

Legislative Council

Wednesday, 14 November 1990

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

PETITION - DUCK SHOOTING

Controlled Season Support

Hon George Cash (Leader of the Opposition) presented a petition bearing the signatures of 183 citizens of Western Australia supporting the continuation of controlled duck hunting.

Similar petitions, bearing the signatures of 1 145, 42 and 96 citizens of Western Australia respectively, were presented by Hon P.G. Pandal, Hon Muriel Patterson and Hon Barry House.

[See papers Nos 733 to 736.]

PETITION - DUCK SHOOTING

Controlled Season Support

Hon Muriel Patterson presented a petition bearing the signatures of 37 persons supporting controlled duck seasons, objecting to further infringement upon their rights and rejecting any proposal to ban duck hunting.

A similar petition, bearing the signatures of 122 persons, was presented by Hon Barry House.

[See papers Nos 737 and 738.]

MOTION - SELECT COMMITTEE APPOINTMENT

Smith, Mr Robert - Telephone Tapping Trial Inquiry

HON PETER FOSS (East Metropolitan) [2.36 pm]: I move -

- A. That there be established a Select Committee of the House to inquire into -
 1. whether the file which during the course of the trial of Robert Smith has been referred to variously as the "blue file" or the "GOVT file", the diary of Robert Smith or any other paper or evidence indicate or refer to private inquiry work done for the Government;
 2. whether, and if so what, private inquiry work was -
 - (a) requested to be done;
 - (b) actually done,
 and, if such inquiry work was requested to be done -
 3. what purpose was to be served by the information that was to be gathered by such private inquiry;
 4. to what use any such information was actually put;
 5. whether it was proper that such private inquiry work be requested to be done and whether the use to which the information was to be put or was put was a proper use;
 6. who requested it to be done, and -
 - (a) were any present or former Ministers or members of Parliament or their staff or associates directly or indirectly involved in such request;
 - (b) how it was paid for;
 - (c) how much was paid;
 - (d) by which department it was paid;

- (e) who authorised such payment;
 - (f) what appropriation was relied upon to justify such payment;
 - 7. whether there has been any unauthorised expenditure of public moneys;
 - 8. what source payment was made from if payment was not made from Government funds;
 - 9. whether the tape recording referred to in news reports as being made by Mr Terry Burke of a conversation with a former Liberal politician has been acted upon by the police and whether it should have been acted upon;
 - 10. which present or past members of the Government or their staff were aware of the nature of the work which was done or the contents or existence of the tape prior to or in excess of public disclosure;
 - 11. if such persons were aware prior to or in excess of public disclosure why they did not reveal their knowledge to -
 - (a) the Parliament;
 - (b) the Corruption Commission;
 - (c) the public;
 - 12. whether it is believed that it is in the interests of proper and ethical Government that some, and if so what, disclosure should have, and should be made.
- B. It is not the purpose of the Committee to make any finding as to any matter which may be the finding upon a prosecution.
 - C. The Select Committee be known as the Select Committee into Government Surveillance and consist of three members and have a quorum of two members.
 - D. Otherwise, Standing Order No 38A shall apply to the Select Committee as if it were a Standing Committee mentioned in Standing Order No 38A(1).
 - E. The Select Committee report to the House - or if it is not then sitting, to the President - by 20 December 1990.
 - F. That a message be sent to the Legislative Assembly requesting that it grant leave to its members to appear before the Select Committee in order to give evidence.

This motion deals with two matters which on the face of them may seem to be unrelated. The first relates to the blue file, or the "GOVT" file, and the diary of Robert Smith which were mentioned in the course of the trial of Mr Robert Smith. The second relates to a tape recording which news reports have said records a conversation between Mr Terry Burke and a former Liberal politician. There is some commonality between the two matters.

Firstly, I will deal with the less contentious matter of commonality; that is, the fact that both documents were disclosed during the trial of Robert Smith concerning phone tapping. They both indicate that there was possibly interference in the ordinary way in which these matters are dealt with by the police. So far as that is concerned, we are waiting to hear the Premier's reaction to the demand by the Parliamentary Commissioner for Administrative Investigations for a Royal Commission. In order to remind members what the commissioner said, I refer to his letter that was tabled in the House yesterday. He stated on page 2 of his letter -

Norwithstanding 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.

The most common element between these two matters is that they both appear to be evidence of dealings which strike at the very foundation of proper government in this State. To begin, I will deal with the items referred to in paragraph 1 of the motion; that is, the blue file, or the "GOVT" file, and the diary of Robert Smith. I spoke in the House on 1 November about the trial of Robert Smith. I will not repeat that speech but I will draw attention to one fact that I drew attention to at that time; that is, the entry in the diary of Mr Smith on 23 May -

Vince rang before departure to Canberra. Boss wants Laurence. Go slow on Lightfoot.

We know who Vince is because we were told that by Mr Smith. We know who Vince Shervington's boss was - it was Mr Brian Burke.

Hon J.M. Berinson: Was there not a question as to whether that word was actually "boss"?

Hon PETER FOSS: I am glad the Leader of the House asked that question.

Hon J.M. Berinson: It is just that you are quoting the record.

Hon PETER FOSS: If the Leader of the House read my speech he would know that I dealt with that point. That is a most interesting interjection by the Leader of the House because it may very well be that Mr Smith finds it believable to say in court that he thought that "boss" meant "bass" or "base" or however he suggested "bass" should be pronounced. However, I do not find that in the slightest bit credible, nor do I think it is a matter that can be dismissed without inquiry.

Hon J.M. Berinson: I do not raise the point as a question of credibility. However, since you thought it worth quoting the first time you spoke on this matter, I wondered why you omitted it this time.

Hon PETER FOSS: I have it on the record. I said that I would not refer to my speech entirely. However, if Hon Joe Berinson wishes me to refer to my speech in its entirety, I will do so.

Hon J.M. Berinson: That is the last thing I have in mind.

Hon PETER FOSS: If an indication of this Government's attitude is its hiding behind Mr Smith's saying that "boss" means "bass", we have even more cause for concern. I dealt with that on the last occasion I spoke. I do not believe that it means "bass". Mr Shervington was referring to his boss and the quote was, "Boss wants Laurence". The diary stated -

May 4: Spoke with Vince. Pressure on. Wants something on Lightfoot.

Those matters are extremely important. I refer the House to an article in *The West Australian* of Friday 2 November when some of the details of the blue file were given. The important thing about this article is that there is reference to an entry on 30 March 1987, again in Smith's handwriting -

General inquiries, involvement of Nichevich. Received copies of statements. Smith's info to BB.

Further examination by Mr Davies elicited the fact that "Smith" in this instance was Stephen Smith, now the secretary of the Labor Party, but at that stage the Attorney General's private secretary.

The constant involvement of Government in matters of private surveillance of the citizens of this State and, more importantly, of the citizens who are members of this Parliament - obviously with the reason that it was intended to use that information to bring pressure on those members of Parliament - almost makes me suggest that "BB" should not be known as Brian Burke but as Big Brother.

Hon B.L. Jones: Or Bugs Bunny.

Hon PETER FOSS: I must ensure that that is on the record; Hon Beryl Jones interpolated "or Bugs Bunny". It is important that the people of Western Australia take note of how little the Government thinks of this serious matter. It seems to think it is something about which it can light-heartedly interject.

Hon T.G. Butler: Don't be so touchy.

Hon PETER FOSS: I am not being touchy. I want the people of Western Australia to judge this Government by its concern -

Several members interjected.

The PRESIDENT: Order! I ask members to cease interjecting, otherwise I will get touchy.

Hon PETER FOSS: When it has been said by a Queen's Counsel instructed on behalf of the Crown that Mr Brian Burke has been involved in the private inquiry work that was to be used to obtain information to be used against members of Parliament and all members opposite can do is interject light-heartedly, we have an indication of the moral turpitude of this Government. That is why this is such an important matter; it is not just that somebody may have done something wrong, but that senior members of the Government are suspected of carrying out activities which I believe strike at the very foundation of our free society. Yet all we can get from Government members is funny remarks indicating that they believe we should be talking about cartoon characters.

Hon T.G. Butler: Only about funny people like you.

Hon PETER FOSS: The member can continue to make silly remarks. Obviously, the President of the WA Branch of the Australian Labor Party regards this matter seriously enough that he can also make abusive remarks. I hoped, when I raised this matter in this Chamber on the first occasion, that this Government would have some conscience and attempt to clear up the matter once and for all by finding out what really happened. It should be concerned that a senior counsel, prosecuting on behalf of the Crown, says that a former Premier of this State was involved in surveillance activities of Opposition politicians in order to get them. That is a matter of serious concern and about which the Government should move quickly to establish whether it is true and, if it is, to take appropriate action against the people who are responsible for it or make it clear to the people of Western Australia that it is incorrect because the confidence of the people in their whole system of government is being undermined by the way this Government will not takes its responsibilities properly. That is what is meant by Mr Freeman, the Ombudsman, in his letter when he said -

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.

He said also -

... I believe that the mounting public concern will not be put to rest.

Why is there mounting public concern? Every time we receive a report, more questions are posed than we have answers. The McCusker report posed more questions than it answered. McCusker's inquiry certainly answered the rather narrow questions that were put to it, but it raised questions about the involvement and the motives of the Government which were not included in McCusker's terms of reference, questions which have never been answered and which look like never being answered. In this case, questions have been raised about the involvement of Mr Burke, Mr Shervington and Mr Smith. Those questions will not be answered unless there is a proper, wide ranging inquiry.

I draw the House's attention to what was probably the most important part of the amendments to the Fitzgerald commission of inquiry's terms of reference. The final change was that he was allowed to inquire into anything that he thought relevant because the more he burrowed, the more he found. It became impossible to set down the utmost limits of all the iniquities that had occurred in Queensland and, frankly, I believe it is impossible to set down the utmost limits of the iniquity that has occurred in Western Australia. Time and time again we have been told more about these dealings with the Government appearing to be involved in an unprincipled and unethical manner and in a way which I have never, in my time living in Western Australia, come across before. I do not suggest that we in Western Australia are all perfect; that would be ludicrous. However, we should be able to expect to have a Government that is not riddled from top to bottom with unethical practices as we have not had in this case.

I am concerned that the people of Western Australia must be beginning to have considerable doubts about whether they are being properly governed and whether they are capable of being properly governed by Parliament itself. Apparently, this Parliament cannot force this Government to account to the people of Western Australia, make it realise its responsibilities, or prod its conscience so that it believes that it should be initiating these things. We should not have had to move this motion.

When I raised this matter in the House last Thursday the Government should have been stung in its conscience - in fact, it should have been stung in its conscience before I raised it - and should immediately have made certain that a proper inquiry was established. Did it do so? No. The Ombudsman has said a full Fitzgerald-type inquiry should be held. Has one been? No.

I understand the Premier is about to indicate that she will not order a Fitzgerald-type inquiry, as suggested by the Ombudsman, because she is unable to get particulars from Mr Freeman as to what the inquiry should investigate. How many times have we heard that? Time and time again the Attorney General has asked the Opposition to prove things to the Government and said it will then investigate. When we finally prove them to him, he says that it is old news and that he has heard it all before. Unless the Government has the guts to investigate these matters, the people of Western Australia will never be satisfied. I sincerely hope that the Select Committee which I am moving to appoint today will not be necessary. I sincerely hope that the Premier will have the guts and determination to appoint a proper Royal Commission with unlimited terms of reference, as with the Fitzgerald inquiry, so that this and related matters can be followed to the end of their dirty little holes.

To indicate how the Liberal Party reacts as opposed to the way the Government reacts, I draw attention to paragraph 9 of the motion, which refers to a tape recording supposedly made by Mr Terry Burke of a conversation with a former politician. That deals with a member of the Liberal Party; but members will note that the Opposition does not ask that proof be provided that there is something to investigate. As soon as the Liberal Party heard of these allegations, it indicated that the matter should be investigated and that the Commissioner of Police should have been investigating it from the moment he first learnt of it. The attitude of the Opposition is that when serious allegations are made they should be properly investigated, and that is the attitude I would have hoped for from this Government. It is distressing that the Government, which is supposed to set an example to the people of Western Australia, has been found lacking so frequently in the way it has behaved. I am pleased to be a member of a party which, upon learning of these allegations, takes instant action to ensure that a proper investigation is carried out. A number of other matters of impropriety, which I consider strike at the very foundation of Government, also need investigation. It is also necessary to investigate what use has been made of information, and to determine whether this information comes as a total surprise to the Government and its members or whether they have known all along and have adopted the usual attitude of denying everything until it is so obvious that something must be done.

Right throughout the sorry WA Inc saga the Opposition put facts to the Government, which continually denied them. The McCusker inquiry was set up only when it became impossible for the Government to deny the facts any longer. The Opposition wants to know whether the Government has been up to its old tricks of concealing or denying the facts for as long as it can. That is why paragraph 6(a) has been included to determine whether any present or former Ministers or members of Parliament or their staff or associates directly or indirectly were involved. As a matter of accountability the Opposition is concerned to find out how the work was paid for. Did Vince Shervington pay for it, or was it lost in a general Government contract? It appears a Government contract existed with Smith for legitimate purposes, but was a separate payment made for this work? If it was not paid from Government funds, where did the funds come from?

Paragraphs 10 and 11 deal with the question of what was done with this information. That will emerge in time. I believe it is important that we observe the request of the Parliamentary Commissioner for Administrative Investigations that the Commissioner of Police should have the opportunity to complete the investigation and that nothing should be done to jeopardise that. It may very well be that parts of the investigation carried out by the Select Committee will result in the committee reporting that it is unable at that stage to give a full report without the possibility of jeopardy. In order to restrict that as much as possible members will note that paragraph B of the motion states that it is not the purpose of the committee to make any finding as to any matter which may be the finding upon a prosecution. In other words, this committee is not designed to take over the work of the police or the Ombudsman; in fact it is to look at what the Government was doing and its involvement, but not at the final consequences. The police will be left to get on with their work and that work will not be jeopardised.

Paragraph 12 refers to whether it is believed that it is in the interests of proper and ethical Government that some, and if so what, disclosures should have been, and should be made. The remaining parts of the motion deal with the mechanics of the committee, such as the numbers, quorum and powers. Paragraph E suggests that the committee report to the House by 20 December 1990. I anticipate that would be a preliminary report, similar to the report of the Parliamentary Commissioner; but possibly something more useful may be presented to the House at that stage.

Paragraph F asks that a message be sent to the Legislative Assembly requesting that it grant leave to its members to appear before the Select Committee in order to give evidence. Obviously, this is a matter involving members of the Government and if the Government is to be frank and cooperative, the Assembly must give leave for a number of its members to appear before the committee. Other people, such as the two Mr Burkes, can be called before the committee in any event. If the former politician referred to is truly a former Liberal politician, he also can be called before the committee.

This is a very important Select Committee, but the motion to appoint it has been moved because of the default of the Government in acting. I hope that prior to our voting on this motion, we shall hear from the Government that at long last it intends to take up its proper responsibility and to establish a Royal Commission with the widest possible powers of investigation so that this Select Committee will become unnecessary.

It is hard to think of a person more independent and better suited than the Parliamentary Commissioner for Administrative Investigations to call upon this Government for a Royal Commission. As he is about to retire, he probably has a degree of independence that practically nobody else has. It astounds me that despite that independent call, and despite the fact that we have had clear indications of a Big Brother State being implemented in Western Australia, the only response from this Government so far has been the typical one that the Opposition must prove the allegations and then the Government will act. The Government asks for the details and says it will then act. A somewhat more worrying response are the poor quality interjections across the Chamber. We are in a serious position if that is the Government's response. It is important to prosecute people for offences such as assault and theft, but if we do not guard our Constitution and system of government we will not be in a position to prosecute people for assault and theft because corruption will inevitably creep into and destroy the basis of our society. It is difficult for Governments to maintain moral standards, and easy to let them slide.

Hon B.L. Jones: And for Oppositions!

Hon PETER FOSS: Hon Beryl Jones has demonstrated how seriously the Government regards one of the most worrying allegations to have been made in this State for some time. The question is not whether Government members should be in gaol but whether they are fit to govern. Were members opposite fit to govern they would maintain high moral standards and take appropriate measures to investigate any instances where those moral standards are questioned. They would not make clever remarks, which indicate they do not take this matter seriously. I regard this as a serious matter.

Hon B.L. Jones: I said the Opposition needs to be aware of its morals in what it is doing.

Hon PETER FOSS: We are in complete agreement, if the member is saying what we are saying in paragraph 9; namely, that we are concerned at the allegation that a former Liberal politician was involved in bribery. We are extremely concerned. That is the reason that within hours of that allegation having become known, I gave notice of a motion for the appointment of a Select Committee. A senior Crown Prosecutor alleged weeks ago that Brian Burke arranged for a private inquiry agent to carry out investigations into Opposition members of Parliament so he could get at them, yet members opposite still deny that anything is wrong.

We are not saying we are perfect. No Government, Opposition or group of people in this society is perfect. In any barrel there will always be rotten apples, but when the policy of members opposite seems to be directed to making rotten the whole barrel, and to setting a standard of corruption, then we are all in trouble. What happened with WA Inc, and what appears to be happening with these allegations, indicates that the standard of this Government is corrupt. It is not that members opposite have departed from the standard that

they have set but that they appear to have set as their standard what I regard as a fall from proper moral behaviour.

Society will always be imperfect but society must aim to be right and ethical. I have always believed that the Labor, Liberal and National Parties in this State have attempted to be ethical and honest. We are all human and at times we will fail, but this Government has undermined, almost as a matter of principle, policy and intent, what I regard as the proper ethical values of government. If members opposite cannot see that, they demonstrate that there is none so blind as he who will not see. Members opposite should be worried about and concerned to clean up the terrible things which have happened in this State over the past seven years. It is in the interests of the Labor Party and certainly in the interests of ethical government in this State that we inquire diligently into these serious allegations.

I seek the support of all members for an inquiry which, I hope, will be superseded by the Premier of this State at long last realising that she has an obligation to the people of Western Australia to appoint a Royal Commission with full ranging powers.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.09 pm]: I support the motion. I remind members of the period after the Burke Government's election in 1983 and of the type of activity that was clearly instigated by that Government against those people who were prepared to stand not only in this Parliament but also in the community and challenge the Governments's actions. It is clear from the recent trial of both Robert Smith and Robert Martin that this Government has been involved in a dirty tricks campaign that goes back some years. If the Government was not tapping somebody's phones or trailing somebody, or bugging somebody, or videotaping somebody, one really wonders just what sort of dirty tricks the Government was up to by employing persons such as Robert Smith. I know that it may suit some members to say that as yet it has not been absolutely proved that the Government itself employed Robert Smith, that it paid for the services of Robert Smith and perhaps some associates; but quite clearly, on the evidence that was adduced at the recent court case there was a very strong indication that, firstly, "BB" did not represent Bugs Bunny, and, secondly, that the Government, either through direct involvement or through the agency of others, has mounted an in depth dirty tricks campaign over a number of years.

Hon Peter Foss has set out clearly why there should be a Select Committee into what is now known as the blue file or the "GOVT" file, and also has referred to the alleged tape recording that was allegedly made by Mr Terry Burke in 1987. Again, I support the comments of Hon Peter Foss in respect of the need to investigate fully just what is contained in the blue file or the "GOVT" file to understand just how the file was compiled and who paid for that file to be compiled, but, more than anything, to ascertain the motive behind both the compilation and the instruction to provide that material to those to whom it was provided.

In respect of the tape, members will be aware of some speculation in the Press that a former member of Parliament, Mr Terry Burke, is allegedly said to have recorded a tape during 1987. Again, there has been significant speculation on what that tape may or may not contain. Because the tape, by way of media speculation, refers to incidents that allegedly occurred at the City of Stirling during the early 1980s, I ask the question: What would be the motive for recording such a tape, assuming that the tape in fact exists? I ask also whether that motive is, indeed, a political motive. That must be investigated fully so that we determine just what it is all about. It is said that the source of the tape goes back, again, to Robert Smith, the convicted phone tapper, and questions must be asked as to whether the tape can be authenticated and whether it has been doctored in any way. Again, what would be the motive for any interference with the tape, if in fact that has occurred?

Something else that needs to be established is when the Government became aware of, firstly, the blue file or the "GOVT" file and, secondly, the alleged tape recording. It is important that we establish those times, and also we will need to establish just which members of the Government, if any, were made aware before the matter was raised with the Commissioner of Police in 1988. It is also clear that questions will need to be asked, and answers given, as to whether any Government member was aware of the tape and, if so, why action was not taken to bring the content of that tape to the attention of either the Parliament or the Commissioner of Police, if it is said the law has been breached. Again I would ask: What is the motive behind someone apparently knowing of this alleged tape but not wanting to publish the content of it?

In respect of members of the City of Stirling who served in the early 1980s, members will notice that it has been convenient to suggest that it is a former Liberal Party politician or member who is alleged to be part of the recorded tape. At the moment there has been little or no comment in respect of members of other political parties that may be on the tape. I say that not knowing the content of the tape but believing that it may contain many names which will need to be verified in due course. Those people who served at the City of Stirling - and, indeed, who still serve there - are entitled to have their names cleared of the slur that is presently upon them. While I wholeheartedly support the establishment of the Select Committee I do so in the knowledge that the Premier, only a few minutes ago, said that she will not consider a Royal Commission at this time. I should make it clear to the House that for a very long time I have said that the only way to get to the bottom of the Government's business dealings - and, indeed, as part of that, the dirty tricks campaign that clearly has been waged by the Government - is by the establishment of a Royal Commission. It would be my preference to have a Royal Commission rather than a parliamentary Select Committee. That is apparently not the intention of the Government, so it is necessary now to move towards a parliamentary Select Committee so that we can establish the facts in respect of the allegations that have been raised in the recent trials.

