members of the problems experienced by the pig industry when Canada proposed to export pig meat to Australia. That proposal was vigorously opposed by the pig industry, so the Canadian producers tried every trick in the book, and although some questions were asked about certain diseases, the Canadian producers won out, and I understand that pig meat is now being imported into Australia. That was a terribly wrong decision, and I would hate to see the same mistake made in this industry. This viable industry should not have to worry about the increased risk of disease in imports from countries for which we cannot set the rules for quarantine arrangements in the same way that we can set them for our growers.

Hon John Kerin continued -

> Australia cannot demand objective quarantine systems in other countries without a similar system operating domestically. That is a system based on sound, and internationally defensible, scientific and economic principles.
>
> It is against this background that the proposal to permit the import into Australia of bananas from Ecuador must be considered.

> The Australian Quarantine and Inspection Service - AQIS - has released a preliminary risk assessment, which is contained in the October AQIS bulletin, for comment.

That is the bulletin from which we got our information and from which the banana growers of Australia got their first indication about how far down the track the Federal Government has gone with this proposal from Ecuador. The Minister is concerned that people may go off half cocked about this issue, but the growers in Kununurra, Carnarvon, Ballina in New South Wales, and in north Queensland could be excused for feeling concerned that their industry may be put under a cloud for the next two or three years. This proposal may go ahead, and the quarantine service may say it does not look as though there are any of these diseases, but all of a sudden a disease may break out and wipe out the industry overnight. We cannot take that chance.

The Minister continued -

> The purpose of the paper is to seek comment from interested parties on a preliminary biological risk assessment of the proposal. A further more detailed paper can be expected in the future if the proposal is to be pursued.
>
> AQIS is well aware that moko disease and black sigatoka exist in Ecuador and what the consequences would be if they were established here.

If the quarantine section is so aware of that, why is it even talking to the people in Ecuador? Why not stop this proposal dead in its tracks?

Mr Kerin continued -

> Let me stress that the decision on this proposal will be based on objective scientific and economic grounds. The decision is a long way from being taken and there are many steps in the appraisal process which have to be completed.

I respect Mr Kerin, and believe that while his political persuasion is not mine, he has always had at heart the best interests of the Australian agricultural industry. However, we must oppose this proposal at every stance. We cannot take a chance. The Department of Agriculture is currently taking a chance in allowing into Australia fat tailed lambs. Those lambs are quarantined for a period at Cocos Island. They are now at Kununurra, and are about to be moved to Wongan Hills. I have spoken to a former officer of the Department of Agriculture, who worked on that project. He was not convinced. He said we are mad and should not have taken that chance because of the disease risk.

We are mad if we even consider importing bananas from Ecuador. Despite what the technical people may say about the remoteness of the risk, the diseases of moko and black sigatoka exist in Ecuador and it will not take them long to get going in Australia. The growers in north Queensland did not think they would get black sigatoka from the Hawaiian plants, because they were told those plants did not have it. All the quarantine procedures were followed, but those plants did have that disease. The growers have been lucky; they were able to destroy all the plants, and they have their fingers crossed that the banana plants will not get that disease. We cannot take that chance.

It is my duty to bring this matter to the attention of members and to ask them to oppose this proposal at every opportunity. We should oppose it on an apolitical basis. We support free trade, but we cannot take chances with an industry which is worth zillions of dollars to Australia, employs an enormous number of people, gets areas like Kununurra and Carnarvon going, and, more importantly, puts into our economy the dollars that we so badly need. I seek the support of my colleagues.

HON TOM STEPHENS (Mining and Pastoral) [4.18 pm]: There will not be much argument from this side of the House with Hon Phil Lockyer's concerns about this issue, particularly in the context in which he raised them.

Hon D.J. Wordsworth: Will you argue with your Federal counterparts?

Hon TOM STEPHENS: That interjection is irrelevant, because Hon Phil Lockyer has pointed out that a process is now in train. The member is correct in expressing concern about the short notice that appears to have been given about this proposal. Only a short time frame was available to enable interested groups to express their views about this issue. No doubt

he is as pleased as we are that the time frame in which people can comment on this important proposal has been extended to the end of this month. The member will no doubt know that our Federal colleague, the member for Kalgoorlie, Graeme Campbell, has raised this issue with the Federal Minister for Primary Industries and Energy. As recently as 7 November Mr Campbell issued a Press statement which contains some crucial paragraphs and provides some additional perspectives on this issue which perhaps were not provided by the lead speaker in this debate. In his Press release Mr Campbell says some unwarranted statements have been made, including claims that the first shipments of Ecuadorian bananas were due to arrive in Australia in a matter of weeks, and that these unwarranted statements were causing unnecessary concern for banana growers. Mr Campbell's Press statement goes on to indicate that an application had been received from a New Zealand company to import Ecuadorian bananas to Australia and that the Government is dealing with this application in the proper manner, by referring it to the Australian Quarantine and Inspection Service for assessment.

A preliminary report by AQIS identifies the possible disease and pest implications of Ecuadorian banana imports, and that report is widely available through Mr Campbell's office and through my State colleague, Kevin Leahy, the member for Northern Rivers. I know both those members are circulating copies of that report to growers in the Carnarvon region. I have today made contact with representatives of the banana industry in Kununurra and have spoken to them and listened to their concerns about this issue, and I will be making copies of that preliminary report available to people associated with the industry in Kununurra. This is a preliminary report and AQIS will undertake a full risk assessment only if the import application is pursued. If that is the case, Mr Campbell makes the point in his Press statement that a final decision from AQIS would not be expected until some time in 1992-93.

I am pleased to know that Hon Philip Lockyer shares the commitment of many of us in the Parliaments of Australia to free trade, because we know that in the long term if free trade can be spread throughout the world Australia has something to gain, and I hope the world also has something to gain. In that context it ill behoves the industry to utilise the opportunity of this fear about Ecuadorian banana imports to develop arguments about the products of cheap labour unfairly competing with our own produce. It is best to focus our attention on the ball, which quite clearly is the issue of pests and diseases. Kevin Leahy, Graeme Campbell and I will be pursuing the examination that will now be done of the Ecuadorian banana industry to ensure that as much as possible is known about the diseases and pests before any decision can be made on this issue. A preliminary assessment by people such as ourselves would lead to a pretty quick decision in this regard, and we are confident that any detailed assessment would lead to the conclusion that the pests and diseases that could be introduced if we imported bananas from Ecuador would not be worth the risk. In that context one should anticipate that in the fullness of time the banana industry of Western Australia and Australia will not be jeopardised by imports.

Additional information that came to my notice in the process of my inquiries about this issue was that Ecuadorian interests in the banana industry have to some extent already arrived in Australia. I understand that a banana plantation in North Queensland has been purchased by Ecuadorian interests, as has a major fruit distributing company based in Adelaide; so the Ecuadorian people are quite clearly getting an opportunity for a window into the banana industry market here. As well, it is clear from the direction from which this application came that the question was raised at the very highest levels: Reports drawn to our attention suggest that the Ecuadorian Minister for Agriculture raised this issue at Government level here in Australia.

The issues associated with this debate will no doubt be canvassed widely in the community; but let us put it in perspective. Let us not cause any unnecessary concern among banana growers. I believe this issue will be resolved to the satisfaction of the banana industry and that the concerns identified will be listened to by the Federal Government and will obviate the prospect of the import of bananas into Australia.

HON MARK NEVILL (Mining and Pastoral) [4.26 pm]: Hon Tom Stephens has covered most of the points I intended to make. He obviously has consulted the oracle in Graeme Campbell, the Federal member for Kalgoorlie, who always takes a very close interest in the banana growers in Carnarvon and on the Ord River.

I do not believe there is any need for undue panic. Statements have been made claiming that

ships carrying bananas will soon arrive, and so on. These statements are probably designed to whip up hysteria, as has been explained by both of the previous speakers. If this application to import bananas is pursued it will be some three years before we can expect any Ecuadorian bananas to arrive on the east coast of Australia. We on the west coast will be insulated from those imports to a large degree, if they ever did come to fruition - to use a pun - because it would probably cost another $6 to $10 per case to get them across the Nullarbor to Western Australia.

The banana industry in Australia is unique in that we can supply our own bananas all year round. In winter, when bananas from the Ord River and Carnarvon are not in as abundant supply as they are in the summer, we import Queensland bananas. They are a high quality product and fetch top prices. Because we can supply our own markets all year round, if there are any foreign imports they will find it much more difficult to establish a niche in the Australian market. That is not the case with the Californian navel oranges which are imported here over the summer months. They arrive during a period when absolutely no Australian navel oranges are available. Growers in South Australia have developed a fairly late navel variety which comes on in November, and Queensland has a red navel which comes on early in March; but a market for Californian navel oranges has been established here because for a three month period each year we have no local supply. That situation does not apply to the banana industry.

We should all be careful of using quarantine arguments as arguments for protection. I think they must stand on their own merits, and the Australian Quarantine and Inspection Service is world renowned and very thorough. Hon Jim Brown reminded me of the Awassi fat tail sheep which are favoured in the Middle East market. It has been some seven years since they were imported to the Cocos Islands. After a number of years they were allowed to come into Kununurra and recently I was informed that they were down at Wongan Hills. That was seven years in quarantine, and they are still not widely distributed. I have confidence in the quarantine service. If those diseases are a threat to the Australian crop, the service will do its job and ban them from the Australian banana industry.

[Resolved, that motion be continued.]

Hon MARK NEVILL: Hon Phil Lockyer pointed out that we currently export 86 tonnes from a total banana production of 200 000 tonnes. We certainly do not lack banana growing areas in Australia and an opportunity exists for expansion into export markets. I cannot see why Queensland and northern New South Wales banana industries cannot move into the New Zealand market, which has been served by Ecuador for a number of years.

We have a fairly small industry in this State, but it is a very good industry. The Carnarvon bananas are better tasting than the Ord River bananas; however, the Ord River banana is a much better presented product. My brother is a fruit buyer who operates from the Perth markets, and he indicates that the Ord River banana has a very good shelf life and is very presentable, but when it comes to taste he would prefer the Carnarvon banana. Limitations exist in sending Carnarvon bananas overseas, and the Ord River banana has a greater export capacity. There is no lack of expertise in this industry, but it is a question of developing markets overseas.

I have faith in the quarantine inspection service and if it takes five, six or seven years for it to make a decision, and if the final decision is correct, that is fine. We should not be hiding behind quarantine arguments to stop imports if those arguments are not valid. As a trading nation we would benefit greatly from freeing-up or winding back our import barriers on agricultural products of many other countries in Europe and the United States.

The Federal Government, and John Kerin in particular, must take an objective overview and cannot look at this matter in a parochial manner. It is in our interests to have trade barriers wound back. That is the ideal situation, but, in all probability, it is not reality. Along with the previous two speakers I will be watching closely the developments in this area over the next two or three years. I would like to be fully assured that any decision is made on a properly prescribed basis.

Parliament House - Visitors - Madras Chamber of Commerce and Industry Delegation

THE PRESIDENT (Hon Clive Griffiths): Before calling the next honourable member, I advise the House that we are honoured by the presence in the President's Gallery of a

delegation from the Madras Chamber of Commerce and Industry. I extend a welcome to our guests to the Legislative Council of Western Australia.

Members: Hear, hear!

Debate Resumed

HON TOM HELM (Mining and Pastoral) [4.35 pm]: I share that welcome with you, Mr President. This motion indicates the amount of concern held by those in the banana growing industry, particularly in Carnarvon. The matter has been drawn to our attention by Hon Phil Lockyer, and by the lower House member, Mr Kevin Leahy, and it is a matter which we should properly consider. This issue can cause confusion and a great deal of alarm and despondency for banana growers throughout Australia. The members of this industry can be sure that Hon Phil Lockyer represents these people well in his actions in bringing this matter to the attention of the House.

This motion relates to the importation of bananas from Ecuador, or any other country with a lack of quarantine laws. Australia is famous throughout the world for its quarantine regulations. Many nations throughout the world suffer from diseases and complaints which we are fortunate to be free from. Europe and North and South America have been affected by lax laws and by chasing the dollar rather than looking after the products upon which they depend so much. However, as was alluded to by Hon Mark Nevill, we must be careful that we do not give the impression that we are using the quarantine regulations for ulterior purposes. The refusal of a Middle East country to accept shiploads of live sheep on the ground that the product was not satisfactory to its quarantine laws led us all to suspect that some other issue was involved. We do not suspect that the banana growers are using the quarantine regulations as another method of putting up barriers against free trade. Australia suffers from operating with the supposed "level playing field"; we play with a straight bat and other nations of the world play with a less than straight bat, and as a result our trade on overseas markets suffers. We must ensure that we are not seen to be hypocrites. I cannot stress in a better manner than the previous speakers the importance of the purity of our produce.

The banana and salt industries are the mainstay of the Carnarvon economy. The production of bananas is a stable activity which can be described as environmentally friendly. However, it does not produce a fantastic income for the banana growers and the State Government has recognised that the growers have experienced some problems. These problems have been drawn to the attention of the Government by Hon Phil Lockyer and Mr Kevin Leahy, and, of course, some credit should go to the growers for their ability to draw attention to their problems.

The bananas to be imported may not meet Australia's strict quarantine regulations and it could be the most serious disaster that the banana growers have faced. It will not be the droughts or the cyclones that will cause disaster for the growers; it will be the blight that will be imported in the bananas and banana plants. Even if the blight can be eradicated it will have a longer lasting effect on the industry than would any drought or cyclone.

Hon Phil Lockyer explained how the industry operates in Carnarvon, and it is one which is a credit to the hard work and determination of the growers. We should be proud that we have people of that calibre in Carnarvon who can grow bananas successfully and can bring to the attention of the Federal and State Governments the danger that the industry could face from the importation of bananas and banana plants. It should be remembered that the industry in this State comprises small family businesses, which results in an efficient industry because the producers are not working for absentee landlords. They are competitive because they are reasonably satisfied that they have been given a fair go, which is what they are asking for now. A small number of them would say that the industry should be given some protection from overseas competition, but those voices are not very loud. As I said, the Carnarvon banana industry is a competitive one, but it cannot compete with the diseases to which Hon Phil Lockyer alluded.

The growers do not ask for help unless it is needed and we should compare the way in which bananas are grown in Carnarvon with the way they are grown overseas. Not only do other countries have cheaper labour because of a lower standard of living, but also they have direct Government support and that would be one of our major complaints when competing with

industries overseas. The Governments in those countries support their industries to export their goods by reducing, among other things, freight rates to make their industries totally competitive. We have been fighting an uphill battle against the major trading blocks, for example the European Economic Community, the United States of America and South America. They are not alone and, in fact, we have reason to suspect that Japan has blocked Australia out of its market. It does not mind Australia importing its goods, but it is reluctant to import goods from Australia. The Japanese do not understand what we mean by free trade. The danger is that we will find ourselves in the same position if this matter is not considered with the interests of this country in mind.

Although the people who brought this matter to our attention should be congratulated, I am sure that members in this place should feel confident that Australia has a record which is world famous for the implementation of quarantine regulations, as pointed out by Hon Mark Nevill when referring to the Awassi fat-tail sheep export program. Although we should not rest on our laurels we should be aware that in the past Governments of all political colours have ensured that our quarantine laws have been enforced. Australia has always been kept free of the exotic diseases which can be imported by plants and animals. Mistakes have been made, but they would have been made 100 years ago. Since then no mistakes have been made and this Government has been most diligent in the implementation of its quarantine laws. All Governments have recognised the importance of the quarantine regulations to this country. However, their efforts will stand for nothing if we allow the importation of bananas without the quarantine regulations being enforced.

I have been led to believe that the Australian banana growers association has raised the funds for its representatives to visit Ecuador to investigate its market. I am comforted by that because we have a right to feel suspicious, even though the record is clear, that our markets would be at risk if we were to allow the so-called experts from Perth or Canberra to make decisions on the growers' behalf. I know that the banana growers in Australia, particularly Carnarvon, will ensure that any importation of bananas or banana plants will be free from diseases to which they are exposed. I hope the quarantine procedures for bananas and banana plants will take as long as the procedures to clear the fat-tail sheep. We must make sure that the product we have remains as good as it is today. There will be no chance of that unless the standards which have been set are maintained.

This issue will not go away and it is the responsibility of this House to be aware of the potential hazards. I hope that the Australian Quarantine and Inspection Service will do what it has said it will do. It is not good enough simply for the bureaucrats and experts to visit Ecuador to examine the situation and to give an assurance to the growers. However, as the growers will form part of that group I am confident that the correct decision will be made. I support the motion.

HON P.H. LOCKYER (Mining and Pastoral) [4.47 pm]: I thank honourable members for their support of this motion. It is not often that Hon Tom Stephens and I agree, but on this issue we are of the same opinion.

I was a little surprised at Hon Mark Nevill's comment that we should not try to hide behind the quarantine laws.

Hon Mark Nevill: I was not saying that in regard to this case - I was making a general comment.

Hon P.H. LOCKYER: The word "hide" was an unfortunate use of a word. The only feather which the banana industry has to fly with is that it can demand that the quarantine laws of this land be adhered to. Should there be the slightest indication of our not being sure of that, the Australian Quarantine and Inspection Service should err on the side of maintaining the status quo. It is the most important point of this issue.

This concern has been thrust upon people who grow bananas in this State. All those people want to do is to get on with growing bananas, but all of a sudden they have been forced to defend their industry, and defend it they will. In Carnarvon the two grower organisations are headed by Peter Fahl and Robert Della Bella, and the one in Kununurra is headed by George Gardener. Peter Fahl and George Gardener recently visited the Eastern States to meet with members of the Australian banana growers association and subsequently they represented this State at meetings with the Federal Minister. They were given only three or four days'

notice of these meetings and even though they would have preferred to remain in their sheds packing bananas and doing what they know best, they knew they had to defend their industry. As their representatives in this Parliament it is our job to confirm our support for the industry. That is the reason I am pleased that the members who represent the Mining and Pastoral Region share my view of this matter.

I reiterate that the growers are happy to stand on their own feet and that they will compete with whomever they like. However, they will not face the possibility of having their industry destroyed by diseases introduced from countries in which the growers do not have the same attitude towards the banana industry as do growers in Australia.