One of the important things from the Opposition's point of view - and, indeed, from the point of view of those who have served or still serve at the City of Stirling - is to ensure that the police investigation which is currently under way is not frustrated, disturbed or destroyed as a result of any actions that this Parliament might take. I say that insomuch as my view is that a Royal Commission would be headed by a learned judge who would be able to consider very carefully evidence that was being put forward and, as such, that Royal Commission could work in tandem with the current police inquiry. Eminent legal counsel who have advised the Liberal Party on whether it is possible to have a Royal Commission - or, indeed, a Select Committee - running in tandem with a police inquiry have concluded that it is possible; not only is it possible, but it is proper, especially in these circumstances.

Therefore I support the establishment of the Select Committee. I would have preferred a Royal Commission because I believe that a Royal Commission could have got to the bottom of the allegations that are being made, perhaps in a more public way than might be the case with a Select Committee. However, if the Government is not prepared to hold a Royal Commission then clearly we must establish a Select Committee to consider the matters set out in the motion; but it is imperative that no action be taken to disturb, frustrate or destroy the police investigations that are currently under way. I am keen to see those investigations continue and reach an early conclusion.

HON GRAHAM EDWARDS (North Metropolitan - Minister for Police) [3.20 pm]: The matters raised by way of this motion are serious and deserve serious consideration. This debate will need to be adjourned so that serious consideration can be given to the motion. Also, it is my strong and constant view that politicians should never interfere with police investigations.

Opposition members: Hear, hear!

Hon GRAHAM EDWARDS: I am pleased to hear that response from members opposite because it is particularly true that politicians should never interfere with police investigations when politicians are the subject of those investigations.

Hon D.J. Wordsworth: They should not interfere whether they are the subject of the investigation or otherwise.

Hon GRAHAM EDWARDS: In recent times we have witnessed the Opposition publicly, deliberately and unfairly criticise the Commissioner of Police over supposed police inactivity in the so-called Stirling bribery affair. That criticism culminated in the Leader of the Opposition in this State issuing a complaint to the Ombudsman. The Ombudsman duly inquired into the matter and, as the House would be aware, reported to the Parliament on his findings. He reported that he had received the fullest cooperation from the Commissioner of Police - that is an important point. He also noted "the extremely difficult investigations facing the police" - that is also a very important comment. Some members opposite seem to think that these matters are without complexity and are easily investigated by the police. However, this is an investigation which has been, and continues to be, made more difficult by the Opposition's tactics in this House, in the other House and outside the Parliament.

Despite that, the Ombudsman's report clearly vindicates the police strategy and clearly supports the tactics adopted by the police investigation team.

The Ombudsman's report which was tabled yesterday states -

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.

Knowing that the Ombudsman said that, one can only wonder about the timing of the motion we are debating. What the Ombudsman has clearly said in his report - in view of the deliberate and unfair criticism - is that the Leader of the Opposition is wrong and the police are right.

Hon Derrick Tomlinson: He said that we should have a second inquiry.

Hon Reg Davies: He mentioned something about a Royal Commission, didn't he?

Hon GRAHAM EDWARDS: That reference was quoted by members opposite, but they neglected to refer to the statements which I have quoted.

Hon Reg Davies: We have heard it all day on the radio.

Hon Peter Foss: The report was an endorsement of a Royal Commission.

Hon GRAHAM EDWARDS: I am astounded at the lack of faith members opposite have in the police. Despite the fact that we already have an inquiry, and despite the fact that the inquiry has been inquired into by an independent person - the Ombudsman - and despite the fact that the independent person has said that the police are acting quite correctly -

Hon P.G. Pental: And despite the fact that he wants a Royal Commission.

Hon GRAHAM EDWARDS: - we hear the ridiculous comments by members opposite.

In an endeavour to best address the motion before the House today I sought some advice from the Commissioner of Police. I shall quote the advice in full, and I shall then seek leave to table the document. The advice is addressed to me as the Minister for Police and states -

To enable you to be informed on the possible effect upon current police investigations in the event that the proposed motion of the Honourable Peter Foss in the Legislative Council and concerning the matter of the 'Govt. File' is proceeded with, I advise.

As you are aware from my previous briefings to you, my officers are currently deeply involved in a quite complex inquiry into the information included within and associated activities of persons referred to within what is being called the 'Govt. File'.

You will note that the terms of the inquiry to be conducted by the proposed Select Committee relate to the very same issues to which the Parliamentary Commissioner for Administrative Investigations (the Ombudsman) reported to the Parliament yesterday, November 13, 1990.

You will also note that the Ombudsman advised the Parliament that I should have the opportunity to complete the investigation and nothing should be done to jeopardise it.

It is for the very same reason which I presented to the Ombudsman and which convinced him that I should be able to continue without the further involvement of his office that I believe should be accepted as satisfactory basis for the discontinuance or at least deferral of the proposed Select Committee creation.

If created, I would anticipate that the enquiries conducted by the Select Committee would include the calling and questioning of persons referred to in the file and those persons might from the police inquiry perspective be critical witnesses or even suspects of criminal offences. I have no doubt that the calling and interrogation of those persons will be to the serious detriment of the successful completion of the police inquiries.

The police investigations are presently at a particularly critical and sensitive stage, so critical that if proposed arrangements are not satisfactorily endorsed and subsequently met the investigation will quite probably be completely jeopardised.

I am of the view that if an inquiry of the nature proposed by the Honourable Member is initiated or any other like inquiry as an alternative is put in place, the result will be extremely serious and likely to pervert the course of justice.

I repeat the final comment -

... the result will be extremely serious and likely to pervert the course of justice.

Hon Reg Davies can laugh as much as he likes, but that is the advice which has been provided to me and which was subsequently provided to the Premier. Is it any wonder, in the face of that advice, that the Premier made the statement she did this afternoon? Quite clearly the Premier has shown she is prepared to accept advice and act upon it. It remains to be seen whether members of this House are prepared to accept the same advice and act upon it; if they are not I would ask them why they are not and why they are prepared to pervert the course of justice.

[Resolved, that motion be continued.]

Hon GRAHAM EDWARDS: The matters raised in this debate are serious and they should be given serious consideration. It is my strong view that at the best of times politicians should never interfere with police investigations and they certainly should not interfere with police investigations when politicians are involved. That is pertinent, particularly in view of the very strong advice that we have now received from the Commissioner of Police.

I seek leave to table the advice to which I referred earlier.

[See paper No 739.]

HON R.G. PIKE (North Metropolitan) [3.32 pm]: I support the motion moved by Hon Peter Foss and I will refer particularly to the comments made by the Minister for Police. It is the habit of this Minister to make comments as he did when he referred to the "antics of the Opposition". No matter what the duress or the facts presented to him he is determined to continue in a quite brave way with his name calling. All of that is disregarded by the people who listen to the logic and not to the noise of this Minister - most of the time there simply is no logic.

I will now address myself to that logic. Stripped of all the garbage the Minister has attached to the so-called activities of the Commissioner of Police, what faces this Parliament is a matter of such serious import that it can be compared with the worst days of the Commissioner of Police and others in the New South Wales Police Department. It is right and proper that that should be said.

Hon Graham Edwards: Is that a reflection on the Commissioner of Police?

Hon R.G. PIKE: Yes, it is.

Hon Graham Edwards: You should withdraw that statement - it is a disgraceful statement.

Hon R.G. PIKE: Is that not terrible! I will remain silent while we listen to the antics.

Withdrawal of Remark

Hon GRAHAM EDWARDS: I ask that that statement be withdrawn.

The PRESIDENT: Order! I did not hear the statement; someone was speaking to me. Perhaps the Minister will tell me what the statement was.

Hon GRAHAM EDWARDS: Mr President, it was the most disgraceful reflection upon the Commissioner of Police in this State and I ask that it be withdrawn.

The PRESIDENT: Order! The Minister cannot ask for that statement to be withdrawn.

Debate Resumed

Hon R.G. PIKE: In order that members can understand, the basis for the Minister's objection is that I am comparing the Commissioner of Police in Western Australia with previous Commissioners of Police in New South Wales. I go on to make the point in regard to that comparison that one fact alone illustrates -

Withdrawal of Remark

Hon GRAHAM EDWARDS: Mr President, I ask again that that statement be withdrawn because I consider it to be a slur on me as Minister for Police that I would allow that sort of thing to occur.

The PRESIDENT: Order! The Minister cannot ask for that statement to be withdrawn and he cannot infer anything. He can ask for the words which the member uses to be withdrawn if they reflect on a member of Parliament and clearly they do not. The Minister may well object to the comment and I do not preclude him from doing that. However, he cannot ask for that statement to be withdrawn. I ask the honourable member to be more tolerant in his language.

Debate Resumed

Hon Graham Edwards: I hope members opposite will dissociate themselves from that remark.

Hon P.G. Pental: Pipe down - you have had your say.

The PRESIDENT: Order! I ask members to let the debate proceed.

Hon R.G. PIKE: I go on to illustrate the point: I am informed that today for the first time members of the Police Force have questioned people who were previously councillors of the City of Stirling around the time of the alleged problem. I put it to members that stripped of all the camouflage that this Minister for Police has been talking about in his reply to the motion, the facts of the matter are - members should think about it for a moment - that something like two years after the date upon which the -

Hon Graham Edwards: The Ombudsman is inquiring into this. You are now having a go at the State's Ombudsman. You are pathetic.

Hon P.G. Pental: You are making a complete drip of yourself.

The PRESIDENT: Order!

Hon Graham Edwards: You can't tell me you support this nonsense.

The PRESIDENT: Order! I ask the Minister not to interject. He has had his say and I suggest he contain himself while the other members make their comments.

Hon R.G. PIKE: I have 41 minutes to deal with the facts instead of the hot air of Minister Edwards. I again make the point that approximately two years, perhaps even longer, after the date upon which the file and/or the tapes were made available through the agency of the Commonwealth Police Force and others, I am informed that today, for the first time, people who were then City of Stirling councillors were interviewed by police officers in regard to this matter. With the greatest charity in the world towards the Minister for Police's defence of his departmental head we still have to ask ourselves quite sincerely, "Why is it that action is being taken now, two years after the time when allegedly documents and a tape were received which are so vast in their implications that they impinge upon the very privilege of this Parliament and the Ombudsman has expressed concern by asking for a Royal Commission?" I remind members that the Ombudsman made his decision as a consequence of a referral to him by the Leader of the Opposition which was again referred to by the Minister as antics of the Opposition. Why is it that two years after the date we find that this matter, which in the opinion obviously of the Federal police and clearly in the opinion of the Ombudsman and prospectively in the opinion of the people of Western Australia is of such grave concern, is only now being considered?

Members should leave everything else aside and look at that simple proposition and when they do that they should listen, as I did, to the comments of the Commissioner of Police tabled by the Minister tonight. He said that police officers are involved in a complex inquiry. The other point made was that the Ombudsman was called in at a very late date. We are asked to buy the camouflage that all is correct and proper two years after the date. We are all engaged in this complex inquiry, the nature of which has been such that apparently absolutely nothing was done about it in the two year period when, by an accident of procedure under privilege, the information became available in a court of law. What would have been the case had our system of justice not thrown up that information in a court of law under privilege at that time? Why hitherto has this matter of such great concern - which is now agreed by the commissioner as being grave and about which there is recommended an inquiry, and is a matter determined by the Ombudsman should be the subject of a Royal Commission - had a two year period during which absolutely nothing was done? No amount of talk, camouflage or defence -

Several members interjected.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order!

Hon R.G. PIKE: That is why I made the comparison with the New South Wales Police Force. No amount of information, camouflage or padding - which is all we have heard from the Minister in this place today - can set aside those facts. I go on record that in the event the determination made by the ultimate inquiry, or the finding of a court, is such that the two year delay in doing what appears to be absolutely nothing regarding the investigation vis-a-vis the City of Stirling Councillors being spoken to - I am told today for the first time - proves me wrong, I will be the first to stand in this place and apologise for the comments I have made about the Commissioner of Police in New South Wales in relation to the Commissioner of Police here. In the meantime, those two years of doing nothing speak for themselves. I wholeheartedly support the resolution.

HON E.J. CHARLTON (Agricultural) [3.42 pm]: I support strongly the motion moved by Hon Peter Foss.

Hon Tom Helm: I am surprised.

Hon E.J. CHARLTON: Hon Tom Helm is in for a few more surprises before this debate is over.

Several members interjected.

The DEPUTY PRESIDENT: Order! I do not want diversions from the motion before the Chair, so the honourable member will address his remarks to the Chair.

Hon E.J. CHARLTON: Every week we see further developments that make one wonder why the Premier will not respond positively and do the thing that the people of this State have been asking her and the Government to do for a long time. Every time she sidesteps the issue she obviously creates a further dilemma in people's minds. This motion seeks to do something about that.

Unfortunately, I was absent from the House when the Minister for Police spoke, but I will be interested to read his comments because he is now in the position where he can no longer sit back and say, "That is a matter for the Police Department." He must become directly involved to ensure the Police Department gets on with the job it obviously has not been doing. There has been too much of that! Every day something like this happens, not as a consequence of what members on this side of the House have said or comments made in this place but as a consequence of inactivity by the police in this State. That brings their credibility lower every day.

This criticism obviously does not apply to the majority of members of the Police Force. It is coming from the top; that is where the problem is. That problem is either a consequence of Government interference or of the top echelon of the Police Department not wanting to do its job. We will never know who is right or wrong, or what is correct, until we have a Royal Commission, because we cannot get the police to follow up these issues in the way in which the people of this State obviously expect them to.

Sitting suspended from 3.50 to 4.00 pm

Hon E.J. CHARLTON: During the break I have had time to read the letter the Minister tabled a short time ago in which the commissioner requests time for the police to carry out their responsibilities. Obviously the investigation is a police role, and that is how it should be. Our concern is that two years have gone by and nothing has happened. Whatever the circumstances, two years is a long time. As the Ombudsman stated some days ago, if the court case had not taken place we still would not have known anything about this. It is likely that those who have been interviewed in the last couple of days would not yet have been interviewed. It seems that things are not what they ought to be.

Hon T.G. Butler interjected.

Hon E.J. CHARLTON: If Mr Butler for once took the blinkers off his eyes and started to seek the truth instead of trying to go along with some of these people who are trying to subvert the course of justice -

Several members interjected.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order!

Hon E.J. CHARLTON: I would much prefer to see the police carrying out their duties and responsibilities as they should. It is time the police in this State were held in higher esteem. Every day people come to us as members of Parliament and give us examples where it seems the top echelon of the Police Force has got its priorities wrong. It is too committed to petty types of infringements rather than cleaning up what has been going wrong in this State. It is all very well to look at other States and say, "Look at what has happened over there", when the people responsible for cleaning up what has happened in this State keep running away from their responsibilities. The Premier keeps running away from a Royal Commission, and the police seem to be running away from carrying out these inquiries.

Hon Graham Edwards: That is not what the Ombudsman found.

Hon E.J. CHARLTON: The Ombudsman said the police should get on with their inquiries and ensure that we get the answers.

Hon P.G. Pandal: And have a Royal Commission.

Hon E.J. CHARLTON: It is not for the Ombudsman to carry out the inquiry, and it is not for the Select Committee to carry out the inquiry. In recent years we have had a Select Committee inquiring into State investments. There would have been no need for that Select Committee had a Royal Commission been appointed. We had a Select Committee on parliamentary privilege for which there would have been no need if some of these activities now coming to the fore had been pursued in the proper way. We now have a proposal for another Select Committee simply because the Government will not do the job which the great majority of the people want it to do. That is not being political, or trying to take advantage of anything. If members want to bring in legislation to stop duck shooting -

Hon P.G. Pandal: Several Labor Party members want to support that.

Several members interjected.

Hon P.G. Pandal: They are ducks, are they not?

Hon E.J. CHARLTON: They keep ducking the issue.

Hon P.G. Pandal: They haven't got a feather to fly with.

Hon E.J. CHARLTON: The Federal Government is now trying to pull the wool over everyone's eyes with the wool industry.

Here is the basis of the distrust: We may be wrong inasmuch as what we perceive as being the state of play in this State may not be absolutely correct, but what else can anyone believe when these insinuations keep coming forward? There is a lack of direction and honesty in the running of this State, and it is time we got things straight. We have innuendo concerning Mr Burke, a past Premier, who has just come back from Ireland, and there is a great debate about whether he should appear before a Select Committee, or whether he should be approached by other people in the lawmaking area of our society to answer questions. That does nothing but create further doubt in people's minds about what the situation may be.

For too long in this House, every time we have asked about the activities of the Police Force, the Minister's emphasis has always been, "You are picking on the Police Force", and so on. It is time the Minister took some action and gave directions to the Commissioner of Police to get his priorities right and get on with the job of cleaning up this State and rebuilding the credibility of the Police Force. If he does not do that, the situation will be impossible and the people of this State will have no respect for that top echelon of the Police Force. It is all very well for the Commissioner of Police to write a letter. Nobody disagrees with that, but we want to see some action and justice done. Not only should justice be done but it should be seen to be done.

The National Party supports the motion, but it is the role of the police to investigate this matter. We should be assured that the police are doing today what they should have done two years ago.

Debate adjourned, on motion by Hon Tom Stephens.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon P.G. Pandal: You told an untruth.

Several members interjected.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! I am trying to proceed with the Orders of the Day, and I will not tolerate comments after I have called for order three times. If it happens again I shall not be as lenient as I have been in the past.

CREDIT UNIONS AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon J.M. Berinson (Attorney General), and read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan - Attorney General) [4.12 pm]: I move -

That the Bill be now read a second time.

This Bill creates an additional tier of supervision for credit unions incorporated in this State as well as establishing a credit union industry sourced fund to protect the withdrawable share in investments and deposits of credit union members. The scheme is being established with the support of the credit union industry in Western Australia. It is similar to schemes operating in New South Wales, Victoria and South Australia and is a step towards a more uniform approach to regulation. Credit Unions Savings Protection Board Limited, a company limited by guarantee and incorporated under the Companies (Western Australia) Code, will administer the credit unions' savings protection fund. The board is empowered under this Bill to create the fund from compulsory contributions, levies, and loans from credit unions. The board is required to maintain a minimum of \$4 million in the fund or such other amount approved by the Minister and published in the *Gazette*.

The fund and its earnings will provide the financial resources for the operations of the board. The board, as a new tier of supervision, will have the authority to monitor the operations of individual credit unions by statistical returns, on-site inspections of operations, and access to books of account. Should this monitoring reveal operations not being conducted in a proper manner, the board will have the capacity to supervise for such time as it considers necessary the day to day operations of a credit union to correct the situation. The main focus of the board's operations will be on surveillance for early detection of potential problems and where necessary a hands-on involvement to initiate corrective measures. Additional, ministerially-approved powers are provided to cover any occasion when more substantive intervention is warranted. These powers comprise appointment of an administrator, transferring the engagements, and winding up a credit union. Resort to these powers would arise when assistance that could otherwise be provided by the board to address problems would be insufficient to restore a credit union to satisfactory operating standards.

The direct control of a credit union by the board can arise if, for instance, a credit union fails to meet the minimum prudential standards of the Act, is trading unprofitably, or has an accumulated deficit, or the board considers the affairs of the credit union are being conducted in an improper or financially unsound manner. A credit union made subject to direction may appeal to the Minister who may confirm or reverse the decision of the board. The powers of the board to institute a transfer of engagements, appointment of an administrator, or a winding-up, arise only in the case of a credit union operating under the direction of the board. In that circumstance the board may also prohibit or restrict any of the functions of a credit union, including the raising or lending of moneys, and remove the auditor of the credit union.

The statutory minimum sum for the fund has been set at \$4 million, although the Minister may approve a higher or lower amount if movements in total assets of the credit union industry suggest a larger or smaller fund is in order. A claim on the fund can arise when a credit union fails or refuses to satisfy a lawful demand by a member for a refund of withdrawable shares or the withdrawal of a deposit. The board may pay the claim in full or in part depending on the circumstances of the fund. Once a member has claimed, the board will be subrogated, to the extent of the payment, to all the rights and remedies relating to the member's claim against the credit union. Only credit unions are permitted to be members of Credit Unions Savings Protection Board Limited and non-membership of that company by a

credit union will be a condition precedent under section 101 of the Act for the registrar to institute a winding up of the credit union. All the powers exercisable by the board do not impede the registrar from the exercise of these same powers. The registrar will also be able to obtain any information from the board and supply information to the board. The registrar will also advise the Minister on the establishment of Credit Union Savings Protection Board Limited, the conditions precedent for proclamation of certain provisions, and on other approvals of the Minister required by the board.

While the credit union industry proposal envisaged a statutory authority to administer the fund, the Government considered that the alternative of a company administered fund adopted in this Bill was justified. The main reasons were as follows -

First, the functions to be exercised by the board as a company, are the equivalent of those that would be exercised by a statutory authority.

Second, the fund is totally industry sourced and to be used for the protection of credit union members. It was appropriate that it be kept, as far as practicable, at arm's length from the Government.

Third, the Companies Code already provides comprehensive regulation of the internal management of companies. By opting for a company administered fund, the regulatory foundation provided by the Companies Code had to be built on only where necessary to give the board its special functions.

The company administered fund arrangement adopted in this Bill, is a variation of the stockbrokers national guarantee fund contained in the Companies Code. That fund is also administered by a company, but its sole purpose is to provide a fidelity fund for clients of stockbrokers. The Credit Unions Savings Protection Board and fund will have its prime focus on fostering within credit unions proper management practices and prudentially sound operating standards to minimise the potential for claims upon the fund. To this end, the board will be empowered to provide financial assistance by way of grants or loans to credit unions, provide human resource and technical assistance in support of credit union management and to set rules relating to prudential practices to be carried out by credit unions. The Bill will provide greater comfort to depositors and is in the interests of individual credit unions, the industry in this State and its members. I commend the Bill to the House.

Debate adjourned, on motion by Hon Max Evans.