I am pleased we have been able to debate this motion this afternoon as it was the only way in which I could bring this matter to the attention of the House. I will carefully examine its progress and, if it does not proceed to the benefit of my constituents in the banana growing areas of Kununurra and Carnarvon, I will give notice of a substantive motion to pursue the matter. Now that my colleagues have been made aware of the matter, I seek leave to withdraw my motion.

Motion, by leave, withdrawn.

RESERVES AND LAND REVESTMENT BILL (No 2)

Introduction and First Reading

Bill introduced, on motion by Hon Kay Hallahan (Minister for Lands), and read a first time.

Second Reading

HON KAY HALLAHAN (East Metropolitan - Minister for Lands) [4.52 pm]: I move -

That the Bill be now read a second time.

This Bill is similar to the Reserves and Land Revestment Act 1990 brought before the Parliament earlier this year to obtain Parliament's approval to vary a number of class A reserves, to remove trusts over freehold reserve land and to close certain pedestrian accessways and rights of way. Apart from the final clause dealing with the closure of pedestrian accessways and rights of way, the majority of clauses in the Bill deal with class A reserves.

Clause 6: The Department of Conservation and Land Management has negotiated the purchase of a 205 hectare area of perpetual leasehold land adjoining class A reserve 25705, "national park - flora", at Moorialup in the Shire of Albany. Reserve 25705 is under the control of the National Parks and Nature Conservation Authority. With the excision of the relevant area from the perpetual lease, the land is free to be included in the class A reserve. The Department of Conservation and Land Management also seeks to change the purpose of reserve 25705 to "conservation of flora and fauna" as it is more suited to such usage than "national park - flora". This clause seeks Parliament's approval to include the former perpetual leasehold land - now identified as Plantagenet location 7661 - in class A reserve 25705 and to amend the reserve's purpose to "conservation of flora and fauna".

Clause 7: Class A reserves 19144 and 19145 flanking the Gascoyne River at Carnarvon were both set apart for "national park" in 1926 and classified as class A reserves in 1952 and 1951 respectively. Discussions have been carried out with the Shire of Carnarvon - the current vestee - the Water Authority of Western Australia and the Department of Conservation and Land Management. The consensus reached is that the reserves do not conform to the generally accepted model of a national park and that they should be reclassified as class C and amended to a more suitable purpose such as "foreshore management", preferably managed by the shire. This clause seeks Parliament's approval to the cancellation of the reclassification of reserves 19144 and 19145 class A classification and of their reclassification to class C.

Clause 8: Reserves and Land Revestment Act No 67 of 1988 provided for the excision of 3.8760 hectares from class A reserve 17375, "recreation", at Pelican Point, Crawley. The land so excised was set apart as reserve 40891, "conservation of flora and fauna". Although the land excised from reserve 17375 was shown at the time as extending to the high water mark, it has since been determined that the true boundary extends to the low water mark. In

order to complete protection of the area, CALM has requested the excision of a 1.6450 hectare portion of reserve 17375 between the high water mark and the low water mark in order that it may be added to class C reserve 40891, which is to be subsequently reclassified as a class A reserve. This clause seeks Parliament's approval of this proposal.

Clause 9: The Department of Conservation and Land Management has negotiated the purchase of two parcels of freehold land adjoining class A reserve 26020, "conservation of flora and fauna", at Lake Coyrecup in the Shire of Katanning. This clause seeks Parliament's approval of the inclusion of these two areas - now identified as Kojonup locations 9270 and 9282, comprising a total area of 136.6594 hectares - into class A reserve 26020.

Clause 10: The Narrogin Town Council has requested that a small portion of class A reserve 10523, "civic centre site", be made available to the purchasers of adjoining reserve 6988 at market valuation. The prospective purchasers intend to preserve the historic church located on lot 47 - reserve 6988 - and require a portion of reserve 10523 to facilitate their redevelopment. Reserve 10523 is vested in the town of Narrogin. This clause seeks to amend class A reserve 10523 by excising an area of 179 square metres to enable its amalgamation with lot 47.

Clause 11: The Department of Conservation and Land Management has negotiated the purchase of three freehold areas of land for inclusion in the adjoining class A reserve 20610, "timber - mallet - and conservation of flora and fauna", at Boyagin in the Shires of Pingelly and Brookton. Reserve 20610 is vested in the National Parks and Nature Conservation Authority and is known as the Boyagin nature reserve. Accordingly, this clause seeks Parliament's approval for the inclusion of the three purchased areas - now identified as Avon locations 28943, 28944 and 28945, comprising an area of 40.2167 hectares - into class A reserve 20610 and to amend the reserve purpose to "conservation of flora and fauna" as inclusion of "timber - mallet" in the reserve purpose is considered inappropriate.

Clause 12: The Department of Conservation and Land Management has negotiated the purchase of a 1 013 hectare portion of a conditional purchase lease for inclusion in the adjoining class A reserve 31737, "national park", in the Shire of Ravensthorpe. Reserve 31737 is vested in the National Parks and Nature Conservation Authority and is known as the Fitzgerald River National Park. This clause seeks Parliament's approval for the inclusion of this land - now identified as Oldfield location 1471 - into class A reserve 31737.

Clause 13: The Department of Conservation and Land Management has successfully negotiated the purchase of four freehold parcels of land for inclusion in the adjoining class A reserve 40156, "conservation of flora and fauna", at Jerdacuttup Lakes in the Shire of Ravensthorpe. Reserve 40156 is vested in the National Parks and Nature Conservation Authority. The total area of land proposed for inclusion in class A reserve 40156 comprises 964.5249 hectares. This clause seeks Parliament's approval for the inclusion of the four areas - now identified as Oldfield locations 1474, 1481, 1482 and 1486 - into reserve 40156. The additional land will significantly increase the area of this reserve established on the recommendation of the Environmental Protection Authority in accordance with the System 3 recommendations.

Clause 14: Reserve 20041 was set apart in 1929 for the protection of indigenous flora and classified as class A in 1958. The reserve is vested in the National Parks and Nature Conservation Authority, is known as the Charles Gairdner Reserve, and is located in the Shire of Tammin. Although reserve 20041 is recognised as a significant nature reserve, its current purpose precludes such recognition under the Conservation and Land Management Act. To ensure consistency with the purpose of other nature reserves it is proposed to change the purpose of class A reserve 20041 to "conservation of flora and fauna", and this clause seeks Parliament's approval to do so.

Clause 15: In 1946 land held in fee simple by the former South Perth Road Board - Perth lot 747 - was conveyed to the Returned Sailors, Soldiers and Airmans Imperial League of Australia, WA Branch free of any consideration through section 4 of the Reserves Act, No 51 of 1945. A condition of the grant was that the land remain in trust as a site for a hall. At the time, this method of conveying land from council to the Returned Sailors, Soldiers and Airmans Imperial League of Australia with an expressed trust was considered by council and Parliament as the most appropriate. The land was subsequently set apart as class C reserve

22788 for the purpose of "hall site (Returned Sailors, Soldiers and Airmans Imperial League of Australia)", for which a Crown grant in trust was issued, currently the subject of certificate of title volume 1110, folio 678. In 1966 the Returned Sailors, Soldiers and Airmans Imperial League of Australia WA Branch changed is name to the Returned Services League of Australia, WA Branch.

[Questions without notice taken.]

Hon KAY HALLAHAN: Recently faced with declining membership and high maintenance costs, the RSL entered into leases over portion of its improvements. Unknowingly in doing so it had breached the expressed trust over the land. As a solution to this problem, council has agreed to accept full fee simple of the land to enable it to be leased back to the RSL at a peppercorn rental. This clause seeks Parliament's approval to removal of the trust over lot 747 to allow the land currently held by the RSL to be conveyed to the City of South Perth free of any consideration.

Clause 16 seeks approval to the closure and revestment of 35 pedestrian accessways and one right of way situated in various metropolitan localities. These accessways and rights of way, as described in the table to the clause, were created from private freehold subdivisions under section 20A of the Town Planning and Development Act and, as a condition of subdivision, were vested in Her Majesty. Passage of time has indicated that in these instances the accessways are no longer required or are causing problems through misuse, vandalism, intrusion into family privacy and antisocial behaviour. In all cases, the closure applications have been submitted by the relevant local authority after adequate publicity and provision of time for submission of objections.

The need for this legislative measure arises from the lack of existing legislation to close these types of accessways. While amendments to existing legislation are being considered to establish permanent powers to deal with these accessways, this revestment clause is intended, as an interim solution, to provide the legislative authority necessary to resolve particular cases, where closure is considered to be an immediate requirement. Existing machinery established under part VIIA of the Land Act will be used to enable disposal of the land to adjoining landowners, with reasonable time being allowed for payment for the land.

I commend this Bill to the House.

Debate adjourned, on motion by Hon Barry House.

EVIDENCE AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Hon J.M. Berinson (Attorney General), and transmitted to the Assembly.

LEGAL PRACTITIONERS AMENDMENT BILL

Assembly's Amendments

Amendments made by the Assembly now considered.

Committee

The Deputy Chairman of Committees (Hon D.J. Wordsworth) in the Chair; Hon J.M. Berinson (Attorney General) in charge of the Bill.

The amendments made by the Assembly were as follows -

No 1.

Clause 7.

Page 3, line 8 - To delete "subsection" and substitute "subsections".

No 2.

Clause 7.

Page 3, after line 19 - To add the following subsection -

(3) Nothing in subsection (2) shall be construed as relating to an agreement by the practitioner for payment to that practitioner.

Hon J.M. BERINSON: I move -

That the amendments made by the Assembly be agreed to.

The substantive amendments which have been proposed by the Legislative Assembly follow a proposal by Hon Peter Foss which was directed at putting one matter beyond doubt and as a matter of certainty, and has been agreed to by the Government after consultation with Parliamentary Counsel. No more than that need be said on this issue.

Hon PETER FOSS: I confirm the matters as stated by the Attorney General. I am grateful that the matter was taken up by Parliamentary Counsel and the other place and the Opposition agrees to the message.

Question put and passed; the Assembly's amendments agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

FISHERIES ADJUSTMENT SCHEMES AMENDMENT BILL

Second Reading

Debate resumed from 26 September.

HON P.H. LOCKYER (Mining and Pastoral) [5.40 pm]: For many years, I have been speaking on fisheries legislation in this House. Some years ago I pointed out that the fisheries of Western Australia would be sustained only if urgent steps were taken to rationalise the industry. There is no question in my mind that had we continued with the open slather industry that existed then, our fishery resource would have been destroyed. I am happy to say that the previous Liberal-National Government made moves to rationalise the industry and when the Labor Government was elected in 1973, it supported those moves.

In 1987, the Government decided that it would introduce fisheries adjustment schemes legislation which came from the industry. I commend the industry for that. It recognised that it could not continue with the willy-nilly attitude that existed then because not only was wet line fishing being affected but also net fishing including prawning was being affected. The scheme allowed people in the fishing industry to buy back licences held in a particular fishery. The adjustment scheme is funded on a dollar for dollar basis by the industry and the Government. The agreement, which is due to terminate in 1993, is supported by the Opposition.

The Minister's second reading speech notes that -

> . . . as at 30 June 1990, 54 licences have been removed from the fishing industry at a cost of $618 700.

Members of the community will question that amount of money being spent. However, in the end, it will save billions of dollars and will ensure the industry's survival for the foreseeable future. Living in Carnarvon, I know how the snapper industry has improved since legislation was introduced to limit entry into the fishery. It has gone from being a very doubtful industry to an industry that now stands firmly on two feet. The amount of money that can be taken out of schemes like this has been limited and that allows people who want to get out of the industry to be compensated.

The second reading speech states -

> In March and April this year adjustment schemes were put in place to reduce the number of licensed boats in the Shark Bay and Exmouth Gulf prawn limited-entry fisheries. These schemes are totally industry funded.

That also was a very important step because the prawn industry operating out of Carnarvon and Exmouth realised that unless it further reduced the number of boats in the industry, the industry could not be sustained. The industry knew it had to act to make sure that a scheme was introduced to allow people who wanted to get out of the industry to sell their licence back to the industry and that licence would become null and void.

The rest of this Bill tidies up a couple of sections one of which is to replace the term "levy" with "fee". That is fair and reasonable because it is more recognisable in the industry. An

anomaly in relation to the committees of management has been recognised by the Government. The Opposition supports the amendment in relation to that. I hope that the Government continues to monitor very closely the fishing industry in Western Australia, particularly the scallop industry, which also has been made a limited-entry fishery.

The work done on research by fisheries officers is continuing. I regularly strike research officers from the Fisheries Department in the north of the State who are monitoring the industry. I am also aware that Cabinet is concerned about cutting costs. However, I suggest that the Minister be very careful about not including these officers in those cost cutting exercises because they are ensuring that the future of our fisheries are protected. From time to time they need to go out on boats to make sure that the species being taken are being sustained.

The enormous costs involved with running prawning and fishing boats are making it tough for fishermen to make a dollar. In future, fewer people will be involved in the industry. However, as people's diets change and they consider products of the sea more acceptable, it is important that we examine ways of making the industry more viable. As I said, the Opposition supports the Bill.

HON DOUG WENN (South West) [5.46 pm]: I support the Fisheries Adjustment Schemes Amendment Bill. If there is one member on that side of the House with whom I agree on more things as time goes by it is Hon Phil Lockyer. He takes seriously his job as a member of this place and has a good understanding of his electorate. Today he raised an urgency motion about the banana industry. It was a good story, but he did not tell us how they bend them up there; he may do that in time.

I have had first hand experience in the professional fishing industry in Western Australia. Members of my wife's family in the past and one at this time have been involved in the industry. It has to be carefully monitored because even now some fish stocks are being depleted. I cannot speak about the industry in the north of the State other than to say that I am sure that Hon Phil Lockyer explained very well the problems the industry is experiencing. I do not believe there is much difference between its problems and the problems of the industry in the south west.

The problem is that too many people have been involved in the fishing industry in the past. It was an industry that was easy to get into. I accept what Hon Phil Lockyer said about the previous Government starting the ball rolling to improve the industry and I am happy that this Government is continuing to strongly monitor it. The industry has reached the stage where even the professional fishermen are beginning to govern the way they fish. They are happy to accept limitations on net sizes and numbers. We all know about the catastrophe that drift net fishing caused.

Many people would like to get into the game. However, it is not the adventure that some people believe it to be. It involves very hard work and long hours. With mother nature being what she is, it can be a very cruel and dangerous occupation. We have all seen the advertisements put out by the Federal Government about there being no telephone boxes when one is at sea and one's motor breaks down.

One of the main issues of the fishing industry that has to be resolved is the amateur bodies versus the professional bodies. Hon Barry House and Hon Bill Stretch will agree that, recently in the south west, there was a movement by the amateur bodies to take control of their industry. They are very aware of the limitations that must be imposed on them, to the degree that they accept the need for people to require licences to catch certain fish. They do not agree that licences should be issued for catching all fish, especially small varieties such as tailor and herring. However, they acknowledge that dhufish and groper stocks are being depleted along the coastline. While in America recently people in California told us that that State has huge restrictions on the type of fish that can be caught. It is illegal to catch some varieties which are in danger of becoming extinct.

The professional fishermen are taking the right action in this area; they are willing to reduce net sizes and the length of net used. Some fishermen around the 35th parallel are willing to do away with net fishing altogether in a zoned area. Some run the nets on the backs of drums and a lot of money has been expended on the drums and reels. Although they may be slightly reluctant, because of the money they have spent, they are willing to forgo this easier

way of fishing with a wet line. They are now reverting to drop and set lines, under which system they do not go through and reap the fish. It is more like a small harvesting of fish which swim at certain depths. They set and drop their lines at variable depths.

The professional fishermen contribute fairly well to the buy-back scheme on an annual basis, and even the amateur fishermen at a meeting I attended indicated their willingness to put money into the buy-back scheme.

I have noticed that in the south west a number of estuarine fishermen hold licences but do not fish. One chap has held a licence for about 50 years but he has not worked it for the past 20 years. That prevents other people from entering the industry. Of course, the other estuarine fishermen always have hanging over their heads the prospect that he may give his licence to his son, who may start fishing; that is of concern to them because it is difficult to make a living from the limited type of fish to be caught in that area.

I agree with the way the Government has proposed its buy-back scheme, which will be a benefit to the industry. Hon Phil Lockyer mentioned an amount of $618 700 which has already been paid out. That is not a huge amount, bearing in mind the way fisheries control will be handled. I, too, commend the Fisheries Department and the scientific groups who are continually looking at ways to increase the number of fish available along the coastline and in the estuaries. I am keen to learn of the results of the Select Committee on Aquiculture and Mariculture Industries, because these industries will be of great importance in Western Australia.

It has been made clear by many people that a huge amount of fish is consumed by the people in this State. In fact, I have been in the takeaway food industry and at one time fish became very scarce. It has now reached that stage again. I agree with the amendments proposed in this Bill and I urge the Government to continue along these lines. I support the Bill.

HON GRAHAM EDWARDS (North Metropolitan - Minister for Police) [5.55 pm]: I thank both members who have contributed to this debate for their positive contributions, for their recognition of the importance of the fishing industry and for their recognition of the moves that have been made by this Government and the previous Government. Debates about the fishing industry generally focus upon the importance of the industry around the coastline of this State, and the benefit fishing brings to Western Australia. The Bill has been well and truly summarised and I thank members for their indications of support.

Question put and passed.

Bill read a second time.

Committee and Report

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Graham Edwards (Minister for Police), and passed.

Sitting suspended from 5.59 to 7.30 pm

SOIL AND LAND CONSERVATION AMENDMENT BILL

Second Reading

Debate resumed from 25 September.

HON D.J. WORDSWORTH (Agricultural) [7.30 pm]: I do not intend to make a motherhood speech, as so often happens with the Soil and Land Conservation Act, because the time has well and truly passed when people need to be persuaded of the need for soil conservation. Not many people today would not be keen to cooperate in every way they can to conserve our soil.

The economic climate and the financial situation in the agricultural areas will hinder conservation measures, because it takes money to carry out one's conservation practices. We have also seen and heard a lot about the problems which are being caused by locusts. Locusts create such havoc on vegetation that they make sheep look quite harmless; at least sheep starve to death before they do too much damage, but locusts carry on. I am very

fearful about what will happen in the next few months because of the spread of locusts. The Agriculture Protection Board has managed to carry out a control program, but one wonders whether this is just a chance campaign, where some eggs have been found and some action has been taken, rather than an overall planned campaign throughout the State.

The Minister referred in his second reading speech to many forms of land degradation, and we all have our own ideas about possible solutions. Our ideas are based on how we have been brought up, whether we live in the city or the country, or whether we own the land. Some people place great trust in the planting of trees. I have always been a great believer in the planting of trees in country areas, but in the majority of cases that is done to create a better landscape rather than to cure environmental problems. During the last election the Government conducted a well run campaign to plant a ribbon of green to Kalgoorlie. That campaign met with the approval of those people who think that trees are the answer. Unfortunately, planting trees between here and Kalgoorlie will have absolutely no effect on salinity. Were the same amount of work done to plant trees in the recharge areas, which are vital for the control of salinity, it would have more effect. Many purists believe that the replanted vegetation should be the same as nature originally provided. They would object to the inclusion of a eucalypt, rather than the native that grew there originally. However, an introduced eucalypt may be far more successful in sopping up water and be more resistant to disease.

The Government has set aside $1.5 million, to be spent over three years, to fence off remnant vegetation. That land is to be registered and is not to be used for agriculture for the 30 years that the landowner agrees to when he receives the grant from the Government. The Bill permits the land to be set aside and given the required protection. The Government, quite rightly, has made another classification for the land which farmers voluntarily set aside; and a different classification where the landowner, as a result of a misdemeanour, may have cleared land against the law, and the full force of the law has had to be brought to bear. The Bill provides for notices to be given to such a landowner, and for the title of the land to bear an inscription to indicate that this matter needs to be put right.

The Government has provided for those who wish to borrow from the Government, under certain conditions, a sum of money equivalent to half the cost of the fencing - materials and labour, usually in the region of $1 000 per kilometre - and they are willing to have the land set aside for the 30 years the Government wishes to have that fact recorded, and this is one of the intentions of this Bill.

It is interesting to see how many people utilise the fencing subsidy provision. In his 1989-90 report the Commissioner for Soil and Land Conservation has set out to explain this scheme. I was rather disturbed to see, when I read the report district by district, that in the south west region, in Bunbury in particular, almost no interest was shown in the vegetation protection scheme. I presume Bunbury comes under the forest region, the State having been broken up into the central wheatbelt, the northern sand plain, the southern sand plain, and the forest area. According to the report, only six people applied for the fencing subsidy in the forest area.

Hon Doug Wenn: How far does the Forrest area go?

Hon D.J. WORDSWORTH: I am not quite sure. I cannot tell the honourable member how the Department of Agriculture breaks it up.

Hon Doug Wenn: You are not referring to it as an electorate?

Hon D.J. WORDSWORTH: No; "forest" with one R. There were six applicants from the forest area. There were 40 from the southern sand plain, 28 from the northern sand plain and 113 from the central wheatbelt. This year a lot fewer people have applied for this money. Perhaps because in the original year, last year, only about one-third received a grant, people were put off. I do not know, but last year those six people from the forest area all received a loan, 89 per cent of applicants from the southern sand plain received the loan, 93 per cent from the northern sand plain and 88 per cent from the central wheatbelt.

Under this legislation a memorial will be placed on the land title as a device to notify future owners of the land of their obligations for the duration of the 30 years set aside as a requirement under the scheme. I am a little concerned about that. A few difficulties could arise as a result. The penalty for not notifying a person when selling a property that these

conditions are placed upon it is quite a hefty fine. I would have thought it would have been easier to provide that a person who wishes to buy land should look automatically for a memorial in the same manner as he would look for a mortgage. The solicitor or the person making the transfer should ensure that the incoming purchaser is aware if a memorial has been placed on the title.

Provision has already been made for a conservation notice to be served on the owner of the land should he illegally clear the land. I see from the conservator's report this year that some people have illegally cleared land. It would seem that most people apply to the Government if they wish to clear more than one hectare. That is a requirement of the law. During the last year some 469 landowners applied to clear some 75 000 hectares. They were granted permission to clear something like 50 000 hectares, or two-thirds of the land they applied for, and it was agreed that the other one-third would be retained in its natural state. It is on that land that a memorial will be placed so as to ensure that the land will not be cleared for the next 30 years. I do not disagree with that, except that I am rather concerned about the penalties which might arise.

Hon Graham Edwards: We had a fairly long debate on that at the time, if my memory serves me correctly.

Hon D.J. WORDSWORTH: We did, and I think the Minister will recall that it was I who led the debate on that issue. Even now I am reluctant to advise people to borrow money from the Government to fence off remnant vegetation. If they are able to do it by themselves - and I am doing it with my own funds - they should do so. They will pay quite a penalty for borrowing half the cost of fencing the land.

This Bill also provides for those who have some remnant vegetation on their properties and wish to have the land set aside in perpetuity. There is provision for that to be recorded separately. In actual fact, there are three levels in which conservation notices can be placed on land. The first is the notice when someone does something wrong. The second is when a person borrows money from the Government to fence off land for 30 years. The third is when a person decides that he does not want the land ever to be cleared and he is willing to sacrifice that land, even when he comes to sell it, because he puts a provision on the title of the land that the land will never be cleared. One would reasonably expect that that would lower the value of that land. It is hard to say; it might not. Perhaps in the future, having conservation areas on one's farm might make it more valuable.

Hon Graham Edwards: I hope that will be the case in the long run.

Hon D.J. WORDSWORTH: I hope so too. It is something that is not there yet, and I admire those who are willing to lay down that condition on their properties.

I should say that with the first case, when a notice is given to the landowner by the Commissioner for Soil and Land Conservation, it can be removed; not easily, but when the conditions are met. In other words, if someone illegally cleared some land the commissioner might make a condition that he is to replant it, and when it is replanted that notice is removed. Therefore, provided the person cooperates, does the right thing and pays the penalty, the notice can be removed. If it is not removed and the owner sells the property, the incoming owner must be responsible for that correction. The Act provides for it to be marked on the title, and a register provides the detail. The Land Titles Office automatically notifies the commissioner of the change of ownership, because the commissioner has an interest in knowing who owns the land and whether they are carrying out the conditions he has placed on it.

I spoke earlier about borrowing money and setting land aside for 30 years. Those conditions are not steadfastly agreed to. Should the land be sold, I gather that the incoming owner might be able to make an agreement with the conservator to vary that area. He might have to set some other land aside to take its place, but he can do something. However, when someone decides to set aside land in perpetuity that can never be changed, because that is the idea; but bodies such as the State Energy Commission can still put a powerline through the area or something like that if it can be shown that there is no other way to go.

I must say that it is a little confusing for members of Parliament when they try to look at this Act. We have the original Act of 1945-82, an amendment of 1988 and the Bill before the House; so we have three separate books to study. That makes it very hard for members of

Parliament. Interestingly, the Department of Agriculture has gone well past that. While the Crown Law Department still has several books to handle, the Department of Agriculture has already put together a copy of the Soil Conservation Act showing all of the amendments. It is amazing that the department has that benefit while members of Parliament do not.

Hon Doug Wenn: Could you get a copy if you requested it?

Hon D.J. WORDSWORTH: Yes.

Hon Doug Wenn: It is available, then.

Hon W.N. Stretch: But it is not official.

Hon D.J. WORDSWORTH: No, it is not official, and the sooner our printing department can get to work and update Bills on a computer as the departments have to do, the better and the easier it will be for us all.

Hon Mark Nevill: It is dangerous to have informal Acts like that.

Hon D.J. WORDSWORTH: It is, but it must be done. They have to run a department. Members cannot expect a field officer to run around with three different books. To add to the confusion we also have the Bill from the LegislativeAssembly, which is different from ours.

In clause 9, proposed section 30D relates to duties upon passing interests in affected land. It says that while a memorial of a covenant or agreement remains registered under section 30B, each owner and occupier of the land to which the covenant or agreement relates, before agreeing with another person in writing to change ownership, shall notify that person within 14 days or be fined $2 000. That seems quite a nasty fine for someone who has given land to the community, in effect, by saying he will not allow it to be cleared for the next 30 years, or forever.

When the Bill was before the other place it contained a retrospectivity clause relating to the illegal clearing of land; it was retrospective to the tune of six months. The Minister agreed to withdraw that during the third reading of the Bill in that House, and it comes to us with the retrospectivity provision removed. However, the Bill still contains an amendment which allows the Commissioner for Soil and Land Conservation to take action against illegal clearing in the 10 years following that clearing; presently the period is about six months. I have a great deal of sympathy with the commissioner, in that it sometimes takes a little time for the department to be aware that land has been cleared, and when one looks at the commissioner's annual report one realises the extent of the land he has to keep an eye on. As I pointed out, there were 469 applicants in a year and he has to check on them all within six months, apart from the fact that someone might have cleared some land who was not given a permit or who did not apply for a permit. So I have a certain amount of sympathy with the commissioner in that respect. The Minister's argument was that aerial photographs were taken only every five or six years and they were the main evidence used to detect illegal clearing. I believe that if that period is extended to 10 years it introduces a different factor altogether in illegal land clearing. It moves out of the area where an owner brings in a bulldozer and knocks down trees to the area where a person grazing his stock can change the character of the vegetation and be subject to prosecution. The Act defines "clearing". Section 35 states -

> A reference in this section to the clearing of land includes a reference to the destruction, cutting down or injuring of any tree, shrub, grass or other plant on the land.

That refers not only to cutting down trees but also the grass. It is referred to as a misdemeanour.

If we extend to 10 years the period during which prosecution can take place, those changes could occur without the landowner's knowing. It is not a matter of clearing vast areas with a bulldozer, because this small change can come about through the gradual effect of grazing stock. My amendment proposes to reduce that time by two years, which would give the commissioner ample time to detect those offenders who wantonly clear land, and to exclude those people who might be dragged in under the definition of "clearing", which includes the destruction of shrubs, grass, and so on. Since I placed my amendment on the Notice Paper, the Minister has come up with much the same amendment which, I am told, is tidier. I am

happy to accept the Minister's amendment. Obviously, the Minister is of the opinion also that the 10 year time span is a little too long and the new proposal is that it would extend beyond the illegal period.

Another problem is that the Bill does not contain a definition of "occupier" of the land. The Act contains a definition of "owner" but not "occupier". The definition of "occupier" is contained in the Local Government Act. Under that Act the occupier of premises receives a vote and perhaps he must rent premises and occupy them for a reasonable time. However, the original Act does not contain a definition of "occupier" although section 35 refers to occupier in the following terms -

> (2b) Where, in proceedings for an offence against subsection (2) of this section, it is proved that land has been cleared, the person who was, at the time the land was cleared -
>
> (a) the occupier of the land is, in the absence of evidence to the contrary, deemed to have so cleared the land; and
>
> (b) the owner of the land is, unless the contrary is proved, deemed to have permitted the land to be so cleared.

In other words, in the original Act the word "occupier" was used. He was the first person down the line who was responsible should land be cleared, and if it could not be proved that there was an occupier it went back to the owner. Often the owner is the occupier. However, when one considers the manner in which land can have a memorial set aside it would appear that the occupier can be in agreement with and party to setting land aside. I have some difficulty with that. I would be happy if the provision referred to the occupier and the owner. I find difficulty with the provision that the occupier can make agreements directly with the commissioner without the involvement of the owner.

I also have difficulty in supporting the provision for a fine of $2 000 should the owner or occupier not notify the incoming owner or occupier of a memorial. The occupier could be a share farmer. That share farmer could perhaps have his lease terminated and six months could pass between the time the occupier is present and the new occupier took over. It is difficult to accept that the occupier should notify the next occupier when some considerable time may lapse between such occupancies.

Clause 9 of the Bill contains proposed new section 30D regarding duties upon passing interests in affected land, and it reads in part -

> While a memorial of a covenant or agreement remains registered under section 30B, each owner and occupier of the land to which the covenant or agreement relates shall -

If the provisions are not met, the penalty is $2 000. I do not believe that is just, particularly if some time lapses between occupancies. I have referred to the situation involving a share farmer, but he cannot be responsible. In that case, the owner must be responsible because he has come to an agreement with the occupier.

Another example would be the ridiculous case of a father who sells a property to his son; he could be fined $2 000 for not telling his son about a covenant or agreement. That would appear to be unnecessary. Therefore, when we reach the Committee stage we should seriously consider that provision.

Apart from those considerations, I support the Bill. The proposed amendment by the Minister will strengthen the Act. While the provisions are threatening in relation to illegal clearing, that illegal clearing does not occur very often - and prosecutions occur less frequently.

The 1989-90 annual report of the Commissioner of Soil Conservation states -

> During 1989/90 the Department was increasingly made aware of "illegal" clearings; that is, land cleared where there was no Notice of Intent to clear lodged with the Commissioner of Soil Conservation. Seventeen alleged cases were reported during the year; seven were processed for prosecution; and one prosecution was successful. In two cases Soil Conservation Notices were issued to enforce corrective active where land degradation hazards were caused.

In the last 10 years, conservation groups, including the Australian Conservation Council, have made no reference whatsoever to soil and land degradation. In my view, they suddenly discovered it 18 months or two years ago.

Hon D.J. Wordsworth: I am not sure whether the Prime Minister married them, though.

Hon MARK NEVILL: Brought them together in unholy wedlock, then.

Basically, this whole area is farmer driven and, while I have no real objection to conservation groups being involved, it should be said publicly that their interest in this area is very recent.

The remnant vegetation protection project is working very well. Hon David Wordsworth went through the statistics and referred to the number of applications that had been received from different areas and how many had been rejected or accepted. I am pleased that the scheme is working well because there were fears that Western Australia would adopt the South Australian legislation which placed a compulsory ban on any clearing. I do not believe that is the way to go. The remnant vegetation protection scheme was introduced when Hon Julian Grill was Minister for Agriculture. He would be very pleased to see how it has developed and that farmers have actually applied for subsidies on fencing.

In relation to the landcare trust, I am pleased to see that Alcoa has donated approximately $5 million towards a major land care project in the Avon Valley. It should be acknowledged also that the mining industry is making a contribution to land and soil care. The mining industry has been the whipping boy of the conservation movement for many years. It is my view that the mining industry's contribution to the permanent destruction of native vegetation has been minimal. The perception is way out of proportion to reality. It is very difficult to see the grid lines and tracks that were cleared 20 years ago. The present method of clearing those grid lines without disturbing the root stock ensures that vegetation grows back very quickly. I have always been amazed at how the mining industry has been pilloried and somehow projected as the villain for destroying native vegetation in the wilderness. Any destruction by the mining industry pales into insignificance when one considers the soil and land degradation problems in the agricultural areas. In saying that, I acknowledge the tremendous work that is being done by the farming community. It has accepted that solutions to our productivity problems lie not in clearing more native vegetation. Effectively, there has been a moratorium on new land release since 1983. The solution is not to clear more native vegetation but to rehabilitate the land and get greater productivity from our existing cleared farmland. The Netherlands, for instance, would probably fit in one of our shires. The value of its agricultural production is greater than the total agricultural production of Australia. We can, therefore, gain extra production from our existing cleared lands. However, to do that, we have to ensure that the lands that have been degraded are rehabilitated and we have to give the agricultural and pastoral communities all the support we can possibly give them.

This Statute of limitations included in the Act allows six months for action to be taken against someone who has illegally cleared native vegetation. An amendment on the Notice Paper proposes to extend the term to two years instead of the 10 years proposed in the Bill. The Minister pointed out in his second reading speech that aerial photography is usually done at five to eight year intervals. Aerial photography is done at less frequent intervals in agricultural areas than it is done in the mining and pastoral areas and it is the only way that we can find out whether native vegetation has been cleared. It is quite easy to compare old photographs with more recent photographs to find out whether areas have been cleared. Therefore, it is pointless setting the period at two years because those areas would not be photographed at two year intervals. If it were set at 10 year intervals we could catch the people who breached the legislation and cleared large tracts of land. I am not sure that it would be worth pursuing small breaches of the legislation after six or seven years. However, clearing hundreds of hectares would be a major breach, and would be picked up by comparing the photographs. People are aware of what the legislation says and if they are caught they should be prosecuted. The two year limit will not be of much help unless someone finds out by word of mouth of an illegal clearing or comes across recently cleared land.

Hon David Wordsworth referred to the Department of Agriculture having prepared a composite Act in which the original Act and the two amending Acts have been brought together. That is a good idea. However, as Hon David Wordsworth said, it should be done

by the Parliament. It reminded me of an inquiry into country high school hostels that I chaired a couple of years ago. At one hostel we found a copy of the Country High School Hostels Authority Act which had been rewritten so that the warden could understand it. I know that many Acts are difficult to read, but that was a very dangerous precedent for him to set. I certainly support his comments that the House should have the facility - and I expect it will very soon - to consolidate these Acts.

I know that the way in which a Bill is drafted depends on the draftsperson involved, but the drafting style of this Bill could be improved. If some of the very long sentences in this Bill were broken up into shorter sentences it would make it easier to understand. I had to read proposed section 30B(1) at least four times before I understood it.

With those comments I reiterate that this is very important legislation for the future welfare and productivity of agricultural industries in this State. It is also an important conservation measure which will help to ensure that the salinity of our waterways and lakes is reduced and that the bush and farm lands regain the health they once had.

HON BOB THOMAS (South West) [8.42 pm]: I congratulate the previous speakers on their spirit of bipartisanship in considering this Bill. Having read the debate on this Bill in the other place I can assure this House that the same spirit of cooperation was evident.