JUDGES' SALARIES AND PENSIONS AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon J.M. Berinson (Attorney General), and read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan - Attorney General) [4.17 pm]: I move -

That the Bill be now read a second time.

The Bill provides that judges who retire between the ages of 55 and 60 after having completed a minimum of 10 years' judicial service will qualify for a reduced pension. The word "retirement" is defined to include resignation. This will reflect past and present practice and accommodates a variety of statutory provisions. Currently, a judge must have served for at least 10 years and reached age 60 years to qualify for a pension on retirement. A pension of 60 per cent of current judicial salary is then payable. In recent years it has become increasingly necessary to appoint judges at ages well below 50 years. Some appointments have been made at about age 40 years, and in one case at age 39. The prospect of having to serve about 20 years as a judge before being eligible to retire on a pension is seen by some potential appointees as a barrier to accepting early judicial appointment. This, together with other factors, is reflected in the considerable difficulty in attracting suitable appointees. To help address that problem the Bill will enable earlier resignation from judicial office at between ages 55 and 60 on a reduced pension. This is in keeping with other areas of public employment.

The Bill provides that the amount of the pension would be reduced by two per cent of current

To summarise: First, these interest moneys must be paid into the revenue equalisation account to get them on the balance sheet; secondly, they can be used by the Government in the way they have historically been used, either to top up CRF or to obviate the need for loans in the general capital works; and thirdly, there is no choice in the future about making up deficits - the requirement is that the deficit must be made up by transferring from the revenue equalisation account into CRF. I stress to members, that money transferred into the revenue equalisation account cannot come out except into a fund where an appropriation of Parliament is needed for it to be spent. The moneys cannot be appropriated until they get into CRF or the capital works fund, and to get out of those funds an appropriation of this Parliament is needed. The important thing about this is that we will know the money is there, and we will have control of it, because it cannot come out without an appropriation from Parliament. The interests of the State and, in particular, the interests of the Financial Administration and Audit Act are well served by these amendments.

Hon MAX EVANS: Mr Chairman, I apologise for my interjection. During our discussions with Treasury officials the other day we discovered what a busy day 30 June is for Treasury circles in trying to wrap up all the events of the last day of the year. We believe these amendments will make it a bit easier. I was interested to discover that the Government keeps its cash book open for 10 days thereafter for receipts and payments. The private sector has always wanted to do that, but the Taxation Office would not let it hold back or bring forward revenue. It is a very useful tool that people in cash accounting would like to use to avoid Federal income tax, and the Government can use that tool to balance its books.

Up until 1983 interest on short term investments was paid to the State development fund for the next year and was often earmarked for specific things such as capital works, but sometimes it would go to CRF. I cannot argue with the Leader of the House whether some, or any, of the interest went in, but we have subsequently found that the amount of \$32 million was carried over into 1983-84 and since then the interest has been used to balance the books.

Hon J.M. Berinson: Was not that under the system that used to apply, where only the interest earnings for the previous year were applied?

Hon MAX EVANS: We have so few records of such transactions, because it was not until 1988 that we had an account showing how much was earned each year and how much was paid out. Hon Joe Berinson might recall one of the most enjoyable pieces of literature I found, the Auditor General's report to June 1986. The Auditor General said that it was amazing that the Government had brought in \$23.5 million in interest earned on short term investments up to December last year, but in June 1986 because it found it had too much money, it took it out again. It said it did not want a surplus like that, especially when in the previous year it had a loss of approximately \$14 million, so the Government took it out with no Appropriation Bill - it was completely ultra vires. It was the Auditor General who told us about that. That was the reverse of bringing it forward. The Commission on Accountability said that the Government had to watch the question of interest, that there should be proper accounting and that it should be brought in the year it was earned. The Government said that it was a very good idea, and wanted to know when it should start. December 1988 came around and the Government was a bit short of funds for the Teachers Credit Society, so it brought in \$85 million of that interest earned on short term investments - that was roughly the amount then - and the rest of it came in last year. The Government actually earned nearly \$199 million on interest on short term investments over five years.

This year the Government is bringing interest in on a day by day basis as it is earned so it can pay the wages. In the past the Government has been able to leave it off the balance sheet for five years, but now it must account for it in the proper way; that is, interest as it is earned. Hon Peter Foss' amendments will not be implemented for a while, but the Government must accrue some at the end of the year. Once again I will clarify those points and say that the Opposition appreciated Hon Joe Berinson's arranging for Treasury officials to brief members. We all learnt a lot about Government financing, and I think it bought about some worthwhile recommendations.

Hon PETER FOSS: We did propose a couple of other amendments which were not proceeded with. One concerned the expiry of a global allocation provision, which was due to a misunderstanding on our part of how that was going to work. We appreciate the basis of

that and we will not proceed with the amendment. The other dealt with trust accounts and certainly it has always been difficult to find out what is happening with trust accounts because one has to look at many different reports. The consolidated report provided to Parliament with the Estimates tends to have only a few in any detail, and most are not included in such detail. The Opposition was seeking to have them all given in some detail, but we were satisfied when the Treasury officials said that was not practical at present because of the multitudinous trust funds and the multifarious ways in which they conduct their affairs.

The ultimate solution seemed to be to look at the various Treasurer's Instructions in order to try to bring this more into line, and in the presentation of the accounts next year they may be able to report the major trust funds in the appropriate program management papers. That ultimately would be the better way to do it. As we are still experimenting with program budgeting it is obviously a matter of seeing how it goes, and I am sure the Treasury have in mind improvements in the way the accounts are presented. We are happy with the assurance that if a problem arises it is intended to deal with it in another way.

I should correct one comment made by Hon Max Evans when he said they had 10 days; apparently they have not used that provision yet. It is available under the principal Act but it has not been used.

Clause put and passed.

Clause 2: Commencement -

Hon PETER FOSS: I move -

Page 1, line 7 - To add after the word "proclamation" the following words -

and in any event shall come into operation no later than June 30, 1991.

This amendment is to make sure that the Bill will come into effect by 30 June 1991, but it still gives the Government flexibility for proclaiming it in part.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 3 put and passed.

Clause 4: Section 3 amended -

Hon PETER FOSS: I move -

Page 5, after line 16 - To insert the following new subparagraph to stand as subparagraph (x) -

(x) by inserting after the definition of "repealed Act" the following definition -

" "Revenue Equalization Account" means the account of that name established under section 9 (2) (d); ".

Page 6, lines 1 to 8 - To delete the lines and substitute the following lines -

(b) by inserting after subsection (2) the following subsections -

" (3) Notwithstanding the definitions of "affiliated body" and "related body" in subsection (1), the regulations may prescribe that for the purposes of this Act a specified body shall be taken not to be an affiliated body or a related body of a specified department or statutory authority.

(4) In subsection (3) "specified" means specified in the regulations. "

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 5 to 7 put and passed.

Clause 8: Section 9 amended -**Hon PETER FOSS: I move -**

Page 7, line 6 - To delete "(c)".

Page 7, lines 7 to 26 - To delete the lines and substitute the following -

- (a) in paragraph (c) (iii), by inserting after "has been" the following -
"or is to be" ;
- (b) by deleting "and" at the end of paragraph (b);
- (c) in paragraph (c) (iv) -
 - (i) by inserting after "received" in the second place where it occurs the following -
"or identification of where those moneys are to be credited or paid" ; and
 - (ii) by deleting the full stop at the end of paragraph (c) and substituting the following -
"; and" ; and
- (d) by inserting after paragraph (c) the following paragraph -
"(d) an account called the Revenue Equalization Account established for the purpose of holding moneys credited to that account under section 29A, 39(b) or 41(1) pending allocation and payment as required by section 29B (2), or as directed under section 14, or as determined under section 29B (1), 39 or 41."

Amendments put and passed.**Clause, as amended, put and passed.****Clauses 9 to 16 put and passed.****Clause 17: Section 39 amended -****Hon PETER FOSS: I move -**

Page 11, lines 20 and 21 - To delete "a suspense account established under section 9 (2) (c) (v)" and substitute the following -

the Revenue Equalization Account

Amendment put and passed.**Clause, as amended, put and passed.****Clause 18 put and passed.****Clause 19: Section 41 amended -****Hon PETER FOSS: I move -**

Page 12, lines 4 and 5 - To delete "a suspense account established under section 9 (2) (c) (v)" and substitute the following -

the Revenue Equalization Account

Amendment put and passed.**Clause, as amended, put and passed.****Clauses 20 to 38 put and passed.****New clause 14 -****Hon PETER FOSS: I move -**

After clause 13, to insert the following new clause to stand as clause 14 -

Sections 29A and 29B inserted.

14. After section 29 of the principal Act the following heading and sections are inserted -

" Division 4a - Revenue equalization

Transfer of CRF surplus

29A. The amount of any credit balance in the Consolidated Revenue Fund at the end of a financial year shall be credited to the Revenue Equalization Account.

Payments from Revenue Equalization Account

29B. (1) Without limiting section 14, 39 or 41 or subsection (2) moneys standing to the credit of the Revenue Equalization Account may be credited to the Consolidated Revenue Fund or the General Loan and Capital Works Fund as the Treasurer determines.

(2) Where at the end of a financial year there is a debit balance in the Consolidated Revenue Fund -

- (a) if the moneys then standing to the credit of the Revenue Equalization Account are equal to or less than the deficit, they shall be credited to the Consolidated Revenue Fund; or
- (b) if the moneys then standing to the credit of the Revenue Equalization Account are greater than the deficit, they shall be credited to the Consolidated Revenue Fund to the extent necessary to extinguish the deficit."

New clause put and passed.

Title put and passed.

Bill reported, with amendments.

PEARLING BILL

Second Reading

Debate resumed from 26 September.

HON P.H. LOCKYER (Mining and Pastoral) [4.46 pm]: This Bill before the House is quite a substantial Bill but, in fact, the substance of it is a tidying up of the old Act. When members think of the pearling industry immediately the township of Broome comes to mind. In fact, pearling started in Shark Bay and I am happy that both Broome and Shark Bay are in my electorate. The industry dates back to 1912 and it is fair to say that between 1912 and 1990 amazing changes have taken place within the industry. The original pearling luggers were operated by a wide variety of races from all points of the compass, and they worked under the toughest conditions to keep that industry going for many years. Negotiations with the Commonwealth resulted in agreement being reached that the pearling industry be managed under an Offshore Constitutional Settlement arrangement using the authority of Western Australian law. In order for this to be properly accomplished the Act had to be updated and that is precisely what is happening.

Before the Act could be updated more detailed examination was needed of the industry, and I commend the department for the way it went about this. It did not hurry the industry and it gave its members the opportunity to provide enormous input to the changes. The present industry is vastly different from that which commenced in 1912, and nowadays it deals mostly with cultured pearls. The cultivation of pearls is the mainstay of the industry which these days is based mainly off Broome. As indicated in the second reading speech, the taking of shell for mother-of-pearl is allowed only in exceptional circumstances and I understand that is becoming more rare every day.

The 1949 amendment Act removed the prohibition on dealing in cultured pearls in Western Australia, which prohibition was included in the 1922 Act. The old Act contained all sorts of arrangements which were in some cases very quaint, such as the requirement for superintendents and inspectors to sign persons engaged in the industry on and off, and the prohibition on female pearl fishers. I recently referred to the petticoat brigade running this

Parliament, a comment which in retrospect I regret having made. These days, under the provisions of the Commonwealth sex discrimination legislation and the Western Australian Equal Opportunity Act, I assume it is acceptable for females to work in the diving industry.

Hon Cheryl Davenport: Non-traditional jobs.

Hon P.H. LOCKYER: I am sure the member would look very attractive in diving gear! During the time I have been privileged to represent the Broome pearling industry, I have not noticed any females actually diving, but it is a sign of the times that they are now actively involved in the industry.

The Pearling Industry Review Committee was established to review the future development and management of the pearl culture industry along the coast of Western Australia, other than in the Shark Bay region. The committee's terms of reference were wide ranging, and it examined the industry from top to bottom.

The pearling industry is very keen to see this Bill replace what has been a very archaic setup. There has been extensive consultation with the industry. People become suspicious when Government departments inquire into an industry, but the pearling industry was convinced that this inquiry would be to its advantage, and was very cooperative.

Hon Graham Edwards: The department has a good history of consultation.

Hon P.H. LOCKYER: Without making it necessary for the director to get a plastic liner for his pocket, I have praised him in this House on many occasions. I have had a lot to do with him, and we have not always been in agreement but we have always gone in the same direction.

Pearling is defined as taking pearl oysters; removing pearls from pearl oysters; moving, dumping, holding, storing or transporting pearl oysters; and practising pearl culture techniques; that is, any technique or practice used to produce pearls from pearl oysters. Hatchery activities are defined as taking pearl oyster spat; taking pearl oysters for breeding; producing stocks of pearl oysters by acclimatisation, propagation, hatching, breeding, rearing or raising; and moving, dumping, holding, storing or transporting pearl oyster or pearl oyster spat for any of those purposes.

Pearl fishermen used to go out in wooden luggers, dive over the side, often in appalling conditions, and take the pearl from natural oysters. Their death rate was higher than that which any industry in the world would regard as acceptable. The industry is now extremely technical. Recently I was privileged to observe the seeding, harvesting and grading of pearl oysters in Broome. Mr Michael Kailis of Broome Pearls was more than helpful in giving me a briefing so that I would have some semblance of understanding of this Bill.

The pearling industry is worth millions of dollars to the State. The Minister said in his second reading speech that the uncontrolled production of pearl oysters will lead to the overproduction of pearls and have serious consequences for the marketing of pearls. The door cannot be held wide open for people to take what they like because we must sustain the industry for the future. Were we to open up the industry willy-nilly, pearls would be worth next to nothing and the industry would become unviable and fall into disrepair.

Hon W.N. Stretch: Do you really believe that?

Hon P.H. LOCKYER: Yes, because I have approached not only the people who produce pearls but also the people who buy pearls. I have also looked at the marketing trends and requirements. I am satisfied that steps need to be taken to maintain this industry in a viable state. The fisheries industry should also be protected. We cannot allow people to fish willy-nilly in the Shark Bay fishery, for example. I have been to places overseas where the fish stocks have been totally depleted as a result of indiscriminate fishing.

Hon D.J. Wordsworth interjected.

Hon P.H. LOCKYER: They go hand in hand. It is no good our ruining an industry by opening the door and making it worthless. We should sustain this industry to the maximum extent possible.

Separate licences will be required for pearling and hatchery activities. A licence to carry out pearling activities will not give a person the right to carry out hatchery activities. Permits will be issued for research or other purposes which are prescribed. The industry has been

very active in providing funds for research into its future, and all the pearling companies in Broome have opened their doors to allow people to conduct research.

The major tool to be used in the management of the industry will be the imposition of quotas to limit the number of wild stock oysters which may be taken, and also to limit the production and sale of oysters from hatchery produced stock. This will protect the future of the industry. All pearl boats, other than those used exclusively on a pearl farm, will be licensed. A pearl boat master's licence must be held by any person in charge of a licensed pearling boat. Pearl divers will be required to hold a licence.

Last year there were some deaths in the pearling industry. Pearl divers used to wear fully enclosed suits and were tossed over the side. These days pearl divers use an instrument called a hookah, where air is pumped down to the divers below. Divers must be trained to the high standard required for this extremely dangerous work, and must understand the requirement to decompress in stages. Licences must be issued to prevent untrained people from entering the industry. Pearl divers will be required to undertake a medical examination which complies with Australian Standard 2299.

People must be medically able to cope with the stresses which working in the industry involves. The requirement to undergo a medical examination mentioned previously in the Pearling Act will, of course, quite properly cover matters relating to occupational health, safety and welfare.

[Questions without notice taken.]

Hon P.H. LOCKYER: The second reading speech states -

All licences and permits may be subject to conditions and will generally be granted for a 12 month period.

I will be speaking in Committee about that. The Minister is not here.

Hon Tom Stephens: I will convey your remarks to him.

Hon P.H. LOCKYER: Is this now part of Hon Tom Stephens' new duties?

The PRESIDENT: Order!

Hon Tom Stephens: Not yet; we have not been sworn in. I would love to have had the opportunity to deal with this matter.

The PRESIDENT: Order!

Hon P.H. LOCKYER: I should go through the Bill clause by clause to test the member's knowledge of it; I suspect it is nil.

The PRESIDENT: Order! I will name the next member who interjects. I am sick and tired of the total disregard for the decorum of this place by members who should know better. If members want to carry on like larrikins, they can do so, but they will do it without me. I will name the next person who interjects during this debate.

Hon Kay Hallahan: Don't leave, Mr President.

The PRESIDENT: Order! That includes the Minister.

Hon P.H. LOCKYER: I am starting to forget where I was.

The PRESIDENT: The member was talking about pearls.

Hon P.H. LOCKYER: The Minister stated in his second reading speech -

As with all licences, fees are payable. The annual fee for pearling and hatchery licences and permit fees will be paid to the fisheries research and development fund to be used for research and in meeting a proportion of the costs of management of the industry. All other fees will be paid to Consolidated Revenue.

When the Minister replies I would like him to give an indication whether the percentages are able to be taken or whether it will be considered after the Bill has been in operation for 12 months. The Pearling Bill will change the arrangements which exist when a pearling or a hatchery licence is issued for a period not exceeding 21 years. The old Act provided that a licence be issued for only 14 years. However, the second reading speech states -

It should be noted that the issue of a farm lease is not as of right and may be

cancelled if it is not being used. This is to avoid areas of water being "tied up" unnecessarily.

If an operator receives a licence and does not carry out any operations who will bring this to the attention of the executive director? Will it be left to another hatchery owner or licence holder to report this or will inspections be carried out by the executive director or the committee? My consultations with the industry have revealed that this would not occur at the moment, but perhaps it will be a problem in the future.

A clause of the Bill deals with foreign ownership and the Minister stated in his second reading speech -

Foreign ownership in the pearling industry is an issue and this subject will be addressed in the guidelines. I hasten to add that it will not affect current licence holders whilst they hold those licences.

What will happen if a present licence holder decides to sell his licence when the person who wants to buy it from him is a foreigner? Would this application be considered on a case by case basis and be subject to the normal Federal guidelines for foreign ownership? It may well be that a licence will be sought by an overseas company. Guidelines need to be put in place by the committee or the executive director to govern this. I am interested to see how this will be dealt with.

I understand that the right of appeal is the responsibility of the Minister. If the executive director withdraws an operator's licence to operate a hatchery or a pearling lease the person who owns that licence has the right to appeal to the Minister. From whom will the Minister take his advice? I am sure he will go to the executive director or the committee. Is the Minister's decision final or is that person able to pursue the matter with the Supreme Court?

I will deal with the matter of inspection during the Committee stage. However, I note that all fishery inspectors will automatically become pearling inspectors under the Pearling Bill. I would like an assurance that those people will be required to undertake special training to become pearling inspectors. I hope that provision will not allow a fisheries inspector who operates from Albany to move to Broome and become a pearling inspector without formal training.

There was vague mention of the Pearling Industry Advisory Committee in the Minister's second reading speech and I will also deal with that matter during the Committee stage. However, it seems that the Minister is vague about its make up. He has not detailed any firm guidelines for the appointments to the advisory committee. The Minister stated in the second reading speech that it would be established for the management, control and production, regulation or development of pearling. He also said that it would refer to pearl oysters, pearl oyster hatcheries and pearl oyster fisheries. The Minister also stated -

Membership of the committee is not detailed to enable flexibility in making appointments.

Can the Minister assure me that there will be maximum input from the industry, bearing in mind that it will be under the chairmanship of the executive director? What does the Minister consider to be appropriate for the membership of that committee?

The penalties described in the Minister's second reading speech are tough; for instance, if a person is convicted of unlicensed pearling or hatchery activities he will be fined \$50 000 plus twice the wholesale value of the pearl oysters or pearl oyster spat. The Minister said that this additional penalty is irreducible. It is a tough penalty. Perhaps some of our more dubious entrepreneurs who have light fingers may be tempted to sneak into someone else's hatchery and steal their pearls, and this penalty is designed to deter them from doing this. It would certainly put me off.

Hon Graham Edwards: That is the idea of it.

Hon P.H. LOCKYER: I notice that the penalties vary considerably for each offence. We may have to deal with each of those clause by clause during the Committee stage to see how they were arrived at. I am not opposed to the penalties but I want to know why they have been imposed. If someone stole \$100 000 worth of pearls he would be fined \$50 000 plus twice the wholesale value of the pearls stolen. He would be fined \$250 000 for stealing \$100 000 worth of pearls. That is a substantial penalty.

Hon Graham Edwards: But it is a substantial offence.

Hon P.H. LOCKYER: I understand that. The day the proprietors of Broome Pearls arranged for me to have a look at its pearls the security was substantial. However, that is understandable when one realises that millions of dollars worth of pearls are laid out on the table.

Hon Mark Nevill: Did you keep your hands in your pockets?

Hon P.H. LOCKYER: Yes, with great difficulty. As Hon Mark Nevill would know pearls are a little like gold. It is amazing the amount of gold that has stuck to people's fingers over the years. People go to extremes to steal gold.

Hon Mark Nevill: It makes thieves of honest men.

Hon P.H. LOCKYER: Indeed it does. Another penalty described by the Minister is -

Contravention of a condition on a pearling or hatchery licence other than conditions relating to quota or the areas of waters where pearling or hatchery activities may be carried out - \$10 000.

I will not go through each of the offences and fines but will deal with them in more detail during the Committee stage. As I have said, the Pearling Bill will tidy up the industry and will cater for an extremely modern and successful industry.

The pearling industry is a much needed industry in the north of the State and it has been the saviour of Broome. Everyone thought that tourism would save Broome, but it has been the age old industry of pearling which has kept the town afloat. The industry employs a respectable number of people and it is not restricted to Broome only. There are pearling leases off Monte Bello Island and Shark Bay. It is an extremely important industry to the economy of Western Australia and it is important that we seriously consider this Bill. It has been a long time coming and I know that the Minister and the industry are keen for the Bill to be put in place. I indicate to the House that I will raise a number of matters at the Committee stage, but Opposition members certainly support the second reading stage.