This is not a subject I would normally speak on. I am an urban-based Labor politician who generally becomes involved in matters like Homeswest housing, the crisis agency for the sexually abused, the Samaritans and issues of that type and I will, therefore, keep my comments brief. I am not a farmer and I will not try to insult farmers by pretending that I have any degree of practical knowledge of their industry. My only practical experience on a farm was about 20 years ago as a 16 year old when I spent two months working on Eric Roediger's wheat and sheep farm at Cunderdin. It was a farm which had been taken up by Eric and his brother after the war. They cleared it themselves and developed it into a viable 3 000 acre farm. In 1970 when I was working on the farm it had suffered from a great deal of soil degradation and it had lost some of its top soil. There were many sandy areas in which it was easy for vehicles to become bogged and which made it very difficult for harvesting.

Eric was one of the early conservationists who realised that he had a problem on his farm and recognised the need to address that problem by planting trees, so he planted large belts of trees. One of my jobs was to water those trees. I did not have a licence at the time and it was hard work carrying buckets of water for distances of up to 300 yards at a time. Towards the end of my stay he taught me how to drive his ute, which I was then able to use to water the trees by using the contraption he had on the back of the ute. He taught me a great deal about trees; he explained that the root system actually holds the top soil and that a tree will hold together an area which is equivalent to the square of its height. Many farms have very few trees on them except for small clumps in the least productive area of paddocks. In some cases they do not have any trees at all. As a result there is the potential for loss of top soil. I am happy to say that farmers today have a better understanding of the make-up of the top soil on their farms and there is a move towards planting a lot more trees. One only needs to drive around parts of my electorate, especially in Tambellup and Cranbrook, to be aware of the number of trees that have been planted by farmers in that area. I spend a great deal of my time driving to Manjimup from Albany on the Rocky Gully Road, and large plantations of blue gum have been planted in areas that appear to be very low in productivity and to have a high propensity for soil degradation.

In Denmark a group named the Greenhouse Corps has been formed by Louise Duxbury which is doing constructive work with farmers and unemployed people. Under the Commonwealth Government's adult training scheme the group has obtained money to develop a scheme to train people who have been unemployed for six months or more on aspects of fencing, how to identify suitable areas in which to plant trees and which trees would be beneficial to different areas. The people, once trained, are reasonably well qualified to perform the work necessary on farms and to plant the types of trees which address the soil degradation problem. A great deal of work has been done by the group to encourage farmers to plant more trees on their farms.

From the statistics which are available it is evident that last year was the first year in Australia's history in which more trees were planted on private properties than were cut

down. Approximately 12 million trees were planted on private properties in Western Australia last year and it is an indication of the growing awareness among farmers of the need to invest in the productivity of their soil in order that they can sustain their output from the land they have available.

I support the amendment to upgrade the role of the Soil Conservation Advisory Committee to become the Soil and Land Conservation Council. It will allow the council to give direct advice to the Minister rather than to the Commissioner of Soil Conservation.

The provision of an additional member on the council from the voluntarily conservation movement is a step in the right direction. A growing consensus has built up between farmers and conservation groups through joint advertising programs by Phillip Toyne and Richard Farmer encouraging farmers to undertake the necessary work to address some of the soil degradation problems on their farms. The feedback I have received from farmers is that they see this as a vital step. They view their land in the same way as a manufacturer views his plant and equipment. Just as a manufacturer invests in the maintenance of his plant and equipment, a farmer must invest in the maintenance of his land by addressing the soil degradation problem and by trying to prevent some of those things which, in the past, have led to leaching of the soil and to the loss of top soil.

Hon David Wordsworth and Hon Mark Nevill covered the proposed amendments in this Bill more than adequately and I do not intend to comment further on the other amendments. However, I would like to relate to the House the responses I received from a group in my electorate. When this Bill was read a second time I realised I did not know much about the subject and I sent a copy of the Bill to a number of land conservation districts and members of the voluntary conservation movement in my electorate. I asked them for their views on the Bill and for feedback on anything they thought was pertinent and should be raised in the debate. I received a letter from Ian Peacock from one of the land conservation district committees in my electorate telling me that some weeks ago a workshop was held on the south coast for people from nine soil conservation districts. They discussed this matter and felt it was important to consider making available on the advisory council some places for members from soil conservation district regions. They thought it was important to divide the State into various regions and to elect representatives from those regions as members of the council; these would replace some of the other farmer groups already represented on the council. It was considered that this would be more democratic and would allow for a greater networking of the sorts of programs and information which should be fed back to farmers from the council. I took up this matter with Ernie Bridge, the Minister for Agriculture, who felt there was some merit in the proposal. He felt it was too late to consider the proposal in the context of this Bill, but decided he should consult with soil conservation districts, the conservation movement, the various Government departments involved and with farmer organisations, to examine the whole idea of more democratic representation of farmer or soil conservation groups on the council. If some consensus is reached he will introduce a further amendment to the Bill later next year.

I also bring to the attention of the House a moving experience I had a couple of weeks ago at the graduation ceremony of the Amity House hostel, which boards students from the farm catchment area in Albany. After the presentation of prizes each of the graduating students was asked to come to the microphone and explain to parents and others assembled what they would like to do when they leave school. There were the usual responses by students who wanted to become nurses and teachers, but the head boy said he wanted to become an environmental scientist so that he could fix up the mess that had been created in the environment. He spoke about some of the things he had seen in his community. If our future is in the hands of people such as that, there is still a lot of hope for us.

In conclusion, I am getting some signals on the subject of soil conservation from various farmers with whom I interact in my electorate. Some of the more established farmers who have the financial capacity to undertake improvements on their farms are quite enthusiastic about maintaining the impetus and carrying out the necessary improvements. However, I am concerned that some of the more marginal and newer farmers, who do not have the financial capacity, are questioning whether they are able to undertake the sort of work necessary to address the soil degradation programs on their farms. I understand their point of view. They are faced with very limited incomes with which to put in crops or to undertake activities within their enterprise to generate income. With that limited income they are not able to also

undertake activities to address soil degradation problems. I understand that they must provide income for themselves and their families in order to keep their enterprises going. Anything the State Government can do through its task force will be welcomed by these farmers. I support the Bill.

HON W.N. STRETCH (South West) [8.56 pm]: My comments, as usual, will be very brief! I am a great believer in the soil conservation movement and the work being done by the land conservation groups. There has been a massive expansion of interest in this field of agriculture, and the old saying that "conservation does not cost, conservation pays" is getting through to many farmers.

I start where Hon Bob Thomas left off; it is true that with increasingly difficult times in the rural sector it will be hard for many farmers to set money aside for conservation projects. I urge them not to give up altogether because there are many fairly cost effective ways in which to undertake minor conservation works. It is amazing what can be done with a dumpy level and disc plough on not so severe slopes, and by collecting tree seeds from one's own bushes. That also has the advantage of propagating species which are acclimatised to the area. Many field days are held in country areas where farmers are taught to collect tree seeds and grow them. In that way I hope farmers will be able to maintain the general impetus of conservation that has gathered speed in each succeeding year.

I am a little concerned at present about the need to concentrate more on the granting of money rather than personnel. I get the feeling that enough people are employed in the field and that no more are needed. We now need some of the money currently applied to wages to be transferred into capital grant assistance, because money for major works, such as drainage, fencing and other capital intensive work, will suffer most if the economic downturn continues.

I will go into this matter in more detail at the Committee stage, but some conflict is apparent between the Bill and the second reading speech with regard to representation from the voluntary conservation movement. It is a very good move which is seen by some as an attempt to placate the green movement. I do not agree that it is, as the more people who can be fed into this council on a rational basis, the better. It was stated in the second reading speech that -

> . . . it is vital that a position be made on the revised body for a representative of the voluntary conservation movement.

That seems fairly clear. I draw to the attention of the Minister the following extract, relating to members of the council, from page 4 of the Bill starting on line 3 -

> one shall be a person nominated by the Minister after consultation with such voluntary conservation organizations as he thinks fit.

That does not mean it will be a member from that voluntary organisation. I take the meaning, but suggest that the Minister check the wording on page 4 because it means that the Minister will consult with the voluntary organisation but appoint a person not necessarily from that organisation. If the Minister wants his intent implemented as outlined in his second reading speech, that clause should be tightened up.

I am glad that the provision for a 10 year retrospective period has been removed. We pointed out to the soil conservation commissioner when we met with him that satellites circle the earth every 40 to 50 minutes taking photographs, so with modern technology it is not hard to detect vegetation changes. Ten years would go so far back that it would be difficult to launch a case, anyway. It made the legislation a little frightening. At my age 10 years is a long time. That provision put the frighteners on many people who would not do things for fear of being picked up 10 years later. Sufficient policing mechanisms are available to have the desired effect without including such onerous provisions in this legislation.

I support the concept of a land care trust, but am mindful of the absolute debacle of the tree trust introduced as a political vote catcher. It was to plant trees and do all sorts of things, but never got off the ground. It was also apparently illegal from the day it was mooted and we had the embarrassing situation of its being changed into a tree fund and various other things. I understand that even now the tree trust or fund has not appointed a proper board or had a tree planted. I would prefer to see the approved trust deeds tabled with the legislation. If that is not possible, I would like to see them in place before the legislation is gazetted

because trusts are exactly what they say - they are deeds of trust - and if people investing in them do not have confidence in their legality and status one cannot expect them to contribute. I promoted a land care trust idea years ago on a slightly different scale. I hoped a tax mechanism would be put in place to allow large companies to buy degraded areas of land, renovate them and claim that cost as a tax deduction. Then, when the land became usable again, it would be leased back to the owner. In that way the land would gradually come back into production rather than being unused. It would also allow companies to provide seed capital for reclamation work. There is probably a way to wed the two concepts, so I suggest that when the land trust gets going it considers this matter. It is reasonable, if industry is to contribute, that it has an interest in the land involved. I see no difficulty with that. It may be an extension of, or something running in parallel with, the land care trust. I urge caution in setting up this trust so that we avoid the embarrassing situation that faced us earlier. I support the rest of the legislation. The general concerns held by the Opposition were addressed through discussions with the commissioner and I thank the Minister for setting up that meeting because it was a valuable exercise which saved time during this debate. I support the legislation.

HON GRAHAM EDWARDS (North Metropolitan - Minister for Police) [9.06 pm]: I thank members for their contributions to the debate and indications of support for the Bill. The leading statement made on introduction of the Bill was that land degradation is now recognised as a major problem facing Australia in the 1990s. I think all members would agree with that statement without question. The debate has recognised the seriousness of land degradation not only in this State but in Australia generally. As Hon David Wordsworth said, no thinking person needs to be persuaded of the need to support land conservation.

A number of points were raised which members indicated they would pursue further during the Committee stage of the Bill. As this is a Committee Bill, those matters will be best dealt with at that stage. Some amendments have been foreshadowed by the Opposition and me. I am sure that we will be able to reach agreement on those amendments. I again thank members for their contribution and indications of support for the Bill.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon Doug Wenn) in the Chair; Hon Graham Edwards (Minister for Police) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Section 9 amended -

Hon W.N. STRETCH: This clause provides for the appointment of a person nominated by the Minister after consultation with such voluntary conservation organisation as he thinks fit. In the second reading speech reference was made to the fact that this vital position on the revised body should be allotted to a representative of the voluntary conservation movement. I think the Minister can pick up the slight conflict of meaning between what appears at the top of page 4 of the Bill and what appeared in his second reading speech. I would prefer the interpretation which appears in the second reading speech where the Minister gave a commitment that the person considered under clause 7 would be a representative of the voluntary conservation movement.

Hon Graham Edwards: The Minister in another place said it was his intention to appoint a member of the voluntary conservation movement. He acknowledged that was likely to be from the Australian Conservation Foundation.

Hon W.N. STRETCH: How can the Australian Conservation Foundation be called a voluntary body when it received $30 000 from the State Government to appoint a liaison officer - out of the very stretched agriculture budget? It also receives a significant grant, in terms of hundreds of thousands of dollars, from the Federal Government.

Hon Graham Edwards: There are many voluntary workers with the Australian Conservation Foundation. It is recognised as a body which is very representative of the conservation movement.

Hon W.N. STRETCH: I argue not with that but with the word "voluntary". I do not know how the ACF can be called a voluntary organisation when it receives funding from the State and Federal Governments. I do not quibble about the work it does.

Hon Graham Edwards: Would you agree it is a reasonable body?

Hon W.N. STRETCH: It is one of many reasonable bodies. I do not regard it as the most reasonable; at times I find it downright unreasonable. I question how it can be called a voluntary organisation when it receives Government funding.

Hon Fred McKenzie: Numerous bodies receive funding and are still voluntary organisations, such as the Cancer Foundation and the Heart Foundation.

Hon W.N. STRETCH: I do not believe we should nominate them in legislation as voluntary bodies. Will the Minister redefine "voluntary"?

Hon GRAHAM EDWARDS: We will detract from the debate if we get stuck on that point, but whether it is a voluntary organisation or otherwise, the Minister has indicated in another place that he is prepared to look at accepting someone from an organisation such as the Australian Conservation Foundation.

Hon W.N. Stretch: I suggest that in sheer commonsense, and with some respect for the English language, you take out the word "voluntary".

Hon GRAHAM EDWARDS: I will take those comments on board. The Minister was possibly referring to a voluntary person, but I would need to clarify that with him.

Hon D.J. WORDSWORTH: The Minister commented in another place about the physical membership and the names of the members of the proposed Soil and Land Conservation Council, and suggested there should be more representation on the various conservation committees - and there are now 120 - because currently they are not directly representative. He said he did not want to rock the boat and that he would leave on the new council the same people who were on the original Soil Conservation Advisory Committee because in a year or so they would be reappointed anyway. I would have thought that because we are now amending the Act, this would be a good occasion to reshape the committee. That will have to be done sooner or later. I and other members of Parliament receive constant requests from the district committees which have been set up for increased representation . At one stage there were only 30 or 40 of those committees, and they were only a minor part, but those committees now cover the whole State, yet they have no physical way of tying in with the council.

Two of the members of the council shall be persons actively engaged in agricultural, horticultural or pastoral pursuits. It is suggested that this will provide those committees with representation, but we must remember that the committees are not all made up of landowners. Indeed, they have been watered down so that people other than landowners can be on them, and we may find that the representation that these land conservation district committees wish to have may not comprise landowners. The Minister will actually nominate those people, and he may select two people who happen to be on the district committees, and that is the way it will go. However, there is a need for more direct representation, and the people in these committees ought to be able to elect someone to represent them on this council because, after all, that is where things will take place. Until now, those committees have only been spending Government money, and much of their effort has been pretty pathetic. Some of these districts have got little more than half an acre of saltbush, and that is their great project! They have to go beyond that and persuade landowners to spend money. When they do that, they will be entitled to more representation than they have at present.

Hon GRAHAM EDWARDS: That is a reasonable point, and it should be considered by the Minister in another place. The Minister has indicated that he will allow for land conservation district representatives. He has given an undertaking that he will review the membership of the council when people are being appointed, following the passage of this Bill. It is not considered at this stage that an amendment is necessary, but that point has certainly not escaped the attention of the Minister and should be considered.

Clause put and passed.

Clause 8 put and passed.

Clause 9: Part IVA inserted -

Hon D.J. WORDSWORTH: I agree that there should be covenants and agreements but I am concerned about who will be able to place a covenant on land, and about the duties in respect of passing on an interest in affected land. I have an amendment listed to remove the words "or occupier" in line 33. My concern was that an owner or an occupier could commit land to be set aside, and I have to admit that on re-reading it I notice it says each person who is an owner or occupier. I would be happy if both owners and occupiers had to do it, but I would not be happy if an occupier, who is a share farmer, could commit a landowner without his knowledge.

I am surprised that on page 6, line 17, there is mention of each owner and occupier. In one place it mentions a person who is an owner or occupier, and in the other it refers to each owner and occupier. I guess the reason it is necessary to include both is that the Bill tries to bind the occupier to an agreement so that he cannot go to the courts and say that the owner has taken away some of his interest. In other words, if a person had rented a 2 000 acre property, and the owner decided to put a hundred acres under covenant, the share partner could say he had lost something because he no longer had the grazing. If the occupier could be encouraged to sign the agreement he would not have a case to sue. In those circumstances I would be happy not to insist upon that amendment.

I am concerned about fines which might be imposed on those who have been good enough to give their land in perpetuity. They might end up with a fine of $2 000. I am a little lost with the English. Perhaps the Minister could explain this. Proposed section 30D(a) reads -

> before agreeing with another person in writing that the other person will succeed him in the ownership or occupation or both, . . .

What do the words "before agreeing with another person in writing" mean? Does it mean that if a person agrees other than in writing he cannot be fined? Does this apply only in the case of a written agreement, or is there a requirement that the person should be notified in writing? Which way should we interpret the words "in writing"? Take the example of a share farmer occupying a property; the term of his lease runs out; the owner then has the land himself for six months, and in comes another occupier. How can the first occupier know anything about the second occupier? If this provision applied only to the case where one occupier is making an agreement in writing with the last occupier, I could understand it.

Hon GRAHAM EDWARDS: During the second reading debate we asked what an occupier meant. My advice is that the occupier is the person who makes use of the land, and he or she may also be the owner. However, to be able to enter into an agreement to reserve on the title, the consent of the owner and the occupier must be obtained. The word "or" is used in the Bill to ensure that both circumstances are covered if the occupier and owner are the same person.

In relation to the honourable member's other point, following debate on this clause in another place, Crown Law advice was sought, and that advice confirmed that "or" means both.

The penalty is considered a very important part of the legislation; indeed without it the whole thrust of the Bill may become much more unwieldy, or even collapse. It is sometimes very difficult to find a penalty which meets with everyone's approval; indeed it is often difficult to find a penalty which meets with any approval. However, this penalty is a reflection of the seriousness of this matter. That is why the penalty is provided. There is no doubt that this penalty is considered to be a reasonable one; it reflects the seriousness of the matter, and it should assist in the working of the clause. If people are of the view that this is a fairly high penalty, in my view they will be more likely to abide by the provisions of the Bill.

Hon D.J. WORDSWORTH: We have not defined who an occupier is. I might have three or four extra houses on my farm. With the slump going on now I might tell an ex-employee that he can rent a house for $5 a week and have a cow. He is an occupier. An occupier has not been defined, and one could not argue that he is not an occupier. He becomes involved in this property and is subject to a $2 000 fine if he does not pass on information to the next person renting this house. Quite often a contractor will come in and take half the hay for having pressed it, and the owner takes the other half. He is an occupier in many circumstances. One would have to say that he is; he is a share farmer, and he becomes

involved in the farm. Unless an occupier is defined in the Bill, all sorts of people will be dragged in and they will be subject to a $2 000 fine.

Hon GRAHAM EDWARDS: I do not think the situation envisaged by the honourable member will arise, simply because it is the land to which the agreement that we are talking about applies. It is very unlikely that more than one person will be subject to that agreement in the situation about which the member is talking. We are talking about a person who is making use of the land.

Hon D.J. WORDSWORTH: I shall not continue this debate. It is something which should be tidied up at some time in the future. I am glad to see that some of the points I raised in the debate a year ago are now coming forward. Who knows; sometime in the future we may have a definition of the term "occupier".

Where do the words "in writing" fit? Is that only when there is an agreement?

Hon GRAHAM EDWARDS: They must agree in writing.

Coming back to the other point, it seems to be a reasonable one. I am not of the view that there needs to be a definition of occupier, but I shall certainly draw the matter to the attention of the Minister, and if it is considered necessary we might see a further evolvement of the honourable member's ideas.

Hon J.N. CALDWELL: Can the Minister clear up the point about proposed section 30B? It concerns the registration of land set aside for the protection and management of natural vegetation. The land can be set aside in two ways. One is known as a conservation covenant and the other as an agreement to reserve. As the Minister may know, places in the great southern and further east sometimes experience severe drought, and pastoralists and farmers must avail themselves of all of the pieces of pasture and bush they possibly can in order to keep their stock alive. In the Eastern States I have even seen farmers travelling with their sheep along roadsides to keep them going.

I can see that the agreement to reserve has a discharge provision, so that is really of no concern to me; because if a pastoralist or farmer got into trouble with a severe drought he could probably apply to the Minister and have that area of land discharged, or perhaps he could run stock on it to get him through that severe period. However, is there any way in which a land-holder can avail himself of a piece of land under a conservation covenant to tide him over a severe drought?

Hon GRAHAM EDWARDS: It was thought that the conservation covenant and the agreement to reserve would provide positive alternatives which would recognise the landowner's positive attitude to land conservation. Quite clearly the difference between a conservation covenant and an agreement to reserve is that the conservation covenant is irrevocable, whereas the agreement to reserve is revocable.

Hon J.N. CALDWELL: In that case I suggest that very few conservation covenants will be brought into being through this Bill, because land-holders would be rather worried about what would happen in the future.

Hon GRAHAM EDWARDS: It may well be that Hon John Caldwell is right; however, I refer to what Hon David Wordsworth said during the second reading debate, and perhaps that will actually occur; that is, in years to come, where a covenant has been entered into, it may lead to an increase in the value of the property. Hon John Caldwell may well be right, but I believe an alternative point of view was put in another place by a member of the National Party. I guess the future will tell who is right and who is wrong.

Hon J.N. CALDWELL: Would it be an offence for a land-holder to run stock in an area of land under a conservation covenant?

Hon GRAHAM EDWARDS: That would depend upon the terms of the covenant.

Hon W.N. STRETCH: If the covenant is irrevocable, I draw the Minister's attention to proposed section 30C(1)(b) of the Bill, which says -

> while a memorial of the covenant or agreement remains registered under section 30B, binds each person successively becoming an owner or occupier of the land.

I query the words "while a memorial of the covenant or agreement remains registered". If

the conservation covenant is irrevocable, it will always be; there is no question of "while" it remains in place. Is there not some mechanism by which the covenant can be lifted? If not, why have those words been used?

Hon GRAHAM EDWARDS: I do not know why Parliamentary Counsel has chosen to express it in that form of words, but he has. However, that does not detract from the fact that once a covenant is in place it is quite clearly irrevocable.

Hon D.J. WORDSWORTH: During the second reading debate I endeavoured to define the difference between a conservation covenant and an agreement to reserve. The agreement to reserve was where, if a farmer wanted to clear 100 acres and the Department of Agriculture said he could clear 60 acres, the farmer would keep the other 40 acres in natural vegetation and that would be part of the agreement. If he borrows some money to do some fencing around natural vegetation that would also be part of that agreement, and that agreement can be varied, with the commissioner's approval, under some very special circumstances - perhaps on the change of ownership. A covenant is undertaken by someone who says, "I want that area in bush forever", and that cannot be changed.

Hon Graham Edwards: That is right.

Hon D.J. WORDSWORTH: It is unfortunate that the terms were not described separately. Parliamentary Counsel has tried to describe them together but they should each be fully explained.

I must say that the Commissioner for Soil and Land Conservation has been questioned on the very point Hon John Caldwell raised, and he said that farmers ought to have different grades of bush on their properties: They should have a covenant, which is for something very special such as wildflowers on the property or something like that; they should have some land subject to agreement, which perhaps they could change at some time in the future if they wished to swap the land; and they should have ordinary bush, to which they have no agreement. They could fence it and run stock on it should there be a drought or any other reason for doing so.

I remind members what happened when we were debating the Heritage of Western Australia Bill. It was seen that those people who decided to look after an old building and repair it suddenly found that the country fell in love with it and wanted to confiscate it and have it as theirs. Farmers should be careful that that does not happen to them - that people do not suddenly fall in love with something that is theirs and that the nation does not say, "What are you doing with that beautiful bit of scrub?"

Hon GRAHAM EDWARDS: I am sure that farmers, who are by nature cautious, will be equally cautious about these matters; but the Bill provides for that positive covenant to be entered into. However, as we recognise, once it is entered into it is irrevocable.

Hon W.N. STRETCH: Does an "agreement to reserve" become a "soil conservation reserve" once the agreement is reached? In other words, when a farmer makes an agreement to reserve a certain area of land under proposed section 30A, according to the commissioner's explanation to us the other day the farmer then has an agreement not to clear. Is that the same as a soil conservation reserve, as mentioned in the parent Act in section 30(1)? When the Minister reads that section he will see why I am concerned.

Hon GRAHAM EDWARDS: No, it is not the same.

Hon W.N. STRETCH: Can the Minister explain the difference?

Hon GRAHAM EDWARDS: The difference is that the amendments provide for agreements designed to allow farmers to take the initiative. The difference between that and section 26(1) in the parent Act is that those reserves come about by way of recommendation from the commissioner. That is, on the one hand the landowner takes the initiative, and on the other hand, under the parent Act, the initiative is taken by way of recommendation by the commissioner.

Hon D.J. WORDSWORTH: This is very sloppy legislation because it contains classifications and no-one can tell us how they work. A definite table should be provided showing each provision and how it affects landowners. The Minister is referring to reserves under the Act, but the Bill does not take that into account.

Hon GRAHAM EDWARDS: It may be that the member is correct. I understand that these matters are currently being reviewed. Following that review, it may be that some matters will be changed.

Hon W.N. STRETCH: I hope the Chamber will forgive me if it feels I am being pedantic. Section 30 of the parent Act states -

> (1) The Minister may grant leases of or licenses to occupy any land comprised in any soil conservation reserve to any person for such terms, at such rents and subject to such covenants, conditions and agreements as the Minister may determine.

In other words, once land becomes a reserve the Minister can do virtually what he pleases. Subsection (2) states -

> All revenue derived under any such leases or licenses shall be paid to the Treasury as public moneys of the State.

As I understand it, from the Minister's explanation of section 26, the commissioner may from time to time inform the Minister that the land, whether Crown or private, in the opinion of the commissioner should be reserved as a soil conservation reserve.

Under proposed section 30B, agreement is made with the commissioner and the commissioner clearly recommends that the land is accepted. I assume that the commissioner does not just accept any piece of land, and that he declares some reservation value. In effect, in the wording of the agreement, the commissioner is the person who is recommending occupation of the land as a reserve to the Minister. The commissioner makes a recommendation in the terms of the parent Act, which automatically gives the Minister the right to trade in the land how he pleases, and the revenue goes to the State. That may not be the intention of the landowner who surrendered the land in the first place.

Hon GRAHAM EDWARDS: There is a vast difference between what the member is talking about and what we are dealing with under proposed section 30B. Under that proposed section, the owner will put the covenant on the land.

Hon W.N. Stretch: No, the agreement for the reserve.

Hon GRAHAM EDWARDS: Or even the agreement. Even if it were addressed by way of agreement and not covenant, the farmer is still taking the initiative. It is different from the section I explained. It is covered in the parent Act in section 26(1). One is initiated by the landowner or the farmer and the other is initiated by the commissioner. As such, they are different.

Hon D.J. WORDSWORTH: I would like to agree with the Minister. They are different, but not under different definitions in the Act. They should be. That is why the legislation is sloppy. In the Act, "soil conservation reserve" means a soil conservation reserve created under this Act. No doubt, proposed section 30A states that "covenant or agreement" means a conservation covenant or agreement to reserve.

Hon Graham Edwards: They are different words.

Hon D.J. WORDSWORTH: It is the same meaning.

Hon Graham Edwards: It is an area that needs further attention. I have indicated that we are prepared to consider that. They are different words and they have different meanings.

Hon W.N. STRETCH: The whole matter becomes a nonsense. When a farmer decides to place a piece of land in reserve, suppose the Minister considers that land as his own; it is of value to conserve but of no value to the Minister.

Hon Graham Edwards: I will enter into an agreement on that.

Hon W.N. STRETCH: An agreement to lease. And the commissioner recommends to the Minister that it is a suitable piece of land to be reserved, so the commissioner recommends that the Minister sign the covenant. I assume the Minister signs an agreement to lease. In that case, it seems to me that land has been reserved and in effect it is a soil conservation reserve.

That must have the same effect, bearing in mind we are dealing with exactly the same Act. The commissioner thinks the piece of land is of value to the Crown and enters negotiations to

create a reserve. It means we are arriving at the same sort of reserve with parallel values and parallel tenure under the Act but from a slightly different direction. Yes, the words are different; the approach to the reservation of land is different, but in effect we have arrived at the same sort of tenure of the reserve.

If it is the intention of the Minister to have two separate reserves, that must be spelt out and defined now, otherwise no farmer will surrender a piece of land when it can be leased at the whim of a Minister to anyone and when any revenue from it will revert to the Crown.

Hon GRAHAM EDWARDS: The legislation certainly is not a nonsense. The situation is one where we do not have a soil conservation reserve but an agreement to reserve. They are clearly different.

Hon W.N. STRETCH: When I make a deal to buy a motor car, I sign an agreement to purchase a motor car. When I hand over my cheque and, hopefully, it is cleared by the bank, I take possession of the keys and drive the car away. I do not have an agreement to purchase a motor car. I hope that I have a motor car. God knows what the Minister would say. All that the legislation is doing is setting up an agreement to reserve. Once an agreement is reached, surely we have a reserve. One would then have the situation in which a soil conservation reserve could be traded by the Minister. I believe in what the Government is trying to do, but I do not believe that it is approaching it in a logical fashion. It is illogical to have section 30 of the Act setting out how the Minister may deal with the land once it is reserved because it will not attract any interest at all. If a lawyer looked at this provision, he would recommend that a client not let any of his land out of his control.

Hon GRAHAM EDWARDS: All I can do is offer to take the member's comments on board and to have the matter looked at. This provision comes about because it initiates an act of goodwill, and the other one comes about because the commissioner requires it.

Hon W.N. Stretch: Surely the commissioner has goodwill too; the commissioner does not have bad will.

Hon GRAHAM EDWARDS: I am sure that everybody is acting with goodwill in this instance. The important part is that this legislation provides for those matters to come about as an act of goodwill. I agree that these matters could be more clearly expressed than they are, and I have indicated that I am prepared to take that on board.

Hon W.N. STRETCH: Clause 9 of the Bill is really the key part of the legislation. Section 30 of the Act puts a deadener on the prospects of farmer participation by the Minister with power to deal with the land; it virtually nullifies the goodwill the Bill attempts to create. I can only humbly suggest that we report progress and have another look at the matter tomorrow when it has been clarified. I cannot believe that in the same Bill two such contrary definitions could be found as is the case here. Surely an agreement to reserve does not create a reserve at that stage. If one is brought under the powers of the other, it will frighten people off forever, and this will undo all the good work the Government is attempting to do with this legislation.

Hon GRAHAM EDWARDS: The member indicated earlier that he did not want to become pedantic; I suggest that he has just about reached that stage. It is not my intention to report progress. I have indicated that there is some justice in the member's argument and that those matters will be looked at. If there is to be goodwill, it should surface now.

Clause put and passed.

Clauses 10 to 12 put and passed.

Clause 13: Section 44 amended and transitional -

Hon GRAHAM EDWARDS: I move -

Page 15, lines 4 to 6 - To delete the following -

> offence prescribed by subsection (4) may be commenced at any time within 10 years after the offence was committed but not afterwards, and proceedings for any other

Page 15, lines 10 to 18 - To delete the proposed subsection (4).

Page 15, lines 20 to 23 - To delete subclause (2).

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 14 to 17 put and passed.

Title -

Hon GRAHAM EDWARDS: I thank members for their support during the Committee stage. I reiterate that I will bring the matters raised to the attention of the Minister and I will ensure that they are pursued.

Hon W.N. STRETCH: Will the Minister be able to bring those deliberations to the Chamber before we proceed to the third reading?

The DEPUTY CHAIRMAN (Hon Doug Wenn): We can proceed only to the report stage tonight.

Title put and passed.

Bill reported, with amendments.

VIDEOTAPES CLASSIFICATION AND CONTROL AMENDMENT BILL

Second Reading

Debate resumed from 18 September.

HON REG DAVIES (North Metropolitan) [9.59 pm]: The Liberal Party supports in principle the purposes and objectives of the Bill.

The Opposition is reasonably happy with the outline of the power of the Office of Film and Literature Classification to impose conditions on the advertising of videos, and for the continued prosecution of child abuse videotapes. The intention of the legislation is to tighten up on pornography and violence in videos which are available to the public for viewing. These amendments arise from decisions which were taken at the Darwin conference of Attorneys General held in June 1988. As this is the first opportunity that the Parliament has had to comment on that conference, on the decisions taken and the results of those decisions, I will outline some anomalies which are of concern to the Opposition.

The Darwin conference promised reduced violence, consistency between the Film Censorship Board and the Films Board of Review, a review of previous decisions on excessive violence, and increased information to parents in the form of labelled videos. We must bear in mind that in 1988 the Ministers concerned with censorship matters made a unanimous request to the Chief Censor and to the Chairman of the Films Board of Review to apply tighter restrictions to violent films in the M and R categories. In particular, the Ministers were concerned about violent films and videos at the top end of the M and R classifications. We appreciate that the Censorship Board is not the arbiter of public morality, but at the same time the community entrusts the welfare of young people to its good judgment.

The new set of guidelines forthcoming from the Darwin conference was to be applied by the Film Censorship Board and the Films Board of Review, to be effective immediately. The new guidelines, which were drawn up by the Film Censorship Board and the Films Board of Review in conjunction with the State censorship officials, took into account comments made by all members of the Joint Select Committee on Video Material in its report dealing with the guidelines. That report addressed the ambiguity which was felt arose from the application of the guidelines. The draft was unanimously approved by the Ministers as the basis of all classification decisions for films and videos.

The format of the guidelines has been altered considerably. A preamble has now been added to give an overall context to the classification principles. It was held that subjective language of the previous guidelines had been effectively replaced by more objective language. Provision had been made for consumer advice and warnings to be placed on cassettes by the board so that the people who purchased or hired videos would have better access to information on the content of the videos. The new warnings were intended to educate the public, particularly parents, to the principles which applied within each category. At the same time, labelling was to be improved so that the general public would be able to

understand each designation. Uniformity of wording, separate display of R and non-violent erotica videos had been considered. All States expressed opposition to the introduction of the new NVE category. As a backup to these abundant considerations, an education campaign was recommended by the Joint Select Committee. This was intended to improve community awareness of the present classification system.

A classic anomaly, which I find difficult to interpret, is in the semantics of the new guidelines, which members will recall were supposedly an exercise in tightening up the categories to provide better community protection. I will illustrate that this has not occurred. For instance, the 1987 banned classification - that is, material which contained what was held to be emotive or subjective terminology that detailed gratuitous depictions of considerable violence or cruelty - was banned from public viewing. The tightening up exercises resulted in a change in wording which saw the word "detailed" replaced by the supposedly less subjective terminology of "unduly detailed and or relished acts of extreme violence or cruelty". That is hardly a tightening up exercise. This effectively means that formerly detailed and gratuitous depictions of considerable violence or cruelty will now have to be worse than previously before they will be banned. It is making it much easier to show extremely violent films or videos.

The use of these objective terms is reflected throughout the new guidelines, and the only classification which has effectively been tightened is within the G classification which, of course, I endorse as worthwhile. However, the same practice should be applied within the other categories. The Ministers instructed the Censorship Board to carry out a tightening up exercise, and I find it difficult to interpret the rationale behind the new wording. It may be that censors are under the impression that the word "extreme" is more explicit in its determination. That is probably true, but it has not achieved what the board was instructed to do. I will illustrate that no tightening up exercise has in fact occurred.

The R rated category replaces "implied, obscure, or simulated depictions of sexual activity" with "realistically implied or simulated and detailed and gratuitous depictions of acts of considerable violence or cruelty". That qualification of "unduly detailed" weakens the terminology. More significant is the undermining of the M category, which recommends that persons over the age of 15 can view these videos, but does not preclude viewing by younger persons. Here, simulated depictions of sexual activity have been included in this category when these depictions were formerly the prerogative of the more restrictive R category. M rated films and videos can now include assaultive language because the language must now be "unduly" assaultive before it is forbidden. That previously was "depictions of discreetly implied sexual activity". This has been extended - perhaps it is better explained, but I cannot judge the intent here - and it now reads "that sexual intercourse or other sexual activity may be discreetly implied or simulated".

The context of a film is now the determining factor and the new justification for a high degree of realism within the M category which I must again stress does not have the capacity to preclude children from viewing - when I say "children" I mean people under the age of 15. The exercise in supposedly tightening up the legislation through the use of purportedly more objective terminology has had the opposite effect from what was intended. We are all aware that the final decision on these guidelines which determines what our films and videos will contain rests with this State censorship Minister who is, in Western Australia, the Minister for The Arts.