HON TOM STEPHENS (Mining and Pastoral) [5.41 pm]: I welcome the Pearling Bill which, as we know from the Minister's second reading speech, will repeal the 1912 Act of Parliament which dealt with the pearling industry. Sometimes when we consider issues in this House the debate can become rarified and members are removed from what the issue is about.

An industry as exciting as the pearling industry needs to be brought to life in the process of debate. It is an extremely exciting industry and it has had a colourful history which goes back to the middle of the last century. It developed around Shark Bay with the smaller species of the pearl oyster and it spread to the coast of the Pilbara around Nickol Bay. Initially the pearling industry was associated with the township of Denham, but the association was supplanted by new focus on the town of Cossack. Very soon after that the industry spread and focused on the township of Broome, about which I often speak because it is a town in which my heart is firmly placed. Part of the reason for that is my love of the colour which this industry has brought to that town and the surrounding region.

The product of the industry has captured the hearts and minds of men and women for centuries in their pursuit of the beauty of the pearl. I recently had drawn to my attention the following quotation from the *Bible* -

Again, the kingdom of heaven is like unto a merchant man, seeking goodly pearls:

Who, when he had found one pearl of great price, went and sold all that he had, and bought it.

Mr Lockyer will know that is from Matthew 13, verses 45 and 46.

Hon P.H. Lockyer: I am aware of that.

Several members interjected.

Hon TOM STEPHENS: Let me say that my Christian upbringing grounded me well. It provides me with the occasional quote, even for a debate about the pearling industry.

I have been given the opportunity to bring into this House some of the produce of the

pearling industry. The item I have in my hand at the moment is a beautiful gold, diamond and pearl necklace which is a product of Western Australia. It is an extremely expensive piece of jewellery and one which I thought I would take the opportunity to pass to Hon Margaret McAleer, who may be interested in casting her eye over this beautiful produce of the pearling industry.

Hon P.H. Lockyer: I would not leave it with all these members.

Hon TOM STEPHENS: Hon Phil Lockyer said earlier in this debate that one can be itchy fingered when in the presence of such valuable produce. He described his excitement at being among the Broome pearls at the Kailis' operations. I inform members that I did not borrow these pearls from my wife.

An Opposition member: You didn't buy them either?

Hon TOM STEPHENS: I can assure the member that I have not had the fortune of being able to buy them for my wife. It is a produce which engenders a certain amount of excitement in people when they view them. This beautiful piece of jewellery also contains Western Australian gold and diamonds and it is available through Linneys, which operates out of Broome and Subiaco. I do have a couple of pieces and I will pass a piece of the jewellery to Hon Muriel Patterson.

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): I warn the member that I may ask him to table them!

Hon TOM STEPHENS: Mr Deputy President, I am not quoting from them. I will hold up this piece first before I pass it to Hon Muriel Patterson so members can see that it is made with pearls of an enormous size. The larger pearls which come out of Broome have been used in this piece, which captures the glamour and excitement of that industry. The value of this piece is about \$40 000.

Hon P.H. Lockyer: Which lunatic lent you these?

Hon TOM STEPHENS: The industry is very lucky to have such an exciting commodity. I was hoping that by this stage one of my female colleagues would have been in the House and I could have passed to her another piece which has been lent to me. I am sure the manufacturers would not object to our female colleague's putting these pieces of jewellery around their necks, and perhaps one of the attendants will assist them. I understand that they do have price tags on them and members will find that they will excite them also.

My point is that members may think we are dealing with a Bill which is dull, but we are really dealing with something which is enormously exciting; that is, the end produce of the pearling industry. As members now have the opportunity to view this produce they will realise the value of it. I have been thinking about value added industries and trying to draw a comparison between the pearling industry and other industries which operate in Western Australia. It is true that almost every product from our primary industries does have value added to it simply because of the labour required to produce it, and meat is an example. A tremendous amount of labour is required to raise sheep and cattle on farms and stations in the agricultural and pastoral regions of this State.

Obviously the produce that comes from the mining sector, whether iron ore, diamonds or whatever, also has value added by people associated with those industries. The pearling industry was almost from the start a value added industry. I had an opportunity, along with the Director of Fisheries, Mr Bernard Bowen, to be in Broome last week where we spoke about these issues with pearl producers. It occurred to me at the time that the cultured pearl industry as it has developed is already a value added industry. A technician takes a pearl oyster and implants in it a small nucleus around which a shiny coating is formed layer by layer, eventually leaving a beautiful pearl. It is almost value added enough from that perspective as a product of the pearling industry.

Coupled with that value added process, people in Western Australia associated with the pearling industry, and others, are taking these beautiful pearls and combining them with diamonds and gold. Their great skill and craftsmanship produce items which are now being sold not only in Western Australia in Broome and Perth but Australia-wide and overseas. As I speak, one of the reasons we only have a limited range of product here tonight in the Chamber is that the craftsman who makes it had to take his produce to Melbourne for a

major display. Allan Linney's organisation has taken that produce to Melbourne to a sizeable display of products of this industry in the form of jewellery which is on sale in Melbourne and which is producing enormous interest and a potential expanding market for this product.

As I said earlier, this industry has a fascinating history. The Bill which became the 1912 Act of Parliament regulating the pearling industry arose out of the problems of that industry in the early part of this century, particularly the problems associated with the town of Broome and the neighbouring area. The Pearling Act of 1912 was utilised to regulate the industry as it went through its various phases of growth and decline and then growth and decline again. At one point during its history the Act was amended in such a way as to present an initiative aimed at protecting the pearling industry from what was seen at the time as a threat to that industry; that is, the perceived threat of the cultured pearl. The Government of Western Australia amended the Pearling Act of 1912 in such a way as to ban the production, sale, possession or dealing in any way in pearls in Western Australia which had been produced by any artificial culture means. That amendment was made in the 1922 Act.

Hon Mark Nevill: Luddites!

Hon TOM STEPHENS: I know Hon Mark Nevill has a deep love of this industry and first hand experience of it. I understand what he means by his interjection. I also found myself rushing to judge the people who made that amendment in 1922. We all know that that action promptly suppressed the growth of the cultured pearl industry in Western Australia. What we saw instead was the dramatic growth of the cultured pearl industry in Japan. The Japanese continued to develop culturing techniques, producing and marketing their product on a world scale. The final report of the Pearling Industry Review Committee, which was chaired by Mr F.J. Malone, says that this partly explains the market dependence of the Australian industry on Japanese expertise today.

In 1949 the Parliament of Western Australia repealed that section of the Act prohibiting the cultured pearl industry in our State. That was clearly a response to the recognition that we had taken the wrong path. Why do I go over this piece of history? Because this Bill has two aspects that are aimed at the regulation of farming of the pearl oyster and the pearl oyster hatchery. That is clearly a difficult process to regulate. There is a risk for industry, Government and the people of Western Australia in developing the guidelines associated with this industry and in adopting, as Hon Mark Nevill interjected when describing the 1922 amendment, a Luddite approach; that is, against those of us committed to the notions of letting the market decide, allowing the industry to regulate itself and introducing new technology.

We may think that there is no room for provisions that might lead to regulation or restraint on the process of farming and hatching pearl oysters. I am focusing on that issue because outside the industry there are critics of both it and the Government expressing the view that no regulation or restraint is required in the area of hatching, for starters. Certainly, in the past there have been those who have said there is no room for regulating who should be granted a pearl quota in Western Australia.

Sitting suspended from 6.00 to 7.30 pm

Hon TOM STEPHENS: Going back over the history of this industry, we can appreciate the value of the piece of legislation now before us. I have indicated to the House how the industry developed here in Western Australia in the middle of the last century, and right from an early time people from other nations were associated with it. In the 1850s many of the Anglo Saxons who had settled in Western Australia around Denham were involved in that industry, and they had the advantage of relying on an Aboriginal work force. The history of the participation of Aboriginal people in the industry is both colourful and painful. We should remember that its history is mixed, with quite a considerable amount of cruelty and a dimension of slave labour.

Hon D.J. Wordsworth: Were they Aborigines or Torres Strait Islanders?

Hon TOM STEPHENS: In the 1850s around Shark Bay they were Aboriginal people, as far as I know. When the industry moved into the Pilbara area, around Nickol Bay, the labour force was basically recruited from the Pilbara region itself. The memories of that period are painful ones for the Aboriginal community in particular.

In addition to that involvement in the industry by the Aborigines and the Anglo Saxons, there was an involvement by the Chinese, the Japanese, the Malays and the Filipinos. As the industry increased in size and value, a variety of technologies developed in Western Australia. The single most important piece of technology which marked the last century's pearl industry was the diving dress introduced by Japanese divers which allowed them to dominate the pearling industry.

I have already mentioned how, from 1922 to 1946, Western Australia barred itself from participation in the culturing of pearls. Over that period the Japanese, primarily in their own country, but also in other parts of Asia, as I understand it, were developing an association with the cultured pearl industry. To this day the Japanese lead the way in the application of this technology. By and large they are the practitioners of the culturing process; the operation which allows the pearl oyster to be the recipient of a foreign nucleus which is implanted, resulting in the growth of the cultured pearl.

Hon D.J. Wordsworth: What gives the colour?

Hon TOM STEPHENS: I was going to touch on that in a subsequent section of my remarks, because the member has pointed out a crucial issue. At the moment I shall bypass it because I think it will be worth going down that path in a few minutes' time.

The culturing of pearls, even today, relies on Japanese technicians. Understandably, in the period that we have been in office as a Labor Government, we have wanted to encourage those technicians who work with the industry to transfer that technology so that in partnership with the Japanese we will be able train Australians as pearl technicians. We want them to be equipped to ensure a self-reliance on the Australian population for the future of this industry.

That is not to say that as a people we are not appreciative of the historical, current and future roles of Japanese technicians. Their skills and their participation in the industry is saluted, recognised and valued. I am sure that they will understand that together with that respect for them and their place in the industry is a natural desire on the part of the Government to encourage the industry to facilitate the transfer of this technology to as many skilled Australian craftsmen as possible so that Australian technicians will be capable of servicing this industry in the future.

The issue of technological development in the pearling industry is a recurring theme throughout the history of this industry. With the arrival of new techniques, pearling people have been faced with both advantages and disadvantages. They have improved ways of recovering the pearl shell from the wild, leading to a depletion of stocks; this led to a real concern that the large pearl oyster, *Pinctata maxima*, would become an endangered species and may not be sufficiently prolific to sustain the industry in the future. Naturally enough, the industry started to turn its attention to finding ways of producing pearl shell without simply relying on hunting and gathering in the oceans, and the attention turned to the hatchery process. Advances are clearly under way in that area, but with that advance comes a real risk, that of too great a success in the production of pearl oysters. It could be suggested that the pearl oyster could be produced in the hatchery process in the future in such an economic and successful way as to dramatically impact upon the capacity of the industry to produce vast quantities of pearls. That is not a prospect at the moment. Neither in Australia nor, I understand, in other parts of the world are hatcheries currently producing pearl oyster at a price comparable with the cost of harvesting them from the ocean beds.

So a new dimension must be considered in relation to technological developments in this industry; that is, a concern about the fluctuation of the market price as a result of increased supplies. Certainly the technological advances that the Japanese have developed in the operation process - in the handling of the shell, and so on - is seeing much greater productivity from each pearl shell and better produce coming out of the pearl oysters of the north west. That has led to an increased supply which is finding its way onto the markets of the world, not through any accidental process but through the industry, with very skilful leadership, finding methods of marketing that produce to guarantee its arrival throughout the world, placing it well and guaranteeing a reliable supply with a stable and gradually increasing price.

One of my great moments as a member of Parliament was experienced in the very early part

of my period in office. In 1983 I had the opportunity to go to London and see at first hand the Central Selling Organisation. At the invitation of Mr Nick Oppenheimer and one of his uncles I went into the De Beers headquarters in the Central Selling Organisation and was shown through floor after floor of vast quantities of diamonds that had been accumulated from diamond mines in various parts of the world. Floor after floor, room after room and table after table were filled with the diamonds of the world. I suppose that, coming from the Labor Party and with a sensitivity to the notion of cartels, I had a naturally suspicious instinct about what I was seeing. However, I was led to a reassessment of my position as I realised that here was a rare commodity, yet by the fluctuations of discoveries in the diamond mines of the world we could see the flood onto the market at any time of vast quantities of diamonds which could have taken out the value of that industry. The Central Selling Organisation made available to the diamond industry of the world an orderly marketing process. Members should try to find another name for a process that initially seems offensive and suddenly one realises it is a sensible strategy for guaranteeing an industry.

Hon D.J. Wordsworth: We had one in the wool industry, actually.

Hon TOM STEPHENS: I can understand the parallels in other industries, but the difference with these two commodities of diamonds and pearls is that they are commodities which, at this stage, have value because of their preciousness and rarity as well as their natural beauty. I think the pearl producers of Western Australia have recognised that their product is a special product. It is not just a typical pearl, it is not just any pearl that the pearl producers have produced in this State, and that is a point Hon David Wordsworth may be interested to learn about. For a combination of reasons, many of which are not fully understood, the produce of the oysters of Western Australia is a particularly valued product because of its lustre, its colour, and certainly its size. It is able to compete with pearls throughout the world and beat them in the competition for the most attractive produce by anyone's yardstick. In that context, we are faced with the issue of hatcheries.

The Director of Fisheries will know that I am drawing heavily on comments from some of the people in the industry to whom I listened to as recently as last week, but I have had the opportunity to listen to others, and I am thinking particularly of Mr George Kailis as he expounded his views last week on what makes the industry anxious about the development of the hatchery process. The Kailis family has had a significant role in the development of the pearling industry. More significant, by anyone's measure, is the involvement of the Paspaley family. The involvement of Mr Nick Paspaley senior, who died during this decade, and now the involvement of his son, Mr Nick Paspaley junior, has led to people being educated in the industry. I suspect their expertise has educated not only newcomers to the industry like myself but also the Director of Fisheries as he appreciates the complexities of this industry and of the market process. Mr Paspaley junior has realised that the orderly marketing of pearls is very important to the future of the industry and, working in collaboration with the major Japanese distributors of pearl produce throughout the world, new marketing techniques have been developed, including the auction process that took place last year in Darwin -

Hon D.J. Wordsworth: Why Darwin?

Hon TOM STEPHENS: - where, in a matter of a couple of days \$40 million worth of the pearl produce of Western Australia was auctioned to the pearl buyers of the world. As recently as last week a similar auction was held in Japan to ensure the arrival of sufficient quantities of pearls to satisfy the needs of consumers of the product worldwide. Hon David Wordsworth has asked, "Why Darwin?" Indeed, why Darwin? That is a question that has been asked very loudly by people such as the Director of Fisheries, the Western Australian Government, members of Parliament who represent the pearling areas of this State, and the townspeople of Broome. The pressure is on for the industry to find ways of ensuring that at the earliest possible opportunity a pearl auction is held in Western Australia, ideally in Broome. With the facilities that are in place, Broome is quickly becoming capable of holding an auction. Unfortunately we are not yet ready for that, primarily because we need increased international air flight access for the high-flying pearl buyers of the world to be attracted in and to be able to get out of Australia - hopefully with large quantities of the product in their bags.

Hon D.J. Wordsworth: Are they not apprehensive about the Government of Western Australia?

Hon TOM STEPHENS: Unfortunately for the member, that is not their fear. Please do not allow me to be distracted from the residual points I wish to make.

We need to recognise not only the complexities of the species and the way it has suffered mortality problems in the shell, which problem now seems to have been significantly reduced, but also other aspects of the industry such as the development of the hatchery process. The recommendation of the industry on the hatchery process would lead to the continuation of a strategy of limiting entry to the industry. In 1987, we had 11 participants in the pearl industry, and currently we have 13. The pearl producers argue to the Government, through the Director of Fisheries, that we have reached the stage where we need to continue containment of the industry to manage the production of pearls and to contain the hatchery process so that the produce is utilised by those persons currently within the industry.

When enacted, this Bill will provide for the Director of Fisheries to establish guidelines that will be worked out by the department in collaboration and consultation with the Pearl Producers Association. The guidelines will determine the way hatchery licences will be issued. Preliminary discussions were held last week in Broome. Clearly, more drafts need to be produced, more debate held, and more viewpoints listened to before the Government arrives at the final guidelines to be utilised for the control of the hatchery process. I hope that in the context of being able to trigger images, for the members of this House, of historical problems the industry has faced and some of the dangers that are now before the industry, that members will appreciate the sensitivity of working through sensible decisions and guidelines in controlling the growth of the hatchery process in future.

Before completing my contribution in support of the Bill, I wish to salute some of the people who have been associated with the pearl industry. I have mentioned the historical involvement of the Aboriginal people. In Broome we have witnessed the spread and mixture of nations - not only the Japanese technicians, but also the Malays, the Chinese, the Filipinos and other nationalities who have worked strenuously in the industry to deliver it to the point where its produce is currently valued at \$120 million a year. Perhaps next year we will reach even greater heights of cash value. It is a sizeable industry by anyone's standards. It is produced from the waters of Western Australia by the efforts of a whole variety of workers and particular families. I salute Kim Male, and his father, Sam Male, for their historical involvement in the industry. I have already mentioned the Paspaley family. I should mention the Browns of Cygnet Bay. Currently, new families have found significant roles in the industry.

Hon Peter Foss: What about the Morgans?

Hon TOM STEPHENS: And Captain Gregory and Mrs Dakas.

Hon Mark Nevill: The McDaniells!

Hon TOM STEPHENS: Yes. A whole range of families have been participants in the extended industry over a long period. I must mention the involvement of Hiroshi Hamaguchi and his wife, Pearl, their sons, and their workers, who have a small quota. They are vigorously throwing themselves into the industry. On many occasions I have had the opportunity of sitting with them near to their family home in Broome under their mango tree, with Hama and his wife bringing out the annual produce and looking at the vast display.

Hon P.H. Lockyer: With the full orchestra playing!

The PRESIDENT: Order!

Hon TOM STEPHENS: Hon Phil Lockyer does not need to remind me how romantic the industry is. It is an industry that I find both romantic and attractive, and one which has a great future. One of the difficulties about its attractiveness is the danger of perhaps too much attention from a variety of people associated in the overview of the industry. I recognise that the industry, and the Pearl Producers Association, has had to labour under the observation of the Federal Government and its myriad departments.

[Leave granted for the member's time to be extended.]

Hon TOM STEPHENS: I thank Hon Phil Lockyer for his loud "Aye". I would have been able to finish my comments earlier except for his interjections. I know that they were in good fun and supportive of the Bill and the joint collaboration on the issue.

Many families associated with the industry deserve to be saluted. I also salute the Fisheries Department. When I was in Opposition I used to look from a distance at that department and wonder. I would also look across at a distance at the director of the department and wonder. He had a widespread reputation as a very hard man and a tough cookie. I used to wonder how he earned that reputation, and why. After eight years in office as a member of Parliament I am able to view his work and that of his department in the pearl industry. In the context of the Bill before us, I salute the director for his work and for the ongoing work of his departmental officers. They have worked in close collaboration with a range of personalities within the industry and, by and large, as evidenced by the good fellowship at meetings of the industry in Broome, an extremely happy rapport exists between all elements of the industry and the supervisory Fisheries Department. Mr Bernard Bowen has served as head of the Fisheries Department for a long time. That association is drawing to a close because he is approaching, surprisingly, his retirement. In that context this Bill is one of the precious jewels in his crown. He is a man who has delivered public service to Western Australia and has ensured not only the orderly administration and development of this industry, but also the development of legislation such as that under consideration. This will take the industry from strength to strength. Of course, Mr Bowen would be the first to admit that he has had the opportunity of working with enthusiastic Ministers in a Government which has been prepared to work vigorously for the development of this industry. In that process I recognise the efforts of Hon Julian Grill in developing a close interest in this industry and working to ensure that its best interests were served by the way in which the Government listened and responded to the needs of the industry.

My friend and colleague, the former member for North Province, Hon Peter Dowding, also had a great love of the pearling industry. During the period that he was a member of this House, and while he was Premier, his interest never waned. On his visits to Japan he took the opportunity of calling on people like Mr Kuribayashi, who has had a long association with this industry, and he attempted to learn more about Japanese participation in the industry and find ways of working in tandem with the Japanese to advance the industry. He worked to ensure that the people of both nations benefited from advances of the pearling industry in Western Australia.

I welcome this Bill which is not in itself the final word on the administration of the pearling industry. It provides for guidelines through which issues can be resolved. The Bill provides the framework within which the pearling industry of Western Australia can go from strength to strength, and, therefore, I have no hesitation in supporting the legislation.

HON MARK NEVILL (Mining and Pastoral) [8.03 pm]: Although I support the Bill, I will not wax as lyrical as did Hon Tom Stephens. I have had a long association with the north of the State having lived in the Kimberley for a number of years in the 1960s and 1970s, and I spent time in Broome living in Chinatown. It was one night after a rather heavy session that I saw the phantom lugger come into Broome, an old story which I still do not find difficult to believe to this day. Earlier that night we were talking about stories associated with the Broome pearling industry and anyone who has been associated with that industry would be aware of the superstitions and myths surrounding it. I remember on that night seeing a lugger light and hearing the anchor chain being lowered as it anchored. Of course the tide went out that night and there was no way that the boat could go back out to sea. However, no boat was there in the morning, and I was told the night before that it was the phantom lugger. I do not know how it was done, but I remain convinced that it happened.

I read the debate on the 1912 passage of the Pearling Act and it seemed that the main purpose of that legislation was to raise revenue for law and order in the Broome area. More revenue was raised in the Shark Bay area than in Broome at that time. Although people believe that the pearling industry is glamorous, it was rather seedy and involved the exploitation of Aboriginal women from the Dampier land peninsula. All odds and sods of people from around Australia were drawn together in this industry along with the indentured labour. This labour was brought in from Malaysia, "Manila-men" from the Philippines and Kupangers from what is now Indonesian Timor, to tender the boats. Many of the divers were Japanese and many of the cooks were Chinese. So, Broome comprised a polyglot society. At that stage something like 95 per cent of people involved in the industry were indentured labour from Asian countries, with only 250 white people working in the industry.

When examining the debate on the 1912 Bill, the less palatable views can be seen. Very racist views were harboured during those times about the indentured labour, and those views were reflected in the debate. A former member of this House referred to Asians from Broome as the "worst class", and that was fairly typical of the Australian attitude towards Asians during that period.

That Bill did not mention anything about occupational health and safety in the industry. Hon Phil Lockyer referred to the deaths. In fact, in the five years before the 1912 legislation was introduced 60 divers - mostly Japanese - died of the bends, or paralysis as it was then called. That represents one a month, yet there was little mention of safe working conditions for those divers in the original Bill. The focus of the legislation has changed over the subsequent 80 years.

The mainstay of the industry up until the 1960s - the time I lived in Broome - was the pearl shell. I doubt whether the pearls made up any more than 20 per cent of the income of the pearling industry. As indicated in the Bill before the House, the focus has shifted to cultured pearls.

It was mentioned by Hon Tom Stephens that the lovely pearls he brought to the Chamber tonight were going to Melbourne for a display. I can guess where they were going; I was contemplating a trip to Melbourne if I could obtain leave because Bizet's opera *The Pearl Fishers* is to be performed in Melbourne in a week or so. I gather that the pearls will be displayed there.

Hon Tom Stephens: They could well be.

Hon MARK NEVILL: However, the way in which our sittings stretch out at this time of the year, I can forget that trip.

I saw this Bill about a year ago as an amendment to the Fisheries Act and I made a few comments on its drafting, and this Bill is a pleasing improvement in that regard. I have very different ideas about how legislation should be drafted and the language that should be used, but I would like to compliment the parliamentary draftsman and the Fisheries Department on this Bill. It is well set out and is a big improvement on the draft that was available a year ago.

I will not comment on the different committees and licenses that will be established under the Bill as they have been adequately covered by previous speakers. The Bill as we see it now is vastly different from what we had before. A lot of the colour of the north was reflected in that previous Bill, particularly in things like licensed beachcombers, for which no provision is now made. I can remember many of the beachcombers in Broome, and I have written a manuscript on the life of Father John Maguire, a Catholic priest who spent many years at Beagle Bay Mission and then 20 years with the Balgo Aboriginal Community. The manuscript relates to the story of Diamond Jack, who found the Dutch flying boats, the Catalinas, in Carnot Bay and allegedly recovered the diamonds. Father Maguire asked him on his death bed what really happened to the diamonds. The answer is in the manuscript so I will not let out any secrets.

Hon Peter Foss: We should be able to fund Parliament with commercial spots.

Hon Tom Stephens: I hope Mallesons charge for your commercials.

Hon MARK NEVILL: I do not intend to publish the manuscript, but I will lodge it with the Battye Library. I am now working on another project which could be of wider interest.

Hon Phil Lockyer said that the penalties were excessive. I do not believe they are. In comparison with penalties provided for in some other legislation like the Companies Code they might appear excessive, but that is perhaps because the penalties in other legislation are not high enough. I support the penalties in this Bill. We have only one fisheries officer in Broome, or we did have; the number may have increased in recent years. The pearling industry is a very difficult industry for an inspector to cover. It relies on trust among the producers and growers. The fisheries officer must have been tied up with the numerous Indonesian boats coming into Australian waters in recent years. That person's capacity to get around is also limited by the long coastline. I do not know how the Fisheries Department would adequately patrol that area unless it had half a dozen boats along the coastline, and as many fisheries inspectors, or it had patrol boats that could be launched off the beaches.

These boats would have to be towed by four wheel drive vehicles in order to police this industry. However, the industry relies on trust and it is very difficult to police. I do not believe the industry can support more than one or two inspectors, and because of the need for that element of trust, people who breach that trust should be hit between the eyes.

Hon P.H. Lockyer: I didn't say the penalties were excessive; I said they were many and varied.

Hon MARK NEVILL: I hope that I did not give that impression, but the member did ask the Minister to justify them. I will rephrase that and say that the penalties are needed.

Hon P.H. Lockyer: I do not disagree with you.

Hon MARK NEVILL: It is a massive coastline and the pearling industry is fairly spread-eagled. I do not pretend to know all the sites - that is, disregarding Shark Bay - but they go from Broome and the old Port Smith pearling station up to Kuri Bay. That is a massive area to cover. There are many islands, and anyone who raids other people's farms could do it fairly easily, particularly during the wet season. I do not pretend to be all that well informed about the pearling industry in recent years. Like Hon Phil Lockyer, I gained the Kimberley in my electorate in the last year or so and I do not have the luxury of getting up there as often as some other members.

I am concerned about the long term prospects of the pearling industry. I can easily envisage other countries in South East Asia developing a cultured pearl industry and giving real competition, so I hope the Fisheries Department, in conjunction with the licensees, keeps up its research and development programs. That will ensure the development of hatcheries, so that we do not rely entirely on wild stocks, which provide physical limits on the number of pearls we can produce. Unlike most other jewellery, which cannot be produced continuously - semi-precious stones can be mined only once - pearls can be produced year in and year out. The 1989-90 annual report of the Fisheries Department indicates that the value of the industry to the State was then \$65 million, and Hon Tom Stephens has stated that it was approximately \$120 million last financial year. Members can imagine the contribution the industry is making to this State and to the fishing industry. If the pearling industry is to make the sort of contribution that it has made in the past five or 10 years, research and development efforts must be kept up to ensure that we have a very efficient industry that can produce pearls competitively.

We have a downstream processing industry that has been developing and tonight we saw examples of jewellery from Linneys, which has a shop in Broome and one in Subiaco. It is absolutely beautiful work. The pearl industry appears to be one of the few vertically integrated industries we have, but it is not immune from competition and it will not enjoy the relative good fortune that it has at the moment unless that effort is kept up.

I congratulate the Fisheries Department on its annual report; which has improved over recent years. This year's report has not been tabled, but last year's report gives a good outline of what has been happening in the cultured pearl industry. The annual report states that 13 licensed companies take over 400 000 oysters from the area between the Lacepede Islands near Cape Leveque and Exmouth Gulf. Two pearl producers in Shark Bay are licensed.

As I said before, the value of production in 1988-89 totalled \$65 million, which was a particularly good season. The report states that there is little evidence of the mortality problem that the industry experienced in the previous few years; I recall it was of great concern. The report also states that the State and Federal fisheries departments have reached agreement on a test fishing program in a development zone off the northern Kimberley coast into which they are allowing selective participants to take a maximum of up to 7 500 pearl oysters each. In that way they are exploring the capacity of the area to support a bigger industry and doing that fairly carefully. Also in 1988-89, two new companies were granted entrance into the limited entry pearl fishery and they were given a quota of 10 000 pearl oysters each. The catch rate of culture shell during that period was 30 per cent higher in 1988-89 than in 1987, which shows the industry is quite healthy. Most of that catch was taken from the deeper water areas off Eighty Mile Beach away from the traditional grounds.

The report states that the pearl culture research projects were particularly successful. A series of good spawnings were achieved and approximately 40 000 spat were produced. I have covered only a few points in the report, but it is a good synopsis of what is happening in

that industry. I recommend that members read the 1989-90 report when it is tabled in the next fortnight.

I think I have said enough. I compliment the Fisheries Department for its management of the pearl fishery and also, as Hon Tom Stephens said, Hon Julian Grill, who was Minister for Fisheries during a critical period. With the department, he made a significant contribution to ensuring that the industry was developed in a sustainable way. This is one industry which has demonstrated that if it is deregulated it would probably be worthless. We have only to consider the history of the pearl industry in the early years when there were no limits on the number of boats to see how areas were quickly fished out and the industry collapsed. In many areas, particularly in fisheries, the only good solid long term industries are those which are regulated or, to use a euphemism, managed. The healthy future of the pearl industry will depend on good management. I believe that the Fisheries Department in this State has a greater capacity than any other to provide that management skill.

I have much pleasure in supporting the Pearling Bill.

HON GRAHAM EDWARDS (North Metropolitan - Minister for Police) [8.25 pm]: I thank members on both sides of the House for their contributions to the debate. I had to go back to my second reading speech to see what was in there that had engendered such a debate. In listening to many of the romantic stories, I was taken back to my childhood and thought I was listening to one of those great books about the north west by Ion Idriess called, *The Nor'-westers*. He told magical and remarkable stories about the pearling industry. The one that was most notable in my memory was the one about the bloke who came back from a pearling trip and hid his pearls before he went on a bender for five days and who, upon returning, could not find his pearls. It is understood that those pearls are still buried in the bush somewhere near Broome. I understand the matters that have engendered the debate. The three members who spoke in the debate made interesting and informative contributions.

Hon Philip Lockyer referred to the research and development fund. The major fee will relate to the pearling licence and be based on the quota for each pearl farmer. The current proposition being considered is for a fee of \$1 per pearl oyster quota. The total pearl oyster quota is approximately 500 000; thus, it is likely that \$500 000 will be raised annually for the trust account.

The possibility of the director not renewing licences, leases or permits under clause 27(4) of the Bill is remote. That clause is included to provide flexibility of administration if it is required. The director would act in accordance with any guidelines issued by the Minister under clause 24. Any person can appeal to the Minister, and this would put a stay on any decision of the director. The method of considering the appeal is set down in clause 33 and especially in subclauses (4) to (9).

A decision of the Minister is final. The 21 year licences referred to by Hon Philip Lockyer are for farm leases only. Foreign ownership will be dealt with under the ministerial guidelines, which have not yet been finalised. Discussions have been held with the industry and they will be finalised during the first half of 1991.

Fisheries officers will be trained in the requirements of the pearling industry. A number of the current fisheries officers have had many years experience in the pearling industry. Any new persons appointed to the Broome area will be trained in the pearling requirements and activities of the area.

The advisory committee will continue to be dominated by the industry. Currently, 10 members comprise the advisory committee, including one Fisheries Department representative, a representative of the Commonwealth department of fisheries, six industry representatives, and two additional people with specialist skills appointed by the Minister. As I said, the body is totally industry dominated and it is not envisaged that there will be great changes to that. I think the only change will come from people wanting to see the Commonwealth not being involved in the industry.

I thought some mention would be made of the penalties. In general, they reflect the fact that the control of quotas in the pearling industry is extremely difficult. For example, while out at sea people pick up pearl oysters and take them back to their farm and they stay under the water all the time. It is difficult to police and it is essential there be realistic and heavy penalties to reflect the difficulties of policing and to ensure that if people think about trying

to rot the system they might think twice about it. The high penalties will prevent people from outside the industry attempting to illegally take pearl oysters or involve themselves in pearl production. The smaller penalties are for industry misdemeanours and are not associated with the quotas.

I have attempted to deal in detail with those matters which were raised in the course of the second reading debate to prevent the necessity for a long Committee debate. Again, I thank members for their contribution to the debate and, as I said earlier, it has been a very informative and excellent debate.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon J.M. Brown) in the Chair; Hon Graham Edwards (Minister for Police) in charge of the Bill.

Clause 1: Short title -

Hon P.H. LOCKYER: I take this opportunity to thank the Minister for his comprehensive answers to questions raised in the second reading debate. Most of the questions I raised have been answered, but there are one or two which I will raise during the Committee stage.

Clause put and passed.

Clauses 2 to 12 put and passed.

Clause 13: Pearl diver's licence -

Hon P.H. LOCKYER: This clause states that a person shall not dive while carrying out pearling or hatchery activities in Western Australian waters unless he holds a pearl diver's licence. What qualifications are required for a pearl diver's licence? Does that person need to be a professional diver with qualifications similar to those divers who clean the bottom of ships? What course is available and is there an apprenticeship scheme within the pearling industry?

Hon GRAHAM EDWARDS: The applicant must have passed a medical to the Australian standard and also he must be a diver who has met the standards set down by a set of rules established by the Pearl Producers Association.

Clause put and passed.

Clause 14: Pearl boat licence -

Hon P.H. LOCKYER: This clause states that a person shall not use a boat to carry out pearling or hatchery activities in Western Australian waters, except on a pearl oyster farm, unless he has a pearl boat licence. I take it that the boat licence is the normal licence which applies to anybody who operates a licensed fishing boat.

Hon Graham Edwards: That is correct.

Clause put and passed.

Clause 15: Pearl boat master's licence -

Hon P.H. LOCKYER: What is the difference between a pearl boat master's licence and a licence obtained by a person to operate a normal fishing boat? I cannot see the point of having a special licence marked "pearl" when the person concerned will be required to have the necessary licence.

Hon GRAHAM EDWARDS: The person must have special knowledge of safe diving techniques and he must fulfil the requirements of the log book relating to the quota system.

Clause put and passed.

Clause 16 put and passed.

Clause 17: Exclusion of persons from pearl oyster farm -

Hon P.H. LOCKYER: It is my understanding that the holder of a farm lease may apply to the executive director to keep people off his lease for one reason or another. There must be a reason to include this clause in the legislation. My understanding is that it is purely to protect the investment of the holder of a farm lease.

Hon Graham Edwards: That is correct.

Clause put and passed.

Clauses 18 and 19 put and passed.

Clause 20: Interference with pearling or hatchery activities -

Hon P.H. LOCKYER: A person who contravenes this clause will be subject to a \$2 000 penalty. What happens if a person completely wrecks a pearl oyster farm and puts it out of business? He may cause \$100 000 worth of damage in a short time and he will be fined only \$2 000. It was explained in the Minister's second reading speech that previously a penalty of \$50 000 for taking too much pearl oyster spat applied. The difference in the penalties is far too great. For instance, the penalty in the previous clause was \$10 000. The penalties vary quite considerably and an amount of \$2 000 in this case seems too low.

Hon GRAHAM EDWARDS: This clause relates more to a situation in which a person in a power boat may harass a person diving for pearls. In the case described by Hon Phil Lockyer the police could take action, and this clause does not specifically cater for that type of incident. People would have recourse to existing law in that situation.

Clause put and passed.

Clause 21: Undersized and oversized pearl oysters not to be taken -

Hon P.H. LOCKYER: The penalty in this clause is \$5 000. I suppose advice was taken from Crown Law Department to determine how serious these matters are. If a person takes undersized or oversized oysters illegally he is liable to a penalty of \$5 000, yet if a person prevents pearling or hatchery activities or hinders or interferes with such activities he is liable to a fine of \$2 000. How were the penalties arrived at?

Hon GRAHAM EDWARDS: There is no doubt about the variance in the penalties set out in the clauses, but these penalties were judged to be appropriate by the department which has years of experience in the industry. If it is found that the penalties are not sufficient, they can be amended. The important point is that they are in place and are based on the best judgment of the department.

Clause put and passed.

Clause 22: Applications for farm leases, licences and permits -

Hon P.H. LOCKYER: I take it that the requirement for approval by the executive director when transferring a lease is merely a formality that in most cases will simply be a question of stamping the form. Presumably this clause is a safeguard relating to, say, foreign investors and people who may not be acceptable to the industry, and is designed to protect the industry.

Hon Graham Edwards: That is correct.

Clause put and passed.

Clauses 23 to 34 put and passed.

Clause 35: Inspectors -

Hon P.H. LOCKYER: I was concerned about the training given to inspectors. The Minister has reassured me that inspectors in this area are highly trained, and I accept that.

Clause put and passed.

Clause 36 put and passed.

Clause 37: Transporting of inspectors on pearling boats -

Hon P.H. LOCKYER: This seems a fairly dictatorial clause and it appears that inspectors can take over a pearling boat for some reason or another. Is this rather stern clause designed in that way for any particular reason?

Hon GRAHAM EDWARDS: In some respects it is a stern clause. However, all these matters are conducted at sea and it is necessary to provide that power to ensure that the inspector is able to carry out his duties.

Clause put and passed.

Clause 38 put and passed.

Clause 39: Composition of Committee -

Hon P.H. LOCKYER: I take on board the Minister's comments in the second reading debate, and emphasise that it is most important that industry representatives are included on the committee. I am confident that the Minister will ensure that is the case. As the industry has been so cooperative in the formation of this legislation, it deserves to be represented on the committee.

Clause put and passed.

Clauses 40 to 64 put and passed.

Clause 65: Review of Act -

Hon P.H. LOCKYER: The provisions of this clause are not clear and I ask the Minister to explain them.

Hon GRAHAM EDWARDS: I am advised that the clause requires the Act to be reviewed after it has been in operation for five years, and it sets out the matters to be addressed in the review report. Of course, that report will be tabled in Parliament.

Clause put and passed.

Schedules 1 and 2 put and passed.

Schedule 3 -

Hon GRAHAM EDWARDS: I move -

Page 48, line 38 - To delete "or hatchery licence" in clause 5 and substitute the following -

, hatchery licence or pearl boat licence

Hon P.H. LOCKYER: We agree with this arrangement as it obviously merely involves correction of an oversight.

Amendment put and passed.

Schedule, as amended, put and passed.

Title put and passed.

Bill reported, with an amendment.

LAND AMENDMENT BILL

Second Reading

Debate resumed from 28 August.

HON KAY HALLAHAN (East Metropolitan - Minister for Lands) [8.52 pm]: The Government does not support this Opposition Bill introduced by Hon Barry House. Last week the Government announced its proposals for pastoral land tenure. It believes that the ideas it is putting forward are superior and will result in legislation which is more generally acceptable to both the pastoral industry and the wider community of Western Australia and will provide the security of tenure which pastoralists need.

The pastoral industry is important and covers vast areas of the State. It requires tenure legislation which provides security and a capability to negotiate with financial institutions. The Government's proposed legislation provides for those two necessities and for a number of other measures. The Bill before the House tonight is based on the 1988 Henderson Bill with a number of amendments to become the House Bill of 1990. In December 1988 the Pastoralists and Graziers Association prevailed upon the Minister to not proceed with the Bill because it held strong reservations about it. The request was acceded to by the Government.

Since December 1988 growing concern has arisen about the need to provide secure tenure for the pastoral industry. Members would know that in the year 2015 the fixed term leases now applying to the pastoral industry will expire. Therefore, within the next few years we must find a way in which to provide for the future of this industry. Other interests are also

involved. Considerable concern has been expressed about the condition of rangelands and the need for provisions that look after the needs of the pastoral industry and ensure it remains a viable industry, while at the same time encouraging land care by that industry to prevent circumstances arising under which land degradation would occur, and to have mechanisms in place which will allow for monitoring and incentives for care of the rangelands.

These matters have been to the forefront of the Government's thinking in relation to this matter, bearing in mind that we are talking about 37 per cent of the land mass of Western Australia or 920 000 square kilometres of land. This matter has occupied the attention of the Government for a considerable time and much consultation has taken place regarding it since early 1989. As a result of that consultation the Government announced its proposals last week after the Kalgoorlie Cabinet meeting. Letters have been written to every pastoralist outlining the proposals. The Government is engaged in a series of meetings and an exchange of letters between my office and pastoral associations. I have no doubt that when pastoralists have time to consider their correspondence, responses will come from them in writing. A level of agreement is developing around the Government's proposals. Two or three sticking points exist which require further discussion and perhaps clarification and understanding, but the debate taking place is productive.

Hon Barry House: That is different from what I have heard.

Hon KAY HALLAHAN: I can report to the House only what I know to be a fact from my face to face exchanges with people, telephone conversations and correspondence. I will not go into detail about these matters as it may be more appropriate to do that during debate on the Government's Bill. Members would understand that the Government believes it has a Bill which will provide for the industry. The Bill reflects the concern of pastoralists about the care of rangelands. We cannot please the majority of people in any industry or group. I said to one of the groups which I met with today that often we pass legislation to establish behaviours or provide incentives for the minority of people who do not act responsibly.

The main features of the Government's proposed Bill are -

1. Subject to the approval of the Minister for Lands, the tenure of existing leases, which expire in the year 2015, may be converted to a 50 year rolling term. The Minister will, in the last year of each 15 year period of that term, extend the lease by a further 15 years, subject to assessment of the condition of the land and compliance with lease conditions. Never again will a pastoralist have less than 35 years, at the very least, remaining of the lease.
2. Removal of the existing statutory area limitation of 500 000 hectares that may be held by a pastoral lessee either directly or beneficially, subject to the Minister for Lands retaining discretion, in consultation with the Pastoral Board, to limit land-holdings where they are deemed to be against the public interest.
3. The Minister for Lands to approve transfer of leases as applies currently; however, this will be varied to provide that the Minister's approval will not be unreasonably withheld.
4. Requirement to maintain minimum stock levels will be removed.
5. Requirement to establish approvals on a lease, unless required by other Statutes, will be removed. As a consequence, the submission of five year development plans will no longer be necessary.
6. Replacement of the existing forfeiture of pastoral leases for breach of conditions with a system of resumption and compensation for pastoral value of the resumed lease.
7. The Soil Conservation Commissioner to consult with the Pastoral Board, in the exercise of his powers under the Soil and Land Conservation Act, in relation to the service of soil conservation notices, but without limiting the commissioner's independent powers under the Act. The Soil and Land Conservation Act will be confirmed as having precedence over the Land Act.
8. Pastoralists will be permitted to develop areas of the lease for crop, fodder or horticultural production to enhance the carrying capacity of the land.
9. Pastoralists will be permitted to develop limited facilities and amenities for tourism

and the grazing and production of animals other than sheep and cattle, subject to approval.