It appears that we have two options from which to choose when we try to establish the basis for the changes. I disqualify any intended malice in respect of corruption of our youth or our community. One alternative is that the Minister concerned has failed to make a close examination of the evidence that was presented to her. I have done a fairly comprehensive analysis of the issues involved and will be quite happy to give the Minister a copy if she so desires. The second alternative is, of course, that the Minister has failed to understand the use of the qualifying words - the semantics which have achieved the opposite of what was required.

In considering the Minister's second reading speech and the purpose of the Bill, it is incumbent upon us to make sure that we are familiar with the instructions of the decisions taken by the Darwin conference. They are clearly outlined in literature from the Office of Film and Literature Classification which contains the decisions made by the Standing Committee of Ministers concerned with censorship matters in Darwin on 30 June 1988.

As stated earlier, the Liberal Party agrees with the major thrust of these amendments. However, I intend to move amendments during the Committee stage of the Bill. These amendments will achieve some tightening up of the legislation. We can never hope to remove subjective language completely; nor can we do away with differing interpretations. What we can achieve though is a reasonable adjudication by reasonable people, our censors, within the framework which is well advised.

I reiterate that we support the Bill but only with the support of our amendments. I hope that the Minister takes note of the comments I have made because when we have a Bill before us which purports to tighten up censorship but does completely the opposite there is room for concern. We will support the Bill with our amendments.

The PRESIDENT: Order! Before the member sits down, he should have a look at Standing Orders No 73 for the future.

HON P.G. PENDAL (South Metropolitan) [10.14 pm]: I support the Bill in much the same way as has been outlined by Hon Reg Davies. However, I want to use this occasion to ask some specific questions of the Government about why certain things are being done in the legislation that have not occurred before. I also want to deal with some other wider issues that have been brought to my attention as the Opposition spokesman on cultural affairs which also cover the censorship laws.

Talking on any Bill that deals with pornography is difficult because, for a start, that means many things to many people. I hope that will become apparent with some of the remarks I intend to read into the record from people who have made representations to me. Some of the more mundane things in which I am interested include why we will remove from the current Act the requirement to publish classification decisions in the *Commonwealth Gazette*. According to the Minister in her second reading speech, that provision will be deleted. We have also been told that "existing legislation in some States, including Western Australia, provides that a decision of the censor takes effect from the date of publication in the *Commonwealth Gazette*". We are then told that the gazettal of such notice is very costly. I wonder why that is. I know that local authorities in my electorate are complaining that they are now being asked to bear the costs of advertisements or notices that appear in the State's *Government Gazette*. At the same time we are being told in this Bill that publication in the *Commonwealth Gazette* is being withdrawn on the grounds of costs. I appreciate also that it is being withdrawn because of time limitations. We have been told in the second reading speech again that it "can take up to eight weeks for decisions to be published and therefore become effective". We are then told that the gazettal in that form "does not provide easily accessible or up to date advice on classifications". The second reading speech then states that the "need for gazettal has also caused problems with prosecutions where previously unclassified videotapes are involved". That begs the question: If we are going to withdraw the use of the *Government Gazette*, will those notices be more appropriately published in the daily media?

In a later part of the Minister's speech she dealt with a new fangled notion that this information will be available on a new Telecom service. That service described in the Minister's second reading speech sounds very cumbersome. One wonders who would bother to get information from that source. For example, she said -

> Advice of all classification decisions will in future be available on a Telecom electronic information service. The database of the Film Censorship Board is to be made available to Telecom which will then provide immediate on line access for State and Federal Governments, police, customs, industry and the general public . .

Again, that seems to be a costly way and yet we are told that the new system is being applied because the current gazettal system is costly. I would be grateful to hear from the Minister on that.

It is also appropriate that the Minister in charge of the Bill at this time is the Attorney General because a major change seems to be occurring in the administration of the new provisions of the Bill that affects the Commonwealth.

I refer members to the Minister's second reading speech as follows, and I ask them to bear in mind that we are talking about videotapes and, therefore, we are talking about a State law -

> The Commonwealth Attorney General will be able to direct the board to review a decision at any time.

> Any request from a State Minister responsible for censorship for review of a classification would be automatically referred to the board by the Attorney General.

That is, by the Commonwealth Attorney General. Since we are dealing with a State Act - the Videotapes Classification and Control Act - one would assume that the same power would have been retained by the State Attorney General, or whoever administers the censorship laws or the videotapes classification laws. It seems to me that what we are being asked to agree to is the removal of the Western Australian Minister - in this case the Minister for The Arts - from that function which is a function designed for the administration of a State Act.

I find that a little odd. I appreciate the fact that the intention behind these amendments is to bring about a greater level of uniformity. I am also aware that most other Parliaments in Australia have enacted the provision we are being asked to enact. Again, my concern is that the Commonwealth Minister properly exercises his powers when talking about cinematic films and the State Minister exercises his or her powers when talking about videos. It seems we are taking that review function from the State Minister and handing it to the Commonwealth Attorney General.

I turn now to a broader issue which is at stake, since the legislation is dealing in a specific sense with the control of pornographic material. Having read the Minister's second reading speech, I wonder whether we are tackling the wrong problem. Incidentally, the Bill does not address the longstanding problem in the administration of video laws in Australia; that is, the loophole that is known to exist in the Australian Capital Territory which in effect allows a booming business there, a multimillion dollar trade in pornographic videos, to override the laws of the Commonwealth and the States. That continues to be a concern of many people in Western Australia.

I draw to the attention of members a rather well researched case I received from a Mr Keith Miller of Greenwood concerning the effect of pornography on society. I will read out a couple of quotes he supplied to me because they seem to be appropriate in a debate of this kind.

I know it is not a fashionable thing to keep asking whether there is a link between sex crimes, on the one hand, and the rise of pornographic material on the other hand. It is not a fashionable thing today because there has been an acceptance of a level of material that 10 years ago certainly would have been regarded as highly pornographic, but today is regarded as being partly acceptable. That overlooks the continuing expert claims that are made that the link between the rise in the availability of pornography and sex crimes is something that simply cannot be ignored. For example, the head of the Victorian child molestation unit said -

> "Over 98% of the cases of child abuse that we deal with involve pornography."

Mr Justice Cosgrove, as late as 10 years ago in the Burnie Tasmanian Criminal Court of Appeals, said in sentencing a youth who raped a young mother after watching pornographic films -

> "I hope the case would stand as an example to those people who claimed there was no connection between pornography and rape."

Mr Miller also quotes Mr Justice O'Brian who said in the Central Criminal Court in Sydney that -

> "A young mans actions in committing rape had been triggered by pornographic literature."

A final quote from the many quotes made available to me was from Judge O'Shea in Melbourne in 1989 when he sentenced a rapist. He said -

> "Pornography can, and often does degenerate in the mind of the reader notions which lead to the commission of quite cruel and disgusting crimes."

Evidence is available from other parts of the world and two quotations suffice. Dr Murray Straus and Dr Larry Brown from the University of New Hampshire said -

> "The States of the US with the highest per capita porn sales also have the highest rape rates."

The second quote was from Dr John Court in a publication titled "Rape and Pornography in Los Angeles" and it reads -

> . . . a close association exists between the growth of porn in that city from a restricted trade of 18 shops in 1969 to 143 shops in 1976.

At the end of the quote we are told that Los Angeles had eight rapes per 100 000 people in 1969, compared with 72 rapes per 100 000 in 1976.

It seems to me that we may well be dealing with the wrong arguments when we are asked to enact this legislation. In other words, we are being asked to tinker at the sides and I am not sure we are addressing what those experts claim to be the real nub of the matter.

I mentioned in passing that continuing problem of the loophole in the ACT legislation which circumvents the application of all State and Commonwealth legislation. It has been put to me that there are ways around that if the House of Representatives is not willing to act, and as late as this year it has shown it is not prepared to act. One suggestion which has come to me and which appears to be within the realm of the Commonwealth Government, if it so desired, is that there should be an amendment to the Postal Services Act to prevent our postal services from being used to distribute the material currently coming out of the ACT in a legal fashion as a result of its local laws. The same person suggested that we should be using the corporation powers of the Commonwealth to prevent private couriers from distributing that material into the various States where, according to State law and according to this Government's dictates, it is still illegal. A final suggestion, which is certainly within the realm of a State Government, is to make it illegal for any newspaper or magazine which circulates within that State to carry any sort of advertisement which solicits the material from those outlets in the ACT. I do not know whether they are practical suggestions, but this is an opportunity for Opposition members to ask the Government to consider them.

Finally I refer to a matter not unassociated with this subject which arose from a series of newspaper reports in December last year in *The West Australian*. Members will be aware that one of the amendments we are being asked to deal with was described in the second reading speech as follows -

> Finally, a small but significant amendment, which provides increased protection for children, has been included in the Bill. At present, there is a six month limitation on proceedings involving child pornography. This limitation will be lifted so that prosecutions involving child abuse videotapes may be brought at any time.

That is fine so far as it goes. I imagine there have been no prosecutions under existing provisions and in that case why is it necessary to introduce harsher penalties? However, to the extent that the Minister has explained the need, I support it. It seemed to me that the Government treated in a fairly cavalier way the reports in *The West Australian* last December under the by-line of Mark Thornton, who claimed, and gave some evidence to back up his claim, there was a strong link between organised crime in Australia and the pornography industry. At that stage he claimed outright that Mafia figures from the United States were involved in the Australian film industry to the extent that they had helped divert film industry investment funds - presumably which were made available by Commonwealth and State Governments - to false schemes. I was surprised at the time that no action was taken by the State Government, that we know of, to get to the bottom of those fairly remarkable accusations. It is no secret to anybody in this House that many millions of dollars are being turned over by those involved in the pornography trade, particularly in the ACT.

It is odd that we should be dealing with a set of amendments which to a large extent are peripheral to what many people in our society consider to be the main game. As recently as one year ago a senior journalist in this State drew attention to the level of involvement in that trade by Mafia-linked organisations, yet we in this Parliament, and those in other Parliaments around Australia, content ourselves with fairly mild amendments of the kind before us now. With those comments, and on the understanding that Hon Reg Davies will pursue some amendments, I support this Bill.

HON D.J. WORDSWORTH (Agricultural) [10.34 pm]: It was my pleasure last month to attend a public lecture by Professor Blainey at the Burswood Resort Casino. I was very interested in the subject he chose, because I believe he leads Australia when expressing his opinions and concerns. The topic he chose on this occasion was that Canberra has become a

blight upon the nation. He believes this because Canberra is completely divorced from the export situation, it is a false world and it is not oriented at all to the needs of a nation which survives on exports. He went on to say that the total exports from Canberra amounted to less than those from a small country town in Western Australia. He was being kind when saying that because the exports from Canberra are probably nothing more than pornography. It is a shocking indictment of Canberra that it seems to be devoid of understanding about what is happening in Australia today, largely because its inhabitants know nothing about work outside the Public Service, let alone in the export industry. At the same time this capital, which we have built for ourselves, has been allowed to become the pornography centre of Australia.

I continually receive protests from electors on this subject. They are very concerned, particularly about the videotapes because they are easily obtainable and are more graphic than other forms of pornography. It is a problem in Australia today and it is lowering our moral standards. Parents are concerned, particularly those from church groups. I hope that those who are in a position to do something about this matter will take note of those concerns. I would like to think that we in Western Australia can do something about the problem and I use this opportunity to convey to the Parliament the concern that is continually expressed by my electors on the subject.

Debate adjourned, on motion by Hon J.N. Caldwell.

COMMUNITY CORRECTIONS LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from 1 November.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [10.38 pm]: This Bill will amend the Bail Act 1982 to provide for home detention conditions, rename the Offenders Probation and Parole Act 1963 as the Offenders Community Corrections Act 1963, and amend that Act to provide for home detention orders. It is intended also to repeal the Community Corrections Centres Act 1988 and re-enact its provisions in the Offenders Community Corrections Act 1963.

It is fair to say that the net effect of the Bill will be to allow the detention of certain offenders within the confines of their homes as an alternative to imprisonment. It will also permit home detention as an alternative to remand in custody as a condition of bail. Some years ago other States in Australia decided to experiment with the offender management program known as home detention. The States in Australia which currently make home detention available to offenders are South Australia, Queensland and the Northern Territory. It is proposed to introduce home detention offender management programs into New South Wales and Victoria in the near future. Before moving into the general philosophy behind the concept of home detention, it is important to recognise from the outset that home detention is a privilege extended to offenders, and it is certainly not a right.

The conditions attached to home detention orders are fairly rigorous and are monitored closely by the authorities. It is a successful alternative to incarceration for persons considered not to be a major risk to the community. As to the general monitoring of a person subject to a home detention order, members would be aware, if they have read the second reading speech and the provisions of the Bill, that monitoring will, in general, be by random telephone calls and home visits by community corrections officers, although there is provision in the Bill for offenders to be required to wear other apparatus, which can include wristlets to enable authorised officers to determine whether a person is abiding by a home detention order; that is, staying within the confines of his home.

It is intended that home detention orders should be available only in the metropolitan area during the first 12 months of operation of the legislation, although the Government has stated that it is its intention to extend the provisions for home detention orders to other areas of the State in due course. It is fair to say that home detention is generally regarded as a diversion program. It enables an offender to maintain himself and his family in his own home and to give support to his family rather than being incarcerated and the State being required to pay a benefit to the family of the offender.

Members would be aware that it is said to cost, on average, $1 000 a week to keep a person

in prison in Western Australia. I think the Minister mentioned a figure of about $46 000 a year in general terms in his second reading speech. If that is rounded off to $1 000 a week members will understand the cost of maintaining the prison system in this State. Ours is one of the most efficient prison systems in Australia.

Hon J.M. Berinson: That $46 000 applied to last year; I think the higher figure would be more accurate for this year.

Hon GEORGE CASH: I thank the Minister for his comment. I recall that two weeks ago when in Committee discussing the Budget for this year I asked a question which I think the Minister answered giving a figure of around $50 000 to $52 000 a year, which takes the figure to that $1 000 a week.

By way of overview, the Opposition supports the concept of home detention in Western Australia. It is something we have suggested should be taken up by the Government over a period of years. There are not only economic but also social benefits flowing from such an offender management program. I say to those persons who believe that home detention is an easy way out for an offender that many studies have been conducted into the psychological effects on a person required to confine himself to his own residence for a certain period. It has been found in a number of studies that greater psychological effect is experienced and, in fact, greater psychological stress is placed on an offender when in a home detention situation than in a traditional prison. It may be hard for people to believe that if they do not have knowledge of the system operating in this State. I think it is fair to say that if we were confined to our residence for a period of, say, 12 months, during which time we were not allowed to walk out the front gate and down the footpath to the local park, that restriction could cause a psychological problem. It is said that if home detention were extended to persons for a period greater than nine months, the psychological stress would cause them to breach their home detention order by moving outside the restricted area.

One of the important things to be recognised is the conditions under which home detention orders are granted to prisoners and the discretion required to be exercised by the chief executive officer when he considers an offender for the program. Some areas that have home detention as part of their offender management programs say that it should be available to most prisoners. I qualify that by saying that consideration must be given to persons who have been gaoled for offences of violence against a person. Often other criteria have to be met in other jurisdictions.

It is intended in this Bill that before the chief executive officer releases a person to home detention, he must have regard for the nature and circumstance of the offence for which that person has been imprisoned, and also the risk to the security of the public that the release of the prisoner under a home detention order may impose. The chief executive officer must also have regard for the views of other people residing at the place where it is proposed the prisoner shall remain while subject to the home detention order. Therefore, safeguards in the Bill require the chief executive officer to have regard for not only the prisoner but also his family, the victim and others who are entitled to be considered.

I stress again that a home detention order is not to be restricted to persons under sentence but will be used also for persons on bail. Special requirements will apply for persons who are serving a home detention order. The first is that they remain at and not leave the place specified in the home detention order unless or except in special circumstances. One is that a prisoner will be able to leave the place specified in the home detention order if he or she is to proceed to work; that is, for gainful employment approved by a community corrections officer. The prisoner will be able to leave home to obtain urgent medical or dental treatment for the purpose of averting or minimising a serious risk of death or injury to himself or another person. The prisoner will also be able to leave the place nominated in the home detention order to obey an order issued under a written law. I refer here to a summons which would require the prisoner's presence elsewhere. Prisoners are also allowed to leave the premises nominated in the home detention order on the direction of a community corrections officer or to participate in a program authorised by a community corrections officer. The chief executive officer is required to have due regard for the matters I have outlined, and the detainee can leave his premises only in very special circumstances.

Home detention orders will be available only to persons who are sentenced to a period of imprisonment not exceeding 12 months, and they will be required to serve at least one third

of the sentence, or one month, whichever is the greater, before being eligible for a home detention order. The concept of home detention orders is based on the principle that they are a privilege and not a right that is extended to persons who have been sentenced. The Bill provides for revocation of a home detention order for a person who is on bail, along the same lines as revocation for sentenced prisoners.

One section of the Bill which would interest those members who have considered its provisions is the exclusion of the rules of natural justice. At the Committee stage I will invite the Minister for Corrective Services to outline why it will be necessary to exclude the rules of natural justice. The proposed section is that the rules of natural justice, including any duty of procedural fairness, do not apply to or in relation to the doing or omission of any act, matter or thing under this part by the chief executive officer. I have had some discussions with the Minister for Corrective Services behind the Chair about the reason for that provision. I understand it is based on the earlier principle that I alluded to; namely, that home detention orders are a privilege, not a right. So if a person is not prepared to accept the exclusion of the rules of natural justice in respect of a home detention order, then in general terms there will be no need for him to apply for that order because it will not be granted.

Home detention orders have been in existence for some time in the Northern Territory and South Australia. An article in *Criminology Australia*, September-October 1989, called "Front end or back end, there's no place like home", makes some interesting comments about the system of home detention in the Northern Territory and South Australia. Those members who have some interest in offender management programs will find that article interesting reading, and will come to the conclusion, as stated in the article, that home detention orders are working successfully in the Northern Territory and South Australia. I was interested to read that at any one time in the Northern Territory, only a limited number of people are the subject of home detention orders; they number less than 50. I do not have with me the figure for South Australia.

Hon J.M. Berinson: Do you happen to know the total prison muster, to give us some indication of proportions?

Hon GEORGE CASH: I would have to refer back to the article in detail.

Hon J.M. Berinson: I am pretty sure their muster would be a lot less than ours.

Hon GEORGE CASH: Yes, it is. The prison muster in the Northern Territory is certainly less than in Western Australia. The breakdown in the Northern Territory is again quite different from that in Western Australia, and in South Australia the muster is possibly similar to that in Western Australia, where we have an average of 1 600 persons in prison during the year.

I could speak at length in support of this Bill, but much has been published about the concept of home detention orders. In offering the support of the Opposition for this Bill, and in acknowledging that matters will be raised in the Committee stage, I make the point that two opportunities are available to the chief executive officer in the case of a breach of a home detention order. They are to cancel the order or to suspend it. The effect of a cancellation will be that the person is returned to prison, and the time served in his home as part of the home detention order will not be counted against his prison term. In the case of a suspension, the time served at home will be counted.

This concept will clearly need to be monitored over the next 12 months as it is brought into operation. I understand the Government wants to introduce it in January 1991. The Opposition supports the Bill, in the interests of not only the economic savings but also the social benefits that will accrue from home detention orders.

Debate adjourned, on motion by Hon John Halden.

House adjourned at 10.58 pm

QUESTIONS ON NOTICE

LOTTERIES COMMISSION - POLICE HELICOPTER
Trust Fund

532. Hon PETER FOSS to the Attorney General:

(1) Is the Attorney aware that the Lotteries Commission provided funds to assist in the purchase or operation of the police helicopter and that these funds were passed through a trust fund because the Lotteries Commission could not provide those funds directly?

(2) Was the Crown Law Department consulted on this arrangement?

(3) Did the Crown Law Department approve the arrangement?

Hon J.M. BERINSON replied:

See answer to question 533.

LOTTERIES COMMISSION - POLICE HELICOPTER
Trust Fund

533. Hon PETER FOSS to the Minister for Police:

(1) Is the Minister aware that the Lotteries Commission provided funds to assist in the purchase or operation of the police helicopter and that these funds were passed through a trust fund because the Lotteries Commission could not provide those funds directly?

(2) What was the name of that trust fund?

(3) Was the Crown Law Department consulted on this arrangement?

(4) Did the Crown Law Department approve the arrangement?

(5) Did the Minister's department approve the arrangement?

Hon GRAHAM EDWARDS replied:

This matter is now finalised and I am able to provide the following comprehensive answer.

(1)-(2)

As advised in my answer to question without notice 373, the Lotteries Commission together with other sponsors is providing funds to assist in meeting operating costs of the helicopter, not its acquisition. A meeting of those sponsors resolved that a trust should be established for the administration of sponsored funds and that it should be styled Westpac Police Rescue and Surveillance Trust Fund.

(3)-(4)

I am advised by the commissioner that police consulted with the Crown Law Department when the concept of a trust was agreed to by the sponsors and that Crown Law was supportive of the trust being constituted by the Westpac Banking Corporation. I understand that the Lotteries Commission also sought legal advice on this matter.

(5) Yes. The trust deed was executed by the Commissioner of Police on 17 October 1990 and the matter finalised by all parties by 23 October 1990.

POLICE STATIONS - LEONORA POLICE STATION
Upgrading

951. Hon N.F. MOORE to the Minister for Police:

(1) Is the Leonora Police Station, as distinct from the lockup, listed for upgrading?

(2) If so, when is work expected to commence?

(3) If not, why not?

Hon GRAHAM EDWARDS replied:

(1) The Leonora Police Station is listed for additions, painting and general maintenance in the Police Department's three year program.

(2) No date has been fixed to commence work.

(3) Answered by (1).

SWAN BREWERY SITE - DEVELOPMENT PROPOSALS

996. Hon GEORGE CASH to the Minister for Planning:

(1) How many proposals for development of the old Swan Brewery site were received by the Government?

(2) Were Bond and Brewtech amongst these?

(3) If so, what were the general terms of the proposals, in respect of -

(a) period of lease;

(b) annual rental suggested to be paid; and

(c) up front payments suggested from each of those two parties?

(4) Did the proposal from Brewtech include the proposal of an up-front payment to the Western Australian Development Corporation of $500 000?

(5) If so, was this proposal accepted?

(6) Did WADC or any other Government instrumentality receive $500 000 from Brewtech as settlement for the development?

(7) If so, please provide details.

(8) What were the final terms of the agreement between the developers and Government, in particular, terms of the lease and rental and any other payments to be made and to whom?

Hon KAY HALLAHAN replied:

(1) Two.

(2) Yes.

(3) Brewtech offered the State an "up front" fee of $500 000 and a 99 year lease rental of $250 000 per annum CPI indexed. The developer committed to an expenditure of $40 million on improvements. Bond Corporation registered an indicated interest in the project but no formal terms were specified.

(4)-(5) Yes.

(6) No.

(7) Not applicable.

(8) Formal agreements were never executed as Brewtech withdrew from further negotiations following the stock market crash of October 1987.

GREYHOUND RACING - COMMITTEE
New Legislation

1071. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Racing and Gaming:

(1) Is it the Government's intention to introduce legislation to make arrangements for a committee to run greyhound racing?

(2) If so, will the committee be elected or appointed?

Hon GRAHAM EDWARDS replied:

The Minister for Racing and Gaming has provided the following response -

(1) Yes.

(2) The structure, composition and means of appointment of a management committee are yet to be determined.

PASTORAL INDUSTRY - PASTORAL LEASE SALE
Pastoral Board Inspection

1074. Hon P.H. LOCKYER to the Minister for Lands:

(1) When a lessee of a pastoral lease wishes to sell that lease, does an inspection by representatives of the Pastoral Board take place?

(2) If not, how can the board be satisfied that the lease conditions are being met?

Hon KAY HALLAHAN replied:

(1)-(2)

The Pastoral Board requests the Department of Agriculture rangeland management branch to prepare a range condition report when a pastoral lessee requests permission to sell.

BANANA PLANTS - SOUTH AMERICA
Eastern States Import Negotiations - Disease Protection

1075. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Agriculture:

(1) Is it correct that negotiations are taking place in the Eastern States to import banana plants from South America?

(2) What steps are being taken to protect any introduced diseases to present banana plantations in Kununurra and Carnarvon?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

There is no proposal to import banana plants from South America, but the Australian Quarantine and Inspection Service has recently circulated to peak industry bodies, including Kununurra and Carnarvon grower associations, a preliminary biological risk assessment of a proposal to import fresh banana fruit from Ecuador. AQIS is seeking comments from industry on the technical aspects of this preliminary biological risk assessment.

ABORIGINAL LEGAL SERVICE - GOVERNMENT FUNDING

1076. Hon P.H. LOCKYER to the Leader of the House representing the Treasurer:

(1) Are any State funds allocated to the Aboriginal Legal Service?

(2) If so, how much in -

(a) 1989-90; and

(b) 1990-91?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

(1) No.

(2) Not applicable.

MAIN ROADS DEPARTMENT - CARNARVON
Contractors' Stand-downs - Work Funds Allocation Shortage

1080. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

(1) Is it correct that contractors working for the Main Roads Department in Carnarvon are being asked to stand down for some time due to lack of funds being allocated for work in the area?

(2) If so, which contracts will be affected?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1)-(2)

When work on the Paraburdoo-Tom Price Road finished recently some hired plant could no longer be utilised by the department. The same may occur when the Coral Bay Road is completed in about four weeks' time.

The department endeavours to find alternative work for hired plant but this is not always possible.

ROADS - PAYNES FIND TAVERN
Highway Diversion - Gymkhana Club Generator

1081. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

(1) When will the highway be diverted around the Paynes Find tavern?

(2) Has agreement in total been reached with all interested parties?

(3) Will a generator be supplied to the Gymkhana Club?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1) A firm date for construction of the highway deviation has not been decided as yet.

(2) No. However, negotiations are continuing.

(3) The Main Roads Department will contribute to the cost of a generator.

PORTS AND HARBOURS - CARNARVON FISHING BOAT HARBOUR
Dredging

1082. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

(1) Has any dredging taken place of the approaches to and the harbour itself at the Carnarvon Fishing Boat Harbour?

(2) If so, when did it take place?

(3) If not, when will it take place?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1) Yes.

(2)-(3)

Maintenance dredging of the Teggs Channel approach to the Carnarvon Fishing Boat Harbour was last undertaken in 1984. Also, as the member would be aware, $600 000 has been allocated in the Department of Marine and Harbours' budget to undertake maintenance dredging at Carnarvon of Teggs Channel, the harbour entrance channel and the harbour basin during 1990-91.

ROADS - CORAL BAY ROAD
Official Opening

1083. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

When will the new Coral Bay road be officially opened?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

No date has been set for the official opening but it is likely to be in late November or early December.

STATESHIPS - PORTS

1084. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

(1) Which ports in Western Australia are serviced by Stateships?

(2) What is the frequency of visits to these ports?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1)-(2)

The Stateships' north west service calls at Broome, Koolan Island and Wyndham on a regular 18 day frequency, and other north west ports on an inducement basis. Derby is serviced through Broome, and Kimberley inland destinations are serviced through both Wyndham and Broome. The South East Asia service calls at either Broome or Port Hedland as needed, which is currently averaging bi-monthly.

WATER RESOURCES - NULLAGINE
Summer Supply Sufficiency

1085. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Water Resources:

(1) Does the town of Nullagine have sufficient water for the summer without water restrictions?

(2) If not, what steps are being taken to alleviate the problem?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following response -

(1) A general lack of rain in the area has meant that the groundwater, from which Nullagine obtains its water supply, has not been replenished to normal levels. If the lack of rain continues, water restrictions may need to be imposed.

(2) Options are being investigated to alleviate the problem in the short term, including carting water from an alternative source, and locating and equipping other bores.

PASTORAL INDUSTRY - PERON STATION
Government Purchase

1088. Hon P.H. LOCKYER to the Minister for Lands:

(1) Has the purchase by the Government of Peron Station been completed?

(2) If not, what is holding up the purchase?

Hon KAY HALLAHAN replied:

(1)-(2)

Settlement was completed on 26 October 1990.

WHITEMAN PARK - ENTRANCE FEE
Royal Agricultural Society - Land Provision

1097. Hon GEORGE CASH to the Minister for Planning representing the Minister for the Environment:

(1) Is it intended to charge an entrance fee to Whiteman Park?

(2) If so, when is this fee to commence?

(3) Is it intended to provide land at Whiteman Park to the Royal Agricultural Society?

(4) If so, will the Minister provide details?

Hon KAY HALLAHAN replied:

(1)-(2)

The Department of Planning and Urban Development is examining revenue raising options. An entry fee to activity areas is one of the options being considered.

(3) The current land use planning strategies do not provide land for the Royal Agricultural Society. Long term planning consideration is being given to the Royal Agricultural Society's involvement in a joint museum of land transport. The feasibility of this project is being considered by the WA Museum, Royal Agricultural Society, interested vintage transport associations and Whiteman Park.

(4) No firm details on the land transport museum proposal are available at this time.

BURSWOOD ISLAND - RESORT DEVELOPMENT PLANS
Government Departments and Agencies, Involvement - Crown Land, Involvement

1098. Hon P.G. PENDAL to the Minister for Police representing the Minister for Racing and Gaming:

(1) Is it correct a $1 billion resort development is planned for Burswood Island?

(2) Will the Minister's department or agencies have any statutory involvement in the matter?

(3) Is any Crown land involved?

Hon GRAHAM EDWARDS replied:

The Minister for Racing and Gaming has provided the following response -

(1) I am aware from media reports that further developments are proposed for the Burswood Casino site. However, I am not in a position to confirm the cost of these developments as no formal application or details have been received.

(2) Yes.

(3) No.

ROADS - KAGOSHIMA PARK, VICTORIA PARK
New Road Construction Decision

1100. Hon P.G. PENDAL to the Minister for Police representing the Minister for Racing and Gaming:

(1) Does the Government support the criticism by Dr Gallop over the decision to put a new road through Kagoshima Park?

(2) If so, will the Government overrule the decision to construct such a road?

Hon GRAHAM EDWARDS replied:

The Minister for Racing and Gaming has provided the following response -

(1) I am aware that the construction of a road through the reserve has attracted some criticism. However, the decision was made by the Burswood Park Board, which is an autonomous body constituted by an Act of Parliament with statutory responsibilities under the Casino (Burswood Island) Agreement Act 1985 and the Parks and Reserves Act 1895. The six members of the board, made up of representatives from Burswood Resort Management Ltd, the Gaming Commission and Perth City Council, were present at the time the decision on the road was made. I have been assured that the important aspects of traffic management, environmental considerations and public access to the reserve were considered carefully in the decision process.

(2) No.

PERTH CENTRAL BUSINESS DISTRICT - CITY OF PERTH
Excision Consideration

1101. Hon P.G. PENDAL to the Minister for Planning representing the Minister for Local Government:

(1) Is the Government considering excising the Perth central business district from the City of Perth?

(2) If so, is there any intention of appointing a commissioner to conduct the municipal affairs of the central business district?

Hon KAY HALLAHAN replied:

The Minister for Local Government has provided the following response -

(1)-(2)

The Government is aware of the proposals put forward by various groups and associations regarding the future management of the Perth central business district. However, no decisions have been made in regard to any of these.

"THE GREENER TIMES" - SEPTEMBER 1990
"Minister's View" Column

1102. Hon P.G. PENDAL to the Minister for Police representing the Minister for Water Resources:

I refer to the Minister's column "Minister's View" in *The Greener Times* of September 1990 and ask -

(1) Does the Government pay for this column?

(2) If so, will the Government consider paying for the Opposition to have such a column, given it has been invited to contribute views by the editor?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following response -

(1) Yes.

(2) On two occasions the Government has made use of this medium to explain environmentally complex issues, but it does not intend using it on a regular basis. Should other similarly complex issues arise the Minister will consider consulting with the Opposition.

PROGRAM STATEMENTS - PREMIER AND CABINET
FTEs Estimate

1103. Hon Murray MONTGOMERY to the Leader of the House representing the Treasurer:

With reference to the number of full time equivalents in the Consolidated Revenue Fund Program Statements -

(1) Do the estimates apply to the number of FTEs estimated at -

(a) 1 July 1990;

(b) 30 June 1991; or

(c) some other date?

(2) Is this method of estimating the FTEs used consistently throughout the CRF Program Statements?

(3) Are all the FTE estimates in the CRF Program Statements a true indication of the actual number of FTEs employed by the various Government departments and agencies?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

(1) The FTE staffing numbers reflect average operative staffing levels during the year. In other words, agencies at 30 June 1991 should not exceed the average operative staffing levels which are expressed as full time equivalents.

(2) Yes.

(3) As indicated in (1), FTEs are determined using average operative staffing levels. For example, if 100 persons were employed on a seasonal basis for three months of the year, this would be expressed as 25 FTEs. However, in cases where agencies generally have low staff turnover rates, it could be expected that FTEs would largely coincide with actual employment levels.

WESTRAIL - BLUEMETAL STOCKPILE
Boyanup Townsite Area

1104. Hon BARRY HOUSE to the Minister for Police representing the Minister for Transport:

(1) Why is Westrail stockpiling bluemetal close to the Boyanup townsite, and several residential homes, in preference to other localities such as Picton, where there are no homes close by?

(2) Will compensation be paid to householders adjoining the Boyanup bluemetal dump where damage to their homes has been caused by the activities of trucks and bulldozers associated with the stockpile?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1) Westrail has been stockpiling crushed stone in the Boyanup railway yard for approximately 20 years. The crushed stone is used in the upgrading and maintenance of the railway tracks to Lambert and Capel. The size of the stockpile is normally 500 to 1 000 tonnes with larger stockpiles of 5 000 tonnes being created for major railway maintenance cycles once every seven years. The Boyanup railway yard is used because it has sufficient area to stockpile and load the stone into trains and it is operationally and financially the most efficient location in the south west rail system. The Picton yard does not provide sufficient area for the stockpiling and loading of the crushed stone ballast.

(2) Westrail will consider any claims for compensation should its activities in the area be proven to cause damage to households.

MILK - QUOTAS
Additional Market Growth Issue

1105. Hon BARRY HOUSE to the Minister for Police representing the Minister for Agriculture:

Why is it intended to issue additional market growth milk quotas on proportion of existing quotas rather than on the basis of equal grants to all quota dairies?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

The move to issue market growth milk quota on the basis of size of quota holding was to restore stability to the quota system. The past practices of equal grants to all quota holders was encouraging producers to enter into various quota arrangements to obtain more than one quota grant. This was both inequitable and inefficient.

The change will remove this incentive and reward quota holders based on the level of involvement in this sector of the dairy industry.

MINERAL SANDS - JANGARDUP AND BEENYUP
Road Transport Route

1108. Hon BARRY HOUSE to the Minister for Resources :

(1) Has the road route for the transport of mineral sands from Jangardup and Beenyup to Bunbury been finally settled upon?

(2) If so, when will this route be made public?

(3) If the road route splits farming properties, will compensation be paid for loss of income due to the disruption of their activities?

Hon J.M. BERINSON replied:

(1) Consultants engaged by the Main Roads Department have recommended a haulage route for the transport of mineral sands. The route, known as Option B, extends from north of Sues Road to the Bussell Highway north of the Capel townsite.

(2) The consultants have recently circulated a newsletter containing details of their recommended route.

(3) Should the recommended route be adopted, negotiations will be carried out with affected landowners. Land severance would be discussed as part of these negotiations.

QUESTIONS WITHOUT NOTICE

SMITH, MR ROBERT - TELEPHONE TAPPING TRIAL
Blue or GOVT File and Burke Tape

791. Hon GEORGE CASH to the Minister for Police:

I refer to the file which, during the course of the trial of Robert Smith, was referred to variously as the blue file or the GOVT file, and to the tape allegedly recorded by Mr Terry Burke in April or May 1987. When did the Minister first become aware of -

(a) the blue file; and

(b) the tape?