10. Where either agricultural or tourism developments of this nature are contemplated as a commercial venture, an excision from the pastoral lease will be required and a special lease issued.
11. The membership of the Pastoral Board will be increased from five to seven members, with one additional member to be drawn from the pastoral industry and one to be a Government official with appropriate conservation qualifications.
12. Power to make regulations to ensure that land held under pastoral leases is well managed and used prudently so that the renewable resource is sustained.
13. Provide for a clear definition of the right of access by Aboriginal people with traditional or residential affiliation to an area comprising all or a portion of a pastoral lease. Pastoral lessees will have the right to object to any such access application, with the final determination to be made by the Minister for Lands. The basic arrangement to be adopted has been in operation in the Northern Territory for over 20 years.
14. Leases in the South West Land Division will not be transferred to new tenure but will either be transferred to more appropriate tenure or expire in the year 2015.
15. Monetary penalties imposed in the 1988 Bill will be retained in the new legislation.
16. The rental re-appraisal provisions will not be varied in the proposed legislation, and the rental review of all pastoral leases scheduled for 1 July 1991 will proceed under the current statutory provisions. However, proposals for a new Land Administration Act - a rewrite of the present Land Act - are well advanced, and the system of assessing all Crown lease rentals is to be reviewed in the overall examination of Crown land administration. Members and the industry will be advised of that in due course.

The Government's proposals are the result of much consideration and negotiation, and will provide the industry with certainty.

In respect of financial arrangements, we have in writing the R & I Bank's response. I understand that one financial institution indicated on a radio program either today or yesterday that the proposals were not suitable to it. However, its spokesperson clearly misunderstood the proposed provisions, and tomorrow I will clarify that with the institution concerned. Hopefully, financial institutions will understand the Government's proposals and not make comments which give members of the industry cause for concern. I ask Government members to vote against this Bill, and oppose the second reading.

HON P.H. LOCKYER (Mining and Pastoral) [9.05 pm]: I support the introduction of this Bill, and congratulate Hon Barry House for taking this chance. I am not surprised by the Minister's attitude because it provides a clear example that the Government is treating pastoralists as total idiots. In 1983 and 1984, Premier Brian Burke told the pastoral industry that he would provide perpetual tenure and would introduce a Bill that would meet with its satisfaction. Successive Ministers for Lands have dragged the chain so slowly and so hard that the pastoral industry has ended up with nothing. Pastoralists, being the well meaning gentlemen and ladies that they are, have always tried to do the right thing by Ministers.

This Minister went to Gascoyne Junction to meet with pastoralists, gave them all a pat on the back, and was polite to everybody, but has done nothing. The reason the Minister has only now told us about the Government's proposed Bill is that she has been dragged kicking and screaming and made to say something. Hon Barry House consistently questioned the Minister for weeks and weeks, until the other night she said finally that there was no possibility that she would introduce a Bill.

Hon Kay Hallahan: I did not say that.

Hon P.H. LOCKYER: The Minister has done some terrible things but she has never told me unmitigated lies.

Hon Kay Hallahan: I said it was unlikely.

Hon P.H. LOCKYER: I showed members of the pastoral industry a copy of *Hansard* and told them what the Minister said. She then decided to take something to Cabinet.

Hon Kay Hallahan: That is rubbish. You don't know what you're talking about.

Hon P.H. LOCKYER: I may know nothing else but I know about the pastoral industry. I was born and bred in that industry, and I am proud to represent it in this House.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! One member is speaking, and I am sure he will complete his remarks faster if he is heard in reasonable silence.

Hon P.H. LOCKYER: I am always a well mannered member in this House. I did not interject once on the Minister when she spoke and I do not expect her to be so bad mannered.

Hon Kay Hallahan: I was not rude about you. You are being rude about me.

Hon P.H. LOCKYER: I have not even started. I will dismember the Minister piece by piece and expose her for the weak Minister that she is. I will tell her what pastoralists think about her and what her Government has done in the last three or four years. The Minister's predecessors were just as bad. The Government's new found concerns about the pastoral industry are in response to a variety of greedy groups; not those people who consider what the pastoral industry has done for the State in the more than 100 years it has been in operation, but those who want to lock up everything; those people who have on the back of their car a sticker saying "No mining". However, when we ask them where does the metal come from to make the car, or where does the copper come from for the electric wiring, they have no idea, but they are happy to drive that car.

That is the sort of group the Minister has been talking to. They are like the members of the Wilderness Society who made the outlandish statement that 62 per cent of the Kimberley was non-viable. They do not take into consideration the fact that the Kimberley is going through its eighth year of drought. They want to lock up every pastoral property in the Murchison and the Gascoyne. If the Minister is intelligent, as I know she is, she would know that if the sheep and cattle were taken off the land -

Hon B.L. Jones interjected.

Hon P.H. LOCKYER: Hon Beryl Jones should not start, for God's sake! She knows nothing about the pastoral industry. I can tell the Minister what would happen if the sheep and cattle were taken off the land. The kangaroos would get in, together with the goats and all the other vermin, and they would take over. The Minister reckons the sheep and cattle do damage; she should wait until the vermin get in! She can explain that to her greenie mates. I put it to the Minister that the people best equipped to run the pastoral leases of this State are the pastoralists themselves, not the dill greenies, or the people who swing from the trees with their hairy armpits, their rimless glasses, their beards and their washing once a month.

Several members interjected.

Hon P.H. LOCKYER: I can tell the House what the position will be. The best people to run that area are those who have earned the export dollars for this country; the people who have provided the meat, the wool and the wealth of this great nation; not the people who go into the dole office every fortnight to get their money. The reason they get their money is because people like those in the pastoral industry provide this operation.

Hon B.L. Jones interjected.

Hon P.H. LOCKYER: I put it to the Minister that she has fiddled while Rome is burning. She has never had any intention of introducing a Bill which would be acceptable to the pastoral industry.

Let me tell the Minister about her Bill. She has tried the old method of divide and rule; of playing the Western Australian Farmers Federation against the Pastoralists and Grazers Association. She has picked up some other organisation which has sprung up because it got sick of both those organisations; but it will not work. I can tell the Minister what the pastoralists think. They do not like the legislation; they think it is an awful piece of legislation. They do not want it; they reckon the Minister has accepted far too much input from the conservation people and listened far too little to the pastoralists. That is what those people think. The Minister should not kid herself. The Minister should not try to kid us, because Mr Boulton rang us up this afternoon and told us that the Minister's Bill was stupid.

Hon B.L. Jones interjected.

Hon P.H. LOCKYER: We have been forced, as private members, to introduce a Bill in this House to try to give the pastoral industry some protection. Let me tell the Minister that the industry needs some protection at the moment. It is pretty tough out there. I do not know whether the Minister has ever lived on a station for a while, but it is tough, especially when the lighting plant will not work and one's wife has not been to town for months. All of a sudden the windmill which pumps the water for the garden runs dry, or one's husband comes to say that one cannot water the garden for a week because he needs the water for the stock. The Minister has never been through that. There are people who have been up there for three or four generations. They do not ask for much; all they want is a fair go.

A former Labor Premier of Western Australia said he would give them a better tenure. He did not deliver. His successors have not delivered. All of a sudden this Minister thinks she will deliver. Out of a batch of six loaves she will give these people one loaf. She will be told to stick it up her shirt! These people will wait for us to get into power. The Minister should not give me this rot that these people will accept her Bill because I have just come back from the Kimberley. The people up there are sick of being hammered by the Wilderness Society and every other little green group which knows absolutely nothing about the position. Most pastoralists want only to get on with their job.

The Minister talks about the degradation of pasture. She gives no credit whatsoever to the soil conservation groups which have appeared right across the pastoral industry. Members in the other place have established a Select Committee on land conservation, and they have recently visited a large proportion of the pastoral properties. I was talking to Monty House, the chairman of that committee, and he was shocked at the amount of work being done. The Minister does not take that into consideration. She takes the odd little flight to some obscure place once or twice a year and thinks she knows everything about the pastoral industry. She knows nothing.

Unless we provide the type of Bill which is now before the House, the industry will die. I do not know what the Minister will do when all of a sudden she is faced with enormous tracts of land with people walking off their properties. The person from the finance corporation whom she heard talk on the radio show is right. The Government Bill does not give these people anything. It gives them nowhere near the amount of security which banks want. Not at all. How will the Minister tell us that every 15 years the Government will turn their properties over - perhaps? The decision always rests with the Minister of the day. The Minister may be a decent person, and she may be happy to put those things through as the Minister. Future Ministers may not be like her; they might be like Hon Barry House when he is Minister for Lands.

Hon J.M. Berinson: It might be someone like Mr Moore.

Hon P.H. LOCKYER: One never knows. We might have a special seat for him or her because the once a month washing time may come around when Parliament is not sitting. I have seen the rent-a-crowds. I have seen that mob in the north west. Members have no idea. Fair dinkum; I can smell them a mile and a half off. They go to the same old places. I have seen some of them in Rockingham.

Hon B.L. Jones: I know some of those people and they are very highly respected.

Hon P.H. LOCKYER: I can tell the member how highly respected they are!

Several members interjected.

Hon P.H. LOCKYER: I was asked once, "What do you think of them?" and I said, "Send them a box of Rexona soap. Give them a good wash; that is what they need."

Hon B.L. Jones: I think that is despicable!

Hon P.H. LOCKYER: I do not care what the honourable member thinks. They are the scum of the earth and I cannot stand the sight of them. They never do any work; all they do is whinge. Where do they get their money from?

Hon E.J. Charlton: Do you know where they get their money from? Out of our pockets.

Hon P.H. LOCKYER: Overnight they become instant experts on the pastoral industry, and that gets right up my ribs.

My dear old mother used to deliver kids for the Aboriginal people up there. She is only one of hundreds of women out in the bush. Those people are second to none. They still do it. They have to be trained nurses and able to do everything in the bush. It is a very isolated place; anything can happen. They get not one ounce of credit; all they get is abuse. People go to meetings and see Ministers for Lands and they hear the Minister say, "We will consider it." I heard the Minister say a minute ago that letters will go out. The days are over for that. These people can hardly afford to put fuel in their cars to come to a meeting. They cannot afford any more. They have had just about the last drop screwed out of them. The Minister has stuffed them up. They are really in a bad state. They are as crapped off as I am.

I went to a meeting of the Pastoralists and Graziers Association the other day and I have never seen people so desperate. They have had enough. The Minister is not going to bring the Government's rotten Bill in and expect the pastoralists to accept it. They will not. The Minister should look at this Bill again. Hon Barry House has put up a very acceptable Bill. The only thing we have carved out of the Henderson Bill is the part which the pastoral industry simply does not want. The time has come to listen to some good sense. If nobody out in the bush is running those properties, I dread to think what will happen. The wool crisis and the meat crisis will not last forever; there will be fluctuations and it will come good again.

Several members interjected.

Hon P.H. LOCKYER: The member is right. Forty per cent of Australia's wealth comes from that industry. We need those people out in the bush. We do not need them to come into town to drive shire trucks. If they come to Perth they will hate it; all they will do is sit and look north. These are generations of people dedicated to that life. Their children come to boarding school and all they want to do is get back to help their mums and dads on their properties. Most of them will work for nothing. They are driving motor cars at 10 years of age. They do not want any sympathy; all they want is a fair go.

Everyone thinks these people represent the landed gentry. There are no landed gentry out there; it is tough work, hard going. They love the country, they look after it and they feel for it. Obviously on the odd occasion a pastoralist does the wrong thing and runs too much stock and so on. Somebody described himself as a bushman. One can put on white moleskins, boots, a blue shirt and a big hat and call oneself a bushman but one is not. Those who have been out there for three or four generations are the bushmen; they are the people who make this country. They are sick to death of hearing rot from Ministers who do not keep their promises. I urge members to support this Bill.

HON J.N. CALDWELL (Agricultural) [9.20 pm]: I am wondering how I will maintain the momentum generated by Hon Philip Lockyer.

Hon Doug Wenn: We hope you don't.

Hon J.N. CALDWELL: Hon Philip Lockyer put his point over very clearly, and I endorse many of the remarks he made. I have not had the pleasure and the honour of travelling through most of the area to which he referred, but I have lived in country areas all my life except for the last three or four years.

Hon E.J. Charlton: Since you have been on the Legislation Committee.

Hon J.N. CALDWELL: Yes, that seems to have taken up quite a bit of my time.

Hon J.M. Berinson: You can count that as an urban occupation.

Hon J.N. CALDWELL: I have only ever flown over much of the land Hon Philip Lockyer spoke about, and one does not get much of a look at it from the air. However, I can understand the problems pastoralists are facing at the moment, especially in today's economic climate which is hitting everybody in the agricultural and pastoral areas. Those people have wanted something done quickly for quite a long time. It is not as though they have been clamouring for only the last six months; they have done so for the last six or nine years.

Hon J.M. Brown: For the last 60 years.

Hon J.N. CALDWELL: Perhaps they have. Of course, when a person has to have his land reviewed every 15 years, as provided in the Minister's proposed Bill, there is no continuity

of tenure. It is almost as if one's home is up for grabs every 15 years. Big Brother is watching to see that one has done the right thing, and if one has not, the land will go to somebody else. It will not be somebody else in the pastoral industry, either; it will be a nomadic tribe, of which we do not have many left now. Most of them have come to Perth, unfortunately.

Hon J.M. Brown: You had better go up north and have a look.

Hon J.N. CALDWELL: Some of them are probably still there, and I hope they are encouraged to stay there. The other people who have a great and wonderful interest in this piece of land are those Hon Philip Lockyer described. They are the people who really have no interest in life except disrupting other people's lives because they work and earn an income for the country.

I believe this Bill is as good as it can be, because a great deal of consultation has been entered into with the people on that land. The Government has probably erred in the way it has brought to this House propositions about all aspects of land tenure. Much controversy seems to occur when a piece of land is discussed in this House. Everybody wants to hop on the band wagon and tear the proposition to pieces one way or another. I often feel that is because the Government of the day has not done its homework and consulted with the people who occupy the land in question. In this case it is not the people who have the freehold title but those who are occupying it under pastoral leases. It is absolutely imperative that this legislation, or legislation that is almost identical - which the Government's proposed Bill is not - is passed as soon as possible. If something is not done, it will not be long before no pastoralists at all remain out there. The owners will walk away from the land. The sheep, kangaroos, donkeys and wild pigs will still be there, and all the other animals, and their numbers will multiply because they will not be subject to the culling process now carried out by the people on the land.

Hon E.J. Charlton: Some of the goats will be there; the rest will be down here.

Hon J.N. CALDWELL: Those animals will do a great deal more damage than the present occupiers of the land will ever do. If the pastoral lessees are not allowed to stay - if economic circumstances dictate that they must leave the land - I can see the pastoral industry turning into a fiasco and the land becoming a dust bowl. That is exactly what we do not want, but it will happen if the culling process undertaken by the pastoralists ceases. I only hope that Government members will reconsider their attitude to this Bill, because it has been drafted as a result of consultation with the land-holders of that area. I know that in the past large companies have moved into those areas and have done damage because they have got out of the land all that they possibly could and then walked away, but the present lessees of the land are those who really should be allowed - indeed, encouraged - to stay. I support the Bill put forward by Hon Barry House.

HON N.F. MOORE (Mining and Pastoral) [9.26 pm]: I too support the Bill brought forward by Hon Barry House and I congratulate him and the Pastoralists and Graziers Association on their efforts in drafting the Bill. There are two important factors underlying this legislation and I will endeavour to explain those, perhaps in a less passionate way than did my colleague, Hon Philip Lockyer, but it will be no less heartfelt from my own point of view, as I have represented the pastoral areas for some 14 years now.

The bottom line is that something like 37 per cent of pastoral leasehold land in Western Australia is populated in most areas only because of the pastoral industry. Without that industry Western Australia would have vast tracts of land with no people or only occasional population growth with mining activities, which come and go. I remember places like Mt Magnet in 1975 and 1976 when the mines had closed down and the only industry which kept the town going was the pastoral industry. That is what it has done over the years. Many mining towns throughout the Murchison, the Gascoyne, the goldfields and the Kimberley have managed to keep going when the mines have closed down only because of the economic impact of the pastoral industry. If the pastoral industry is closed down large tracts of Western Australia will be uninhabited. I know people in the Wilderness Society and other greenie organisations who want just that. They want the place returned to its original state, if they could ever do that. For some reason they think the Earth is a place for creatures other than human beings. I wonder how they intend to survive, the way they are affecting industries in this country and in the world.

The pastoral industry provides export earnings for Australia at present - not very much I might add, because of the problems with wool in particular. However, like other primary producing industries it is an industry which is vital to the economy of Western Australia and Australia. For some funny reason we find pressure being applied to these industries from all sorts of directions at a time when we are desperate for export earnings. We have the ludicrous situation that at the beginning of next year we will start taxing the goldmining industry, one industry which is doing all right. We have the problems in the primary industry sector which have already been talked about by other members, but we are putting more and more pressure on pastoralists to make life more difficult for them. In the long run that will mean they will export less, at a time when we are all told - even by the Labor Party, even by the world's greatest Treasurer - that we need more export earnings; yet we are doing our very best to reduce our export earnings. It does not make sense. We should be improving the tenure of pastoralists in such a way they can remain productive well into the future.

I have not read the details of the Minister's proposed Bill and I suppose we will argue about that when it comes to this place, but the little I have heard about it does not measure up to the problem; I perceive that people want the same sort of tenure in pastoral areas as people have in agricultural areas. They want freehold title; that is, some long term, continuing, ongoing, permanent title. Just like people with freehold land they should only lose that title if they breach the rules relating to the title. If a person has freehold land that person can lose it through a variety of ways, such as through the Public Works Act, and so on, if it is required for other purposes or if that person is carrying out activities on it which are not acceptable.

Hon J.M. Brown: In the area of Yilgarn, freehold land is available for farming.

Hon N.F. MOORE: What I am saying is that leasehold land has conditions attached. The lease can be cancelled.

Hon Tom Stephens: A person cannot lose freehold land for doing something wrong.

Hon N.F. MOORE: Under the Public Works Act, land can be resumed.

Hon Tom Stephens: That would not be utilised as a punishment.

Hon N.F. MOORE: If the Government wants to take back freehold land to be used for public works, it uses the Public Works Act, and every other excuse.

Hon Tom Stephens: That would be for public works.

Hon N.F. MOORE: The member should argue his own case.

Hon Tom Stephens: I am attempting to understand your case!

Hon N.F. MOORE: With leasehold land, conditions are attached to the lease. We should have permanent leasehold land in pastoral country. If people do not abide by the rules of the lease they lose the land. It is as simple as that. That does not need to be checked every 15 or every 500 years; the moment a person breaches the rules of the lease he should lose the land. That is how it should be. There is nothing wrong with having a permanent lease, as Hon Barry House's Bill proposes, where the lease continues and a person can have access to the land under certain conditions which apply to the lease. If a person does not abide by those conditions, he loses the lease; it is as simple as that.

If the Government considers the land is being degraded, if the pastoralist is not using the land in the proper way - that is, if he commits a breach of the lease - the lease can be forfeited. There is no need to set a time limit, and no need for regular 15 year assessments. That would be done on an ongoing basis. That is why the pastoral section of the Department of Land Administration exists. It has the job of making sure rangeland is kept in reasonable condition.

The Minister has said frequently that the question of borrowing money on leasehold land is not an issue. Every pastoralist I talk to tells me that it is an issue. When pastoralists talk to bank managers they are told that the bank managers do not propose to lend money on leasehold titles. That is how it is. Many pastoralists are very concerned about their borrowing capacity because they only have a leasehold title. That is a problem which Hon Barry House's Bill seeks to overcome. By providing a perpetual lease the bank knows that the lease will not automatically expire at some future time. One problem with the Minister's proposed Bill is that it sets a time limit which will affect the capacity of pastoralists to borrow money.

Hon Phil Lockyer talked about the pastoral industry in passionate terms. He is correct. Pastoralists are under enormous pressure. One way to reduce that pressure is to improve their access to funds and their capacity to borrow from banks and other lending institutions.

Hon Tom Helm: I thought pastoralists were in trouble because they have borrowed too much money.

Hon N.F. MOORE: They are in trouble due to the interest rates, not the amount of money borrowed. People cannot borrow money to carry on, in many cases, when they tell the bank manager that the lease expires in the year 2015. If Phillip Toyne is the Minister for Lands in the year 2015, no way will the lease be renewed, and a bank manager, no matter what the interest rate, would not lend money.

Hon Tom Helm: If the land were freehold, that would still happen.

Hon N.F. MOORE: In the case of freehold land, there must be good reason.

Hon Tom Helm: Do not the same reasons apply now?

The PRESIDENT: Order!

Hon N.F. MOORE: They would be exceptional reasons. The Government may use an Act for purposes other than that for which it is set out.

As Hon Phil Lockyer mentioned, the pastoral industry is under considerable threat from the environmental movement. For some reason, environmentalists believe that the pastoral industry somehow is causing excessive damage to the environment. As Hon Phil Lockyer also said, modern pastoralists - and it has not always been the case - are becoming very adept environmentalists. A considerable amount of work is being undertaken by pastoralists to ensure that their properties are productive. It is in their interests to do that because if they degrade the rangeland on which their properties are located they will suffer economically. The land suffers from degradation but the pastoralists suffer because it is their leasehold land. If they cannot produce the wool or cattle, they suffer economically. Therefore, it is in their interests to look after the environment, and they do that.

A lot of nonsense is talked about the poor kangaroos and how we must not shoot them. However, people should realise there are more kangaroos in pastoral areas now because pastoralists provide water in areas where water was not found before. The wildlife has multiplied in many areas as a result of the provision of water by pastoralists. Yet environmentalists say that we should not touch kangaroos, or any form of wildlife, because that is against the best interests of the environment. That is nonsense, because if the pastoralists moved out and water was closed down, we would witness a mass destruction of wildlife throughout the pastoral areas of Western Australia.

Pastoralists are also under pressure these days from the Wagyl and its various relations. I understand the Minister has every intention of using her proposed land Bill as a vehicle to provide living areas and so on for Aboriginal communities. I would go so far as to suggest that a fairly large area of land will be set aside for Aboriginal purposes as a result of her proposal.

Hon Tom Helm: Don't you agree with that?

Hon N.F. MOORE: I support the concept of living areas provided they are not in the middle of pastoral leases on the best watered land, which will destroy the economic viability of the property, and in areas where Aboriginal people have not been before.

Hon Tom Helm: Put them in the desert but not in a watered area.

Hon N.F. MOORE: That is not what I said. We must be very sensitive about where we locate a living area. If we locate an Aboriginal living area in the middle of a pastoral lease and that lease becomes unviable, that is stupid. We should work out the best place to locate living areas so that the two groups can live beside one another.

It should be pointed out clearly that following the defeat of the land rights Bill - where the Government sought to give half of Western Australia to the Aboriginal people -

Hon Tom Helm: Come on!

Hon N.F. MOORE: Hon Tom Helm was not here at that time so he would not know. He probably has not read that Bill. He should look at that Bill some time, and at maps of Western Australia.

The Minister intends to use the proposed legislation to provide land that could not be provided by way of the Aboriginal land Bill which was defeated, quite rightly, in this House. I had an example the other day where a group of Aboriginal people wanted to take up a general purpose lease in the middle of pastoral land in the goldfields, ostensibly as a living area but no-one has lived there before. They moved in with their Toyota Landcruiser and metal detectors because a patch of gold is in the area. As soon as that gold is finished, they will move out. In the meantime the land is set aside for the use of Aborigines, with the effect of severely restricting the activities of the pastoralist involved.

The Premier said the other day that the Aboriginal Heritage Act was not working in the metropolitan area. I say, "Hear, hear!" It does not work in the bush either. It is being used by activists who have no intent other than to cause trouble, and to find areas where people cannot do anything. We have situations in the mining and pastoral industries where alleged sacred sites are being found in all sorts of places to prevent economic activity. It is significant that the people who are involved in the Aboriginal land rights issue and the conservation issue are the same people.

I do not know whether these are the people Hon Phil Lockyer graphically described. I regard Phillip Toyne as an economic vandal as he ransacked land in central Australia when he was involved with the Central Lands Council. He then moved to the greenie movement and now runs the Australian Conservation Council. For some reason such people are hell-bent on stopping industry in Australia. I wonder why that is? They use well meaning Aboriginal people and conservationists to try to prevent economic activity in this country. What is their motivation?

Hon Tom Helm: You do not listen to him.

Hon N.F. MOORE: I would love to find out his motivation.

Hon Tom Helm: Have you seen the degraded land in the Kimberley as a result of overstocking?

Hon N.F. MOORE: Yes, I have.

Hon Tom Helm: Do you not think that Toyne has a case?

Hon N.F. MOORE: If the land is overstocked it needs to be brought back to proper levels of stocking to allow the vegetation to regenerate. That is done day after day in the Gascoyne area. A 1960s study of rangeland in the Gascoyne recommended a reduction in stocking, and the pastoralists did that.

Hon Tom Helm: Not all of them; only some of them.

Hon N.F. MOORE: Of course not all of them have acted in this way, but the stock levels have been reduced to those which existed before the study was conducted. As Hon Phil Lockyer said, if the pastoralists close down their operations, the rangeland will become more run down as a result of the introduced wildlife such as goats - they can destroy land quicker than members imagine.

The pastoralist industry is at the whim of world prices, and those involved are living in extremely remote areas. They must put up with high prices for the goods they buy. The industry needs support and one way to do this is to provide the sort of tenure proposed in this Bill, which is much better than the Minister's proposal. These pastoralists also suffer from drought, cyclone and other climatic conditions. They have poor roads and communications; it was only in recent times that telephones and television were available to them. These people populate vast areas of Australia and they deserve our support. Most of the stations operate on a family basis and it is important that the title remain within the family and be able to be passed from generation to generation without a fear that in the year 2015 the title will be lost.

Hon Tom Helm: Is that like the pastoralists' land rights?

Hon N.F. MOORE: It could be put that way. Everybody is entitled to claim anything.

Hon Tom Helm: Like the Aborigines.

Hon N.F. MOORE: They are entitled to claim anything but whether they receive it is another matter.

Hon Tom Helm: The pastoralists are different?

Hon N.F. Moore: They are not different. They are making an economic contribution to this country and we should support that. Many Aboriginal people are employed in the pastoral industry and they make a contribution to Australia's, and their own, welfare. If an Aboriginal person wants to buy a pastoralist lease, that is fine; however, the lease should not be closed down because an Aboriginal group wants it closed down, or because a fellow like Phillip Toyne says it is a sacred site. He told the Central Land Council how to organise the biggest land grab in history through the land rights legislation in the Northern Territory. If members go up to the Northern Territory, they can see the amount of land which is not being used. This was organised by Phillip Toyne when land rights was a big issue. Now he is looking after himself and his friends by moving on to the green movement.

Hon Tom Helm: They are exercising their rights. Do they have no rights unless they are pastoralists?

Hon N.F. MOORE: I am sure that the pastoralists, as were the people in the Pilbara regarding the PATS scheme, will be interested to see the member's remarks; the member knows nothing about these issues at all.

Hon Tom Helm: One of us doesn't.

Hon N.F. MOORE: I commend the Bill to the House as it provides an opportunity for the Government to recognise the contribution made to this State by the pastoralists. It is also an opportunity to recognise that a fundamental problem exists in that unless a lease holder is certain to have continuous tenure, the industry will have an uncertain future.

HON BARRY HOUSE (South West) [9.45 pm]: I am pleased that this Bill has finally come up for consideration. I thank members who have made a contribution.

The Bill sets out to achieve security of tenure over pastoral leases. It also aims to evoke some commitment from the Government to honour its promises made since 1983; these were made by the former Premier, Mr Brian Burke; by former Ministers for Lands, Mr Wilson and Mrs Henderson; and by the present Minister, Hon Kay Hallahan. We seem to have achieved the second aim and I am pleased that last week we heard the Minister announce for the first time what the Government proposes to do about this whole issue - at least we got her out of her fox hole. We were hoping to achieve bipartisan support for the legislation but, unfortunately, the Minister's comments would indicate that that will not occur.

The legislation is basically the same as the Government's legislation proposed in 1988 by the then Minister for Lands, Mrs Henderson; therefore, the bulk of the Bill is Labor Party legislation. One major change in this legislation is the removal of the 90 day application period; this is replaced with an automatic conversion of leases. This was done for two main reasons: Firstly, it was necessary to separate the tenure issue from the issue of convertible excision from pastoralists' leases. Secondly, I remind the House that the present legislation clearly sets out provisions for excisions for conservationist, Aboriginal, horticultural, tourist, mining and other purposes. My Bill does not attempt to change that - in fact, it extends the provision. Another reason for changing the clause is that the 1988 legislation attempted to impose a capital gains tax on pastoralists during the conversion.

The security tenure of pastoralist leases is desirable and one of the main reasons for this has been explained tonight in a different form regarding conservation purposes. The best conservationists are the people who live and work on the land. Under the present tenure system there is absolutely no incentive for a pastoralist to apply any resources to address the land degradation problems from which some areas have suffered in recent years. When the pastoralists have a short term tenure, the tendency will always be to overstock and flog the land to obtain some return. However, longer term security will motivate the pastoralist to apply resources and energy to protect the environment. They are prepared to do that provided they are given a fair go.

The other main reason, which is more critical than ever before, is the present economic situation in which pastoralists and the rural industry throughout Australia find themselves. That situation has been discussed previously, but it is more severe than it has been for many years. Many pastoralists rely heavily on their wool clip for income and added to that are other burdens, particularly in the Kimberley, of drought and recent bushfires. Pastoralists require greater security of tenure to borrow against to get them through hard times. Nobody

would advocate that pastoralists borrow over their heads, but some time in the next couple of years some will need to borrow to tide them over the difficult times they face, and they will need some collateral. The least that we, as a Parliament, can do is to support an industry which historically and economically has been a very important part of Western Australia.

It was pleasing that the Minister finally came forward with a proposal to address the situation, but it is disappointing that the Government seems to have shifted ground quite significantly and is not addressing the critical needs of the pastoral industry.

It is obvious that the proposals have been at the instigation of the extreme green movement. As I said before, this is misguided because land degradation and conservation issues are better addressed by this Bill than they are by the provisions put forward by the Minister.

The Minister's provisions, which were set out in a letter to pastoral groups and pastoralists, concern me in three main areas. I am concerned that the only proposals we have seen exist in the form of a letter to the Pastoralists and Graziers Association, the Western Australian Farmers Federation and another small group that has sprung up, and are not in legislative form. I give the legislation virtually no chance of appearing in this Parliament before Christmas, given that the drafting could not be very far down the track and will require Cabinet approval.

Hon Kay Hallahan: Will you support it if it does?

Hon BARRY HOUSE: That will depend; we will have to see the legislation. We will be pleasantly surprised if we see some legislation before Christmas. We have serious concerns about some provisions. One of those provisions does not address the principal issue, which is security of tenure over a 50 year rolling term.

Hon Kay Hallahan: Yes, it does.

Hon BARRY HOUSE: The effective period of tenure will be 15 years, which is when the review is conducted on all pastoral leases. The Minister can protest as much as she likes, but the effective period will be 15 years and not 50 years. That will not give pastoralists security; it will be far worse than the present situation. I have been led to believe that the other main concern with the Minister's proposals is that it reopens one of the problems in the 1988 legislation.

The Opposition has addressed that problem in its legislation by including the possibility of significant conservation and Aboriginal excisions under current provisions. There are 46 or 47 proposals, and that amounts to a land grab of significant proportions on approximately 10 per cent of pastoral leases in the State. From what I have been told, about 20 of these proposals, which have been put forward in the last couple of days, have come out of the blue; they are new, and were not heard of in 1988. They have suddenly appeared as new proposals and they need to be considered along with everything else. Despite the Minister's protestations, it will seriously affect the viability of about 10 per cent of pastoral leases.

I remind members that the Opposition's Bill does not preclude excisions for conservation, Aboriginal or any other purpose on an ongoing basis where they can be justified, and provides for those excisions where they are required. The purpose of the Bill is to clear up the issue of land tenure, which has been around since 1983. It has been debated in this House three times, but unfortunately has not got past that stage. Another purpose is to give some support to one of Western Australia's most significant historical and economic industries. The Opposition's Bill, and I reiterate that the vast bulk of it was contained in a Labor Party Bill introduced in 1988, would do more than the proposals we have heard so far from the Minister tonight.

I am pleased to have had the opportunity to introduce this legislation. It caters for a shift that we need to see in Western Australia towards wealth creation industries in agricultural, mining and forestry areas rather than wealth distribution industries. I would lump the pastoral industry among the wealth creation industries. This Bill gives members the opportunity to provide help to the pastoral industry, and I urge the support of the House for this legislation.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon J.M. Brown) in the Chair; Hon Barry House in charge of the Bill.

Clause 1: Short Title -

Hon KAY HALLAHAN: The Government is strongly committed to the proposals that it will be bringing forward in its own Bill.

Hon N.F. Moore: How long have you been strongly committed to those proposals?

Hon KAY HALLAHAN: The Government is opposed to the Bill before the House and will vote against it. I indicate that at the outset to expedite the business of the Chamber. I will not debate each clause.

Hon BARRY HOUSE: The Minister disappoints me because, as we have seen previously, she has made that commitment many times in the past few years without delivering. If we could be certain of a delivery, this legislation would not be necessary. I increase my plea to her Government to support this legislation this side of Christmas, so the pastoral industry can be given very necessary support.

Hon E.J. CHARLTON: I was a little confused by the Minister's comment - perhaps I did not hear her correctly - and I would appreciate it if she would repeat it. Could she make the Government's intention clear?

Hon KAY HALLAHAN: The member was probably absent from the Committee when I explained the Government's position on this Bill.

Hon E.J. Charlton: I am referring to your last comments.

Hon KAY HALLAHAN: I made it clear that the Government is opposed to this Bill. It has its own proposals for legislation and the Government will not debate the clauses of this Bill.

Hon N.F. MOORE: Will the Minister give the Committee some indication of when the Government's Bill will be introduced, assuming this Bill will not be agreed to in the other place? Will it be introduced in this session?

Hon KAY HALLAHAN: This is a most unusual situation. The Bill before the Committee is not the Government's Bill, and question time is at 5.00 pm on Tuesdays and Wednesdays and at 4.00 pm on Thursdays.

Hon N.F. Moore: Will it be introduced in this session?

Hon KAY HALLAHAN: I think it will be introduced in this session. Negotiations which need to take place could well take place in the time that is left to us. Members opposite may not have had time to consider the Government's proposals or to liaise with the associations and members of the industry. From what I have heard, members of the industry and the associations with which I and my office have been in contact are more inclined to negotiate and find easy to live with the Government's proposals than is indicated in the attitudes that have been expressed tonight by members opposite.

Hon N.F. MOORE: I hope the Minister does not trot into this Chamber on 6 or 9 December and introduce that legislation in the same way that the SESDA and residential tenancy legislation was introduced previously and expect us to debate it in about three minutes flat. She should have the legislation drafted quickly so that people can see it. She must bear in mind that if people say that the Government's legislation is okay, perhaps they say that it is okay now but not half as good as Hon Barry House's legislation.

Hon E.J. CHARLTON: The Minister said that the Government would not debate this Bill any further. Obviously the Bill will pass through this Chamber and not be passed by the other place. The Minister will then introduce her Bill and we will be confronted with her saying to the industry, as was said in relation to the Tobacco Bill and about 10 other Bills, that the Opposition is holding up the legislation and it will not give the industry the legislation it needs. I ask her not to do that as that would not be credible; it is not on. If she is dinkum she should treat this piece of legislation with the respect it deserves and attempt to amend it rather than introduce a Bill later in this session and try to say to the pastoral industry that that is better than the Bill the industry has currently and that it can have it or nothing.

Hon KAY HALLAHAN: There have been calls by the Opposition and by pastoral associations for secure tenure for the pastoral industry. The Government's proposals are now with the industry and, in order to facilitate the process of understanding of the Government's position, I will give the proposals to Opposition parties this week. Hon Eric Charlton should indicate right now that, if the industry finds the Government's proposals reasonably acceptable to the extent that it would like to end the uncertainty and have that legislation passed, he will not obstruct the passage of that Bill. He is saying, on the one hand, that the Government must introduce that legislation quickly, and I agree. However, on the other hand he is saying that the Opposition will not have enough time to deal with it and we cannot ask for it to be dealt with expeditiously.

The Government wants to see the problems of this industry resolved as much as does the Opposition and we will need its cooperation to achieve that. However, the Opposition should not ask me to introduce the legislation as a matter of urgency and then tell me that it cannot deal with it as a matter of urgency.

Hon BARRY HOUSE: There is frequently a vast difference between a set of proposals put out in letter form and legislation presented to this Parliament. I know that the pastoral industry has severe reservations about the proposals put forward by the Minister. I know also that the pastoral industry totally supports this legislation. If the Minister is genuinely concerned for the pastoral industry and wants to resolve its problems, she will support this legislation and make sure it is supported in the other place.

The CHAIRMAN: Order! I remind members that we are dealing with the Land Amendment Bill. I have been tolerant in this debate, but this is not a second reading debate. I have allowed reference to other Bills, but I think members should deal with the Bill before the Committee. I do not want to stifle the debate, because I know that members are seeking information. However, I do not think this is the way it should be done.

Hon E.J. CHARLTON: I was conscious of that, Mr Chairman. The industry has indicated that it wants this Bill presently before the Committee to be passed. In saying what she has just said, the Minister has confirmed my worst fears. She said that this Bill will not pass through the Parliament because the Government has a Bill of its own. She said that she cannot give me a guarantee of when it will be introduced, but if we hold it up it will be on our heads and we will be blamed, even though the Government has had an unbelievable amount of time to introduce it.

Clause put and passed.

Clauses 2 to 27 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Barry House, and transmitted to the Assembly.

HEALTH AMENDMENT BILL (No 2)

Introduction and First Reading

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

Second Reading

HON KAY HALLAHAN (East Metropolitan - Minister for Planning) [10.13 pm]: I move -

That the Bill be now read a second time.

The proposals contained in this Bill can be conveniently covered under six major headings: Health surveyors, the treatment of sewage, public buildings, game meat, fees and charges, and penalties. Each of these matters is dealt with under a separate part of the Bill - parts 2 to 7 of the Bill; part 1 of the Bill deals with the usual preliminary provisions.

I will now provide the House with an explanation of the need for seeking these amendments to the Act in the order that they appear in the Bill. Members will be well aware of the important role health surveyors play in the protection of the public health of the general community. That role has been recognised through the provisions of the Act and antecedent legislation which goes back to the last century when health surveyors were known as inspectors. The title of inspector was replaced with the existing statutory designation of health surveyor in 1970.

The name "environmental health officer" is now recognised both nationally and internationally as a new professional title for health surveyors and it is only appropriate that the change in title now be reflected in the law which bestows specific statutory responsibilities on that group of professionals. Part 2 of the Bill deals with that position by -

deleting the existing definition of "health surveyor" and replacing it with a new definition of "environmental health officer";

replacing all current references in the Act to health surveyor with the new title;

providing that all health surveyors holding existing appointments under the Act be deemed to have been appointed as environmental health officers; and

making provision for all references to health surveyors in other written laws to be read as environmental health officers.

Part 3 of the Bill introduces amendments that will enable new treatment methods to be considered and approved for the on site disposal of domestic sewage where connection to a mains sewerage system is unavailable. The existing provisions of the Act are restrictive in that they provide only for bacteriolytic treatment methods of sewage to be considered and do not provide sufficient power to enable the Health Department, in conjunction with local authorities, to ensure that approved installations of appliances using that method of treatment are appropriately maintained. Such appliances are identified in the Act as "apparatus for the bacteriolytic treatment of sewage". Septic tanks are such apparatus, and members will be cognisant of the fact that these appliances are in extensive use throughout the State. While there are general concerns associated with the impact septic tanks have on the environment, the maintenance of these systems by individual householders is relatively straight forward.

Regulation of the installation of septic tanks and the collection, transportation and disposal of the liquid waste that builds up in those systems over time has been adequate and the imposition of further statutory controls is not necessary. However, some new sewage treatment appliances are significantly more sophisticated in their operation than the basic technology involved in the septic tank system. These new systems employ both mechanical and chemical methods of breaking down sewage. A critical component in the operational effectiveness of these new appliances is that they must be maintained on a regular basis by experienced technicians throughout the life time of the unit. One such appliance, which has gained substantial support in the Eastern States, is the aerobic treatment unit. Basically this unit is a scaled down form of a sewage treatment plant suitable for single household use. The unit incorporates a mechanically operated aeration system to assist with the breakdown of the sewage and a chlorination chamber to allow disposal of effluent by irrigation to the garden. This unit does not rely on below ground installation and is therefore an acceptable alternative to a septic tank, particularly in marginal areas where site conditions are not suitable for septic tank installations. The units are environmentally friendly, but is expensive to install and maintain. In order to allow consideration to be given to the installation of aerobic treatment units and similar appliances in this State, as and when they become available, the provisions of the Act dealing with "apparatus for the bacteriolytic treatment of sewage" need to be widened to enable compulsory public health compliance mechanisms in respect of the approval and maintenance of such systems to be put in place. Part 3 of the Bill provides for those matters by -

deleting the existing definition of "apparatus for the bacteriolytic treatment of sewage" and inserting the less restrictive definition of "apparatus for the treatment of sewage";

amending the various references in the Act to the old definition so that they comply with the new definition; and

amending section 107 to allow for the compulsory maintenance of such apparatus as

part of the approval process prior to installation and for regulations to be made in support of that process including the prescribing of maintenance and inspection charges.

The provisions of part 4 of the Bill form the first step in devolving responsibility for approving the building, opening and alteration of public buildings from the Health Department of Western Australia to local government. Generally speaking, public buildings are those buildings in which members of the public assemble for a common purpose. Schools, churches, local community centres and places of entertainment such as nightclubs, entertainment areas of licensed premises and theatres are examples of public buildings. Hospitals are, by definition, not deemed to be public buildings.

Statutory responsibility for ensuring that such buildings comply with standards of construction, including drainage, ventilation, lighting and sanitation requirements, and for securing the general safety and convenience of members of the public using those buildings has, since before the turn of the century, been vested in the Commissioner of Public Health and more recently in the Executive Director, Public Health of the Health Department.

As members will be aware, local government authorities also have responsibility under the Local Government Act for the issuing of building licenses and for ensuring that buildings are constructed in compliance with the building regulations 1989, which replaced the Uniform Building By-laws. The new building regulations incorporate, by adoption, the provisions of the Building Code of Australia which sets specific structural and safety standards for public buildings that were not covered in the former Uniform Building By-laws. That position has allowed the need for the executive director, public health to have a continuing statutory role in the area of public buildings to be examined in order to reduce duplication of activities, including regulatory requirements. While that examination has not been fully concluded it is now clear that the health and safety of the public would not be compromised if the statutory responsibilities of the executive director, public health relating to approving the building and the opening of and alteration to certain classes of public buildings considered to be of low risk, were to be immediately devolved to local government.

Part 4 of the Bill provides for the devolution of those statutory responsibilities by -

- empowering the Minister to exempt any class of public buildings, by order published in the *Government Gazette*, from those provisions of the Act which require the prior approval of the executive director, public health to be obtained before any building works are undertaken and the building is opened; and

- enabling the executive director, public health to grant individual exemptions, by written notice served on the owner of the building, and where satisfied that adequate provision exists in other written laws which negates the need for approval to be given under the Health Act to the construction and opening of that particular public building.