Hon GRAHAM EDWARDS replied:

I became aware of the issues by way of advice from the Commissioner of Police following reports in the *Sunday Times* recently. It is a little more difficult to say when I first became aware of the issues involved, because various rumours have been circulating about these matters for some time.

SMITH, MR ROBERT - TELEPHONE TAPPING TRIAL
Blue or GOVT File and Burke Tape

792. Hon GEORGE CASH to the Minister for Planning:

I refer to the file which, during the course of the trial of Robert Smith, was referred to variously as the blue file or the GOVT file, and to the tape allegedly recorded by Mr Terry Burke in April or May 1987. When did the Minister first become aware of -

(a) the blue file; and

(b) the tape?

Hon KAY HALLAHAN replied:

It was brought to my notice in the media.

SMITH, MR ROBERT - TELEPHONE TAPPING TRIAL
Blue or GOVT File and Burke Tape

793. Hon GEORGE CASH to the Attorney General:

I refer to the file which, during the course of the trial of Robert Smith, was

referred to variously as the blue file or the GOVT file, and to the tape allegedly recorded by Mr Terry Burke in April or May 1987. When did the Attorney General first become aware of -

(a) the blue file; and

(b) the tape?

Hon J.M. BERINSON replied:

I had never heard of the blue file or the GOVT file until the recent Press reports, nor had I heard of any tape linked to the name of Mr Terry Burke. In common with the Minister for Police, and I suspect almost every other member in this Parliament, I have heard rumours about these matters, which have been circulating for some time, and I could not put an original date on it.

CITY OF STIRLING - FORMER MPS AND COUNCILLORS
Corruption Allegations - Royal Commission

794. Hon J.N. CALDWELL to the Attorney General:

Can he advise the House whether recent allegations of corruption involving as yet unnamed former MPs and councillors of the City of Stirling have altered the Government's attitude towards appointing a Royal Commission with wide ranging powers?

Hon J.M. BERINSON replied:

The question of corruption and the allegations of bribery on the part of councillors of the Stirling City Council have been the subject of very clear comment by the Premier. She has indicated that she has asked the Commissioner of Police to expedite inquiries and to make a public report thereafter. I understand the Ombudsman has agreed that adequate time should be provided for that process.

ROYAL COMMISSION - OMBUDSMAN'S DEMANDS

795. Hon P.G. PENDAL to the Leader of the House:

(1) Has he consulted, today or yesterday, with the Premier on the Ombudsman's demands for a Royal Commission?

(2) If so, can he now advise if either he or the Premier is prepared to act accordingly?

Hon J.M. BERINSON replied:

(1)-(2)

The Ombudsman's comments were not made available to anyone other than the President and perhaps the Speaker of the Legislative Assembly. The first I heard of any suggestion of that kind was earlier this afternoon. I have not had an opportunity to consult with the Premier because she has been fully engaged this afternoon with an Estimates Committee of the Legislative Assembly.

SMITH, MR ROBERT - TELEPHONE TAPPING TRIAL
Aslan Telephone Tapping - Payments Inquiry

796. Hon P.G. PENDAL to the Attorney General:

Will he investigate or refer to the appropriate authorities for investigation the circumstances of payments made to Robert Smith for bugging the Aslan phone to determine whether such payments were made not by the person who hired Mr Smith but rather were included in payments made by the Government for Mr Smith's services?

Hon J.M. BERINSON replied:

I am frequently asked to investigate or arrange for the investigation of certain matters. This involves a misconception of my role. I have neither the authority nor the facilities to engage in investigations; that is a role for the police. I assume all related questions will be considered in the course of the

current police investigation. I have no material, not even material which, on the basis of media reports, is in the possession of the police.

SMITH, MR ROBERT - TELEPHONE TAPPING TRIAL
Aslan Telephone Tapping - Payments Inquiry

797. Hon P.G. PENDAL to the Minister for Police:

Will he investigate or refer to the appropriate authorities for investigation the circumstances of payments made to Robert Smith for bugging the Aslan phone to determine whether such payments were made not by the person who hired Mr Smith but rather were included in payments made by the Government for Mr Smith's services?

Hon GRAHAM EDWARDS replied:

My strong view is that these matters are not for me to investigate but are matters which should be and are being investigated by the police.

SENIORS' CARD - DISCOUNT DIRECTORY 1990-91

798. Hon CHERYL DAVENPORT to the Minister for The Aged:

Is the 1990-91 Seniors' Card discount directory available?

Hon GRAHAM EDWARDS replied:

I thank the member for the question. I am pleased that the work we are doing for seniors in this State is now being picked up by other States. The Premier launched the 1990-91 Seniors' Card directory in Kalgoorlie earlier this month. Kalgoorlie has been one of the most active supporters of the Seniors' Card in this State. The local business community has got behind the card, which now provides many discounts to seniors. A great deal of the success of the Seniors' Card in Kalgoorlie is due to the initiative taken by the local member, Mr Ian Taylor. I congratulate him for that. I hope that other country and metropolitan areas will continue to provide support for the Seniors' Card, which has now been issued to nearly 120 000 seniors. Copies of the new directory are available from the Bureau for The Aged and will be distributed in the coming weeks to senior citizen centres and other relevant organisations. It is informative material and I recommend that every electorate office have a copy.

PASTORAL INDUSTRY - PASTORAL LEASE PROPOSALS
Legislative Form Presentation

799. Hon BARRY HOUSE to the Minister for Lands:

I refer to the proposals outlined last week by the Minister for pastoral leases. Will these remain as proposals only or will the Minister present these proposals to Parliament in legislative form before the House rises for the summer recess?

Hon KAY HALLAHAN replied:

I hope to be able to present the proposals to the House in legislative form. Negotiations are being conducted at the moment, and organisations and people in the pastoral industry are considering the Government's proposals. Initially, there was a mixed reaction to the proposals. Some people reacted cautiously, others thought it was a reasonable package, and still others were less enthusiastic about the proposals.

Hon P.H. Lockyer: You are right - plenty of them.

Hon KAY HALLAHAN: I can introduce the member to some people who would like to see the proposals proceeded with.

Hon P.H. Lockyer: I will give you a postage stamp to write their names on.

Hon KAY HALLAHAN: I thought Hon Phil Lockyer was in touch with his electorate.

Hon P.H. Lockyer: I am.

Hon KAY HALLAHAN: Given the process of those consultations, it will become clear soon whether it is suitable to table the legislation this session. If there is agreement on the proposal it will be tabled.

FOOTROT - MT BARKER SENIOR HIGH SCHOOL'S AGRICULTURAL WING

800. Hon MURRAY MONTGOMERY to the Minister for Police:

(1) When was the outbreak of footrot at the Mt Barker Senior High school's agricultural wing first diagnosed?

(2) When was it first discovered that cattle on the property were carrying the footrot organism?

(3) How long did the organism last on the cattle?

(4) What steps have been taken to inform sheep and cattle farmers in the Plantagenet Shire?

Hon GRAHAM EDWARDS replied:

(1) Mt Barker Senior High School's agricultural wing had footrot in 1989 and was destocked in October 1989. All sheep were removed and not replaced for six weeks. Replacement sheep were brought in from one clearing sale and two other properties.

Footrot was again diagnosed in August 1990.

(2) The footrot organism was discovered on the cattle on 1 October 1990.

(3) It appears that the organism can survive at least 19 days on the feet of cattle in wet conditions.

(4) The Director of Animal Health has issued a Press release. In addition, local Department of Agriculture staff have informed farmers that under specific circumstances cattle could pose a risk.

PASTORAL LAND TENURE - NEW PROPOSALS

801. Hon BARRY HOUSE to the Minister for Lands:

This question relates to a previous question on pastoral land tenure. What are the reasons for the new proposals which differ from the Government's previous position on pastoral land tenure? This will be a move away from the support for perpetual leases to support for 50 year rolling leases with 15 year reviews, which effectively give pastoralists far less tenure than they have at the moment.

Hon KAY HALLAHAN replied:

I do not suggest for one moment that the Opposition spokesperson for lands does not know what he is talking about; however, at present, pastoralists are on fixed term 50 year leases which expire in the year 2015.

The Government is proposing 50 year rolling leases with a formal review at 15 years. With compliance with the lease conditions - and almost every pastoralist will meet his lease conditions, although few would be so cavalier as not to do so - those leases will be increased to 50 years. It means that no pastoral lessee will ever have, at the extreme, less than 35 years of his lease to run.

The proposal will provide a sound basis on which members of the industry can plan their operations and they will have the ability to make financial arrangements with institutions.

Two points were put to the Government by the pastoral industry to which it has responded. Firstly, the pastoral industry representatives wanted security to plan for the industry and for their own businesses. Secondly, they wanted the ability to raise finance. The proposals put forward by the Government meet those two requirements.

POLICE STATIONS - GOSNELLS POLICE STATION
Manning Level Review

802. Hon DERRICK TOMLINSON to the Minister for Police:

Are any serious proposals being considered by the Minister or by the officers of his department to review the level of manning at the Gosnells Police Station?

Hon GRAHAM EDWARDS replied:

I am not aware of any consideration to reduce manning levels. However, if the member wants to put that question on notice I will address it to the Commissioner of Police.

POLICE - TRAFFIC OFFICERS
Kilometres Restriction

803. Hon P.H. LOCKYER to the Minister for Police:

(1) Is the Minister aware of any instructions being given to traffic officers to restrict the number of kilometres they travel per day?

(2) If the Minister is not aware of this, will he check with the Assistant Commissioner of Traffic to find out whether regional police officers are being given this instruction?

(3) Will the Minister then be in a position to answer a question without notice on Thursday?

Hon GRAHAM EDWARDS replied:

(1)-(3)

Perhaps it would be best if the member put the question on notice.

Hon P.H. Lockyer: If I put it on notice it would take about three weeks for an answer.

Hon GRAHAM EDWARDS: That is not true. If the member were to look at the record of the Government in answering straightforward questions he will find that they are answered quickly.

The PRESIDENT: Order! The Minister is always providing interesting information which is a delight to receive. However, he should not be doing that now. He has not answered the question.

Hon GRAHAM EDWARDS: I will be happy to take the question on notice.

POLICE BOARD - OMBUDSMAN'S RECOMMENDATION
Establishment Consideration

804. Hon J.N. CALDWELL to the Minister for Police:

(1) I refer to the Minister's response to the Ombudsman's report on the so called Bull-Peters affair in which he said that at the time he had not had sufficient time as Minister to form an opinion on the Ombudsman's recommendation that a police board be established. Has the Minister had time to develop an opinion on the issue of a police board?

(2) If yes, what is it?

(3) If no, when will he have an opinion?

Hon GRAHAM EDWARDS replied:

(1)-(3)

The recommendation from the Ombudsman was that consideration be given to setting up a police board. I have considered that matter since becoming Minister for Police. Firstly, I sought information on and became familiar with the operations of the police across the length and breath of the State. Secondly, and recently, I completed a trip to New South Wales where I observed the operations of the board in that State. I was able to talk with numerous advisers and representatives of the police and other associated

organisations to ascertain their view of the board, and indeed I spoke to those directly associated with the board.

Over the next few weeks I will give further consideration to those matters and put my views to Cabinet. Once Cabinet has completed consideration of the matter, I will be in a position to make a public statement. I cannot give an accurate time frame for that process.

SMITH, MR ROBERT - TELEPHONE TAPPING TRIAL
Aslan Telephone Tapping - Inquiry, Public Expense

805. Hon P.G. PENDAL to the Minister for Police:

Can the Minister clarify or confirm his earlier answer that the police are already investigating the possibility that the bugging of the Aslan telephone by Robert Smith was carried out at public expense?

Hon GRAHAM EDWARDS replied:

The member is trying to put words into my mouth. In my earlier answer, I said that the matters are being investigated by the police, and if during the course of that investigation the police view those matters as pertinent they will be investigated.

BUILDINGS - CANNING, MURRAY AND SWAN, HEATHCOTE HOSPITAL
No Bulldozing Guarantee

806. Hon P.G. PENDAL to the Minister for Heritage:

Will the Minister give an unequivocal guarantee today that the buildings named Canning, Murray, and Swan at Heathcote Hospital will not be bulldozed?

Hon KAY HALLAHAN replied:

I am not familiar with the three buildings. I know that the clock tower is regarded as a significant structure, and agreement has been reached on that. I suggest that the member place the question on notice, and I will respond.

HERITAGE BILL - DELAY
Heathcote Hospital Effect

807. Hon B.L. JONES to the Minister for Heritage:

Is the Minister aware of the allegations by the Opposition heritage spokesman, Hon Phillip Pendal, that the Government is delaying the heritage legislation and that this will affect Heathcote Hospital?

Hon P.G. Pendal: The member was supposed to ask that question before I asked mine.

The PRESIDENT: Order!

Hon KAY HALLAHAN replied:

I thank the honourable member for her question because she, like a number of other people, sounds as though she is concerned about the allegations by Hon Phillip Pendal.

Hon P.G. Pendal: She got it out of sequence!

Hon KAY HALLAHAN: There is no understanding about what questions the Opposition will ask, or when.

A Government member: Even from their side.

Hon KAY HALLAHAN: If Hon Phillip Pendal would like me to orchestrate Opposition questions, I will arrange that.

The comments by Hon Phillip Pendal were wrong on a number of accounts. Heathcote will continue as a hospital for 18 months, perhaps longer. There is no question of any delay by the Government of the heritage legislation in order to implement some extraordinary plan regarding heritage or any other buildings.

The point is that the Government agreed reluctantly that the heritage legislation should go to the Legislation Committee. I understand that committee has advertised for submissions, and that the submission period closes shortly. I hope that members of the Legislation Committee will do all they can to expedite consideration of the submissions and the evidence given by witnesses. That is extraordinarily important because Hon Phillip Pendal has made crass allegations in the media that a number of buildings are under threat -

Hon P.G. Pendal: Under threat from you!

Hon KAY HALLAHAN: - and local governments have approached me for protection because current legislation does not provide the necessary powers.

Clearly, on many occasions, and by interjection today, Hon Phillip Pendal has indicated that buildings are under threat from me. Members of this House, and the community of Western Australia, should realise that buildings with heritage value owned by the Government have a protective covenant attached to them prior to disposal. Those buildings are protected within the community in a way that private sector buildings cannot be protected, and in a way that legislation proposed by Hon Phillip Pendal could not provide.

AVICULTURE - RECORD-KEEPING REQUIREMENTS

808. Hon P.G. PENDAL to the Minister representing the Minister for the Environment:

Some notice has been given of this question.

(1) Has his department met recently with bird breeders to discuss their difficulty in complying with certain records of acquisition, disposal, breeding, deaths, escapes, thefts etc?

(2) Does the Minister now acknowledge that some of the intended requirements are physically impossible for breeders to comply with?

(3) What agreement has now been reached on the future application of the new rules?

(4) Will he give an assurance that no further regulations will be introduced without prior consultation with breeders?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

(1) Yes.

(2) I acknowledge that there are arguments for and against the record-keeping requirements which, under the current wildlife conservation regulations, enter into effect on 1 June 1991.

(3) The Department of Conservation and Land Management - CALM - and representatives of avicultural groups have agreed that the requirement for all avicultural and advanced avicultural licensees to keep a record book should be amended so that it applies only in the case of advanced avicultural licensees holding those species of greatest concern; that is, high-value species which are known to be subject to, or are particularly susceptible to, illegal trapping in the wild; that is, the two white tailed black cockatoos, Baudin's and Carnaby's black cockatoos; red tailed black cockatoos and Major Mitchell cockatoos.

At the meeting held on 1 November, CALM gave an assurance to representatives of avicultural groups that the record-keeping requirement will not be extended to other species without first consulting those groups.

(4) I am happy to reiterate the assurance given by CALM referred to in (3) above.

PORNORGRAPHIC VIDEOS - CANBERRA

809. Hon J.N. CALDWELL to the Minister for The Arts:

Can the Minister advise the House of the current state of play regarding persuading Canberra to fall into line with the rest of Australia on the issue of pornographic videos?

Hon KAY HALLAHAN replied:

I invite the member to place his question on notice.

FIRE BRIGADE - "FREDDIE THE FIRE ENGINE"

810. Hon DOUG WENN to the Minister for Emergency Services:

I have heard a lot lately about "Freddie the Fire Engine". Could the Minister explain the new fire engine?

Hon GRAHAM EDWARDS replied:

I thank the member for his question and for his interest in "Freddie the Fire Engine". I hope that in time all members of Parliament will show an interest in Freddie the Fire Engine. Freddie was launched today. He is a delightful fire engine. He is not much bigger than my wheelchair. Freddie's role is to educate young children up to the age of nine, and parents, about the need to be more aware of the dangers of fire.

Freddie is a friendly fire engine. He will be widely used in our endeavours to educate the community. The Freddie the Fire Engine Club was also launched today. Young children across the length and breadth of Western Australia will be encouraged by permanent and voluntary firefighters to become members of that club. To become a member of the club, children must demonstrate basic knowledge about how to respond to an emergency fire situation should they be confronted with one. For instance, they will have to demonstrate that they can dial 000 in the event of an emergency; that they know how to get out of a smoke filled room; and what to do in the event of being caught in a bush fire. It is a delightful, friendly, attractive name which goes hand in hand with a jingle. There is a very serious message and I urge members to become aware of it. The fire engine talks, it is a very friendly one, and it elicits a catchcry from children. When the children of Sorrento Primary School were asked by Freddie the Fire Engine what they thought of people who lit fires, the very loud and instantaneous response was, "Only mugs are fire bugs."

NATIONAL PARKS - STATISTICS

811. Hon P.G. PENDAL to the Minister representing the Minister for the Environment:

Some notice has been given of this question.

(1) How many national parks are there in Western Australia?

(2) What is the area and name or location of each?

(3) What were the dates on which each was declared?

Hon KAY HALLAHAN replied:

(1)-(3)

The Minister for the Environment has provided an answer which states that at 30 June 1990, 59 parks were vested in the National Parks and Conservation Authority. The area and gazettal dates for these 59 parks are listed and I seek leave to table that document for the interest of members to save reading it to the House.

[See paper No 727.]