The provisions of the Act dealing with the ongoing surveillance of public buildings to ensure that escape ways, fire fighting requirements, emergency lighting and crowd control can be appropriately regulated will continue to have application to those public buildings which are subject to an exemption order or notice granted by the Minister or the executive director, public health.

Part 5 of the Bill introduces provisions that will enable certain species of free range game animals to be taken in the wild for slaughter and processed under controlled conditions so that the meat derived from the animal can be made available for sale for human consumption. There is a growing market in the production of meat derived from game animals such as buffalo, deer and rabbits that are farmed for that purpose. Interest has been shown in extending this market to free range game animals, including kangaroos. South Australia and Tasmania have had regulatory control over meat derived from free range game animals for a number of years, and New South Wales is in the process of introducing similar controls.

This Government announced its intention to legislate in this area in May of last year. That decision was made following consideration of a report on game meat compiled by a group of experts from the Health Department, the Department of Conservation and Land Management, the Department of Agriculture, the Commonwealth Department of Primary Industries and Energy, the Commonwealth Scientific and Industrial Research Organisation,

the Western Australian Institute of Environmental Health, and the Meat and Allied Trades Federation of Western Australia. The report recommends that the "Code of Practice for Game Meat for Human Consumption (1989)" produced by the National Standing Committee on Agriculture be used as the basis for establishing regulatory control of the game meat industry. The code, which has national acceptance, sets the public health standards that should be complied with in the slaughter, handling, storage, transport and processing of game meat made available for sale for human consumption. It also covers inspection and branding requirements, and standards of construction for field depots and processing establishments.

Part 5 of the Bill provides for the amendment of part VIIA of the Act to introduce a new division 2A which incorporates comprehensive regulation making powers to allow adoption of the standards set out in the code. It also empowers the executive director, public health to prohibit, by notice published in the *Government Gazette*, the slaughter for sale of game animals in specified areas of the State. This power is required to allow such action to be taken when it is known that a species of game animal in a particular area is diseased or is considered for other reasons to be unfit for human consumption. The amendments contained in part 5 of the Bill are intended to complement the animal management programs administered by other State agencies. In order to maintain the integrity of those programs a savings provision has been included. This will ensure that the operational effect of these amendments does not interfere with the requirements of the written laws under which those programs are administered. These amendments will allow more economic and beneficial use to be made of the State's free range game animals and will provide consumers with a wider choice of meats and meat products that are both nutritious and safe.

Part 6 of the Bill introduces long overdue reforms to the fees and charges provisions of the Act. The Health Act charges each local authority with the responsibility of carrying out the provisions of the Act within its municipal district. Part of that responsibility involves local authorities in the issuing of licences and granting of registrations in accordance with the requirements of the Act. The Act provides power for local authorities to make by-laws with respect to those matters for which licences and registrations are required, including the power to impose fees and charges to assist in offsetting the cost of administering those schemes. The Act contains 17 separate provisions which empower local authorities to prescribe fees and charges by by-law. A number of those provisions fix the maximum fee or charge that may be prescribed. Some of those fixed fees and charges have not been increased since the Act's inception, and others have not been amended for 30 years or more, with the latest changes having been effected in 1975. This has resulted in an added burden being placed on local authorities by restricting their ability to prescribe reasonable fees and charges for their services in those areas. The amendments covered in clauses 20 to 25 of part 4 of the Bill lift that burden by deleting the provisions in the Act which fix a maximum fee or charge. These amendments will allow local authorities to impose fees and charges that more reasonably reflect the costs of providing the necessary services associated with the processing and issuing of the required licences and registrations.

The second reform introduced by part 6 relates to the existing need for fees and charges imposed by local authorities under the Act to be prescribed by by-law. This procedure is both cumbersome and costly as the Act requires that the by-laws be both confirmed by the Executive Director, Public Health and approved by the Governor before they have effect. Also the time involved in meeting those requirements does not always allow local authorities to implement change within presupposed time frames, which can cause difficulties for local authorities in the management of their financial affairs. In order to resolve these difficulties a new section 344A is introduced by part 6 of the Bill to empower local authorities to set fees and charges by resolution in lieu of making by-laws. Section 344A has been drafted along similar lines to section 191A of the Local Government Act and covers those 17 separate provisions of the Health Act to which I have previously referred. I am advised that section 191A of the Local Government Act has worked extremely well since its introduction in July 1987, and I have no reason to believe that section 344A will operate any differently. The amendment also provides the Minister with power to revoke or amend a fee or charge set by resolution, if it is considered excessive. These amendments support the generally held view that local authorities should be given greater autonomy to manage their affairs.

The final part of this Bill reintroduces a general penalty provision into the Act, the former provision having been repealed by the Health Amendment Act 1987. It also establishes

specific penalties for breaches of sections 144 and 147. These existing deficiencies are preventing the Act from being fully enforced. The amendments proposed under part 7 of the Bill will rectify that position. I commend the Bill to the House.

Debate adjourned, on motion by Hon Barry House.

NURSES BILL

Introduction and First Reading

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

Second Reading

HON KAY HALLAHAN (East Metropolitan - Minister for Planning) [10.27 pm]: I move -

That the Bill be now read a second time.

It is with considerable pleasure that I introduce this Bill, which will reform and update the professional registration of nurses in this State. This Bill is the first stage in the fulfilment of the Government's commitment to amending all health professionals registration Acts in Western Australia. It has resulted from a comprehensive review of the Nurses Act 1968, first initiated in July 1987 by the then Minister, Hon Ian Taylor. The proposed changes to the legislation are substantial and have warranted the drafting of a new Act.

This Bill will replace the outdated Nurses Act, which was first introduced in 1968. The overall aim of these amendments is to modernise the legislation so that it is consistent with the significant changes that have occurred in the nursing profession in the 1980s. The role of nurses has been expanding over the years to keep pace with the advances in medical science and technology. In the past 10 years particularly, more complex patient care has demanded greater responsibility and training for nurses. New community activities and expectations, the introduction of highly sophisticated medical technology, changing medical practices and higher educational standards have all created a very different environment from that which existed previously. The nursing profession is aware of its responsibilities created by a new environment and has responded positively. It has recognised that the current Nurses Act does not reflect these changes and is inconsistent with modern practices in health care. This new Bill is introduced with the cooperation of the professional organisations and associations representing nurses in Western Australia, the Western Australian Nurses Board and the tertiary institutions responsible for educating nurses in this State.

I will now address the principal provisions in the new Bill.

Part 1 of the Bill sets out the objects of the legislation. They are to promote standards of knowledge and clinical skills among nurses, to maintain educational standards and to regulate and promote safe nursing practice.

Part 2 of the Bill establishes a new Nurses Board, which will have 12 members appointed by the Minister. Nurses will comprise 11 of the 12 members who for the first time will be required to be nurses of at least three years' standing who are currently practising. Nominations will be sought from various nursing organisations and educational institutions so as to ensure the board is representative of nurses with knowledge of and experience in clinical nursing, nursing education and administration. Express provision is also made for a non health professional member. This linkage with the community expresses the recognition by the nursing profession of its responsibilities to the consumers of care and the community in which it practises.

Two new statutory committees will be provided for in this part. The registration review committee will be primarily responsible for examining issues related to qualification requirements. The professional standards committee will be responsible for investigating and holding inquiries related to a nurse's professional conduct. Both committees will also be empowered to carry out research and investigate any matter on their own initiative or referred to them by the board.

Part 3 of the Bill seeks to simplify and modernise the present registration requirements. The four main features in the registration provisions are -

- (i) Portability of registration will be given to nurses who are registered in another State or Territory.
- (ii) A nurse who has not practised within five years will be required to advise the board and undertake a refresher course approved by the board.
- (iii) The board will be able to grant temporary registration to persons who are in the State for a short period of time; for instance, where an "eminent" person is invited to teach in Western Australia or for nurses who do not require full registration.
- (iv) The board will be able to grant provisional registration to nurses who are either awaiting documents verifying their qualifications or required to undertake a course of nursing training or study in order to attain full registration status.

Part 3 of the Bill also provides a new administrative scheme for maintaining the register. Presently there are 10 divisions of the register based on the different branches of nursing and reflecting hospital-based training and qualifications. The Bill replaces this arrangement with a register in which there are only two divisions in which practising nurses will be registered. It is designed to accommodate both nurses who have hospital-based diploma qualifications and nurses who are graduating from tertiary institutions. Although there is no specification of types of nursing specialities, the register will record all nursing qualifications obtained by a nurse.

The new register reflects the need to provide a legislative framework for nurses who will be comprehensively trained and who will be employable in a range of nursing care settings. Division 1 of the register will generally cover those currently registered nurses who have qualified by undertaking courses in general, psychiatric or midwifery nursing or are graduates in nursing from a university or college based institution. Essentially, a person registered in this division is capable of practising independently as a professional nurse, and will have had three or more years of training to obtain her qualification. Transitionally, this division will also include currently registered nurses who have qualified through the old hospital based training. The second division of the register will cover nurses who have taken courses which are less extensive than those included in division 1. This will include enrolled nurses, dental nurses and mothercraft nurses.

Part 4 of the Bill will provide for the regulation of domiciliary midwifery to be transferred from the Health Act 1911 to the new Nurses Act. The Government is of the view that the professional registration board should be responsible for all areas of nursing and there appears to be no rationale for retaining the provisions under the Health Act. Currently nurses who wish to assist women with home births or hospital deliveries on a contractual basis are required to be registered only with the Nurses Board and complete form 1 schedule 1 of the midwifery regulations of the Health Act 1911. The new Act will provide that the board be responsible for establishing standards of practice for independent practising midwives and for approving midwives if they intend to practise independently. These practitioners will also be required to comply with a code of practice prescribed by the board.

Part 5 of the Bill streamlines the administration of the board and incorporates the recommendations made by the Burt commission of inquiry. As a self regulatory authority the board will continue to be able to appoint its own staff and be responsible for its own finances. To ensure proper financial administration all accounts will be audited once a year with a formal report to be submitted to Parliament within 14 days after it has been delivered to the Minister. The annual report must be delivered to the Minister on or before 31 December each year. The tabling of the annual report in this way better informs the community on the direction of the profession and is an additional mechanism of accountability.

Part 6 of the Bill establishes the disciplinary procedures for the board to deal with nurses who do not maintain proper standards or ethics in their practice. The Government considers it necessary both to improve the protection of the public from unprofessional or improper conduct on the part of a nurse, and also to safeguard the rights of the individual nurse. Existing provisions were enacted a number of years ago and experience has indicated that they are, in some instances, unclear and inadequate. The Bill will remove these

shortcomings and will bring the control of discipline more into line with that in other jurisdictions, and with principles of accountability, fairness and natural justice. There are two distinct procedures available for dealing with disciplinary matters in the new Act. The board may initiate action when it receives a complaint or when it believes there is cause for concern in relation to breaches of professional standards. The first option that it has is to conduct an investigation.

The PRESIDENT: Order! Members carrying on the conversation down in the Chamber should come to order. When I call for order members should not continue discussions. There are rooms all over the place in which they can have meetings, but they will not hold them in here. The Minister is introducing an important piece of legislation, which I suggest members listen to.

Hon KAY HALLAHAN: An investigator will be appointed by the board and will be responsible for investigating all disciplinary matters referred by the board. The investigator will report to the board, which may act on his or her findings by dismissing the allegation, ordering a formal inquiry, or reaching a decision as to a penalty with the agreement of the person being investigated.

The second option will be to proceed directly by way of formal inquiry conducted by the professional standards committee. A formal inquiry can also be set up on receipt of a complaint, or the raising of a matter of concern and following an investigation at the initiation of the person to whom a complaint relates, or on the direction of the board. The committee will not be able to suspend a nurse's registration unless a formal inquiry is held. Where there is no formal inquiry the powers of the committee will be restricted to imposing conditions on registration, censure, and a pecuniary penalty not exceeding \$2 500. The formal inquiry will have to follow the rules of natural justice and give the nurse the right to be heard and be represented.

Two new provisions provide for the dismissal of a complaint and the exoneration of a nurse, and empowering the board to suspend a nurse pending the outcome of a formal inquiry. The latter sanction will be invoked only where potential harm to the public may arise if the person continues to practise nursing. These new powers are not intended to be punitive but to give the Nurses Board a number of alternatives in the interests of a nurse and the community rather than take the extreme step of putting the registration of the nurse in jeopardy. At all stages of a disciplinary procedure the application of the principles of natural justice are emphasised to achieve this objective. The offence provisions in the Bill are essentially the same as those in the current Nurses Act 1968. They include practising in a nursing speciality without the appropriate qualifications, unlawfully using the title "nurse", fraudulently procuring registration, and employing or being employed as a nurse without registration. The penalties, however, have been increased to reflect the severity of the offences. This will bring the legislation into line with other Australian States, for example South Australia.

Finally, provision is made under the new Act for nurses to advertise and incorporate their services. This will enable the board to set a prescribed standard for advertising and give it control over the registration of bodies corporate. Overall the legislation will put Western Australia in the forefront of comparable authorities in Australia. It will enhance the Nurses Board's ability to exercise proper control over the profession as well as provide adequate protection for the community. The introduction of a new Act will provide an accessible reference for those who administer and use it.

Accordingly I commend the Bill to the House.

Debate adjourned, on motion by Hon Barry House.

FISHERIES AMENDMENT BILL

Second Reading

Debate resumed from 26 September.

HON P.H. LOCKYER (Mining and Pastoral) [10.38 pm]: This Bill is consequential on the Pearling Bill dealt with earlier tonight. After close consideration of a complex piece of legislation, the Opposition supports the Bill.

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.

STIPENDIARY MAGISTRATES AMENDMENT BILL (No 2)

Second Reading

Debate resumed from 31 October.

HON DERRICK TOMLINSON (East Metropolitan) [10.41 pm]: This Bill creates a minimum voluntary retirement age of 55 for stipendiary magistrates, and establishes a position of Deputy Chief Stipendiary Magistrate. Currently there are 36 stipendiary magistrates in Western Australia, 11 of whom are between the ages of 55 and 60. The extension to them of the privilege of retiring at age 55 will provide them with the same privilege which is available to other senior public servants. The creation of the position of Deputy Chief Stipendiary Magistrate is an attempt to expedite the many administrative procedures of the court. That move is applauded by the legal fraternity in Western Australia. The Liberal Party supports the Bill.

HON J.N. CALDWELL (Agricultural) [10.42 pm]: Hon Derrick Tomlinson did not include the National Party, so it is only correct that I express its support for the Bill.

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 J.M. Berinson (Attorney General), and transmitted to the Assembly.

MISUSE OF DRUGS AMENDMENT BILL

Second Reading

Debate resumed from 1 November.

HON DERRICK TOMLINSON (East Metropolitan) [10.44 pm]: This Bill is an important step in the policing of the misuse of drugs. It enables an additional penalty to be imposed upon a person who is sequentially convicted of serious offences relating to the sale or manufacture of prohibited drugs. Users of prohibited drugs often are easily identified because of the consequences of their habit. Likewise, drug peddlers often are easy to catch. Drug lords often put themselves beyond the reach of the conventional law enforcement agencies and become a law unto themselves. This Bill seeks to identify the middle group of drug traffickers. A person will be declared by the courts to be a drug trafficker, on the application of an appropriate person, if he or she has been convicted of two or more similar offences in the preceding 10 years.

No direct penalty is attendant upon the declaration of a person as a drug offender. A person who is guilty of a serious offence under section 6(1) of the Misuse of Drugs Act is liable to a penalty of \$100 000, or 25 years' imprisonment, or both, so a serious penalty already attaches to an offence under this Act. A person who is declared to be a drug trafficker and who is then convicted of a further offence may, under the Crimes (Confiscation of Profits) Amendment Bill, which the Attorney General referred to in his second reading speech, have confiscated those assets which he has accumulated in the six years preceding the date of commission of the offence for which he has been found guilty. That will provide a further

deterrent to the commission of such offences. Given the severity of the drug problem and the serious problems that arise in apprehending and convicting offenders in drug trafficking, the Opposition supports this Bill.

HON J.N. CALDWELL (Agricultural) [10.49 pm]: The National Party supports this Bill. Can the Attorney General explain why property will be confiscated for only six years prior to the commission of the offence? Why not confiscate all the property which has been acquired over the convicted person's lifetime?

HON J.M. BERINSON (North Metropolitan - Attorney General) [10.50 pm]: I thank members for supporting this Bill. The question of timing is one which might be better dealt with when considering the Crimes (Confiscation of Profits) Amendment Bill. There are other questions of timing which I know will be discussed then, and I shall discuss this one at the same time.

Question put and passed.

Bill read a second time.

Committee

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

Clauses 1 to 3 put and passed.

Clause 4: Section 32A inserted -

Hon J.M. BERINSON: I move -

Page 3, line 3 - To insert after "shall" the following -
on the application of an appropriate officer

Page 3, lines 5 to 15 - To delete the lines and substitute the following -

(2) An application for a declaration under subsection (1) may be made at the time of the conviction giving rise to that application or at any time within 6 months from the day of that conviction, and more than one such application may be made in respect of that conviction.

I should point out that these amendments have come from a suggestion of the judges of the District Court who deal with most of these cases. The first amendment seeks to change the provision that the court convicting a person of a serious drug offence shall declare the person to be a drug trafficker on the basis of a given number of offences within a given period. Although on the face of it that appears to be a simple enough requirement to impose on the judges, they have pointed out that there are at least two difficulties with it. The first is the need for them always to have that consideration in mind whenever a drug offender is before them, and, more seriously, the fact that although prior convictions are put to the court, they are not always accurate. In those circumstances to require the court, of its own motion and without the provision of further information, to be obliged to make this declaration has been suggested as opening the way to readily avoidable error. The suggestion of the judges was that it would best be avoided by replacing the requirement for the court to declare the person to be a drug trafficker with a provision for the court, on the application of an appropriate officer, to declare the person to be a drug trafficker. The second amendment to this clause is to provide a timetable for that application to be made.

Hon DERRICK TOMLINSON: I support the amendment moved by the Attorney General, not only for the reasons he has given but also because the amendment is laudable for its clarity and brevity, and it avoids the convoluted legalese of the original.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 5 to 7 put and passed.

Title put and passed.

Bill reported, with amendments.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [10.56 pm]: I move -
That the House do now adjourn.

Adjournment Debate - Agriculture Protection Board - Funding

HON MARGARET McALEER (Agricultural) [10.57 pm]: Before the House adjourns I want to express disquiet about the level of funding of the Agriculture Protection Board and the consequences which may follow from that. Yesterday I received a letter from the Three Springs Shire Council asking for support for its representations to the Minister for Agriculture concerning the transfer of the Three Springs district Agriculture Protection Board officer to Perenjori, which currently is without a district officer of its own. The Three Springs Council was told that the resulting vacancy in its district would not be filled because of the shortage of funds. The district officers of Carnamah and Mingenew would divide the responsibility between them, in addition to their own districts, and Three Springs must naturally expect a lower standard of service.

It is only about a fortnight since I wrote to the Minister for Agriculture asking for help to be given to Perenjori to combat the locust plague because it seemed to have been left out of the Agriculture Protection Board's calculations. I do not contest its need for a district officer of its own, but it does seem extraordinary to me that at the height of the locust plague Three Springs should be deprived of its district officer and no effort made to replace him. To my knowledge the officer of that district, which is the district in which I live, has in the last two months been in the field from daylight until well after dark monitoring locusts and arranging for their spraying. Spray has been in short supply, so it has mostly been done on the ground and only in very small and critical areas. It is very difficult to tell how effective that treatment has been.

A great effort has been attempted by the Agriculture Protection Board throughout the wheatbelt to deal with the locust plague, but the board simply does not have the resources to cope with the scale of the plague as it has developed. Worse than that; it seems that the resources of the Agriculture Protection Board are not sufficient even to cope with its normal programs, because in the letter to the Three Springs Shire Council it had to explain that due to the Budget cuts it needed to reduce its expenditure for this financial year by reducing some programs, deferring or abandoning others, as well as reducing staff numbers. One must ask what programs are to be deferred, reduced or abandoned and how many Agriculture Protection Board positions are to be left unfilled throughout the agricultural and pastoral areas.

It is strongly rumoured that the Agriculture Protection Board and the Department of Agriculture are to be amalgamated, and I think yesterday Hon Norman Moore asked a question on notice about the matter which has not yet been answered.

There are a number of pressing questions, and I have outlined some of them, which must be answered about the Agriculture Protection Board. But I am certain of one thing: This is not the time to let the service run down. I have written to the Minister on behalf of the Three Springs Shire Council.

Hon J.M. Brown: Did you consult the Minister?

Hon MARGARET McALEER: I call on the Government, on behalf of the Agricultural Region as a whole, and the Pastoral Region, to ensure that the Agriculture Protection Board is adequately staffed and resourced and not just dismantled and buried in the Department of Agriculture, which is already stretched to perform its own functions adequately.

Question put and passed.

House adjourned at 11.00 pm

QUESTIONS ON NOTICE

HEALTH - PATIENTS ASSISTED TRAVEL SCHEME

Shopping Trips, Holidays Use Evidence

892. Hon P.H. LOCKYER to the Minister for Planning representing the Minister for Health:

- (1) Does the Minister have any evidence of people using the patient assisted transport scheme for shopping trips, holidays or any other use outside the guidelines laid down?
- (2) If so, how many times has this occurred?
- (3) What steps have been taken to alleviate these occurrences?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) The patients assisted travel scheme is a State Government initiative which marks a major commitment to improving access to essential specialist medical services by country patients. Like all entitlement schemes, there are criteria for eligibility which ensure that the scheme is properly targeted. It must be recognised that any entitlement scheme has the potential to be used for purposes other than that for which it was intended.
- (2) It is not appropriate to identify or otherwise name individuals in relation to this matter, nor is it practical to provide prescriptive lists of these occurrences.
- (3) The Health Department of Western Australia is very aware of its responsibility to ensure that public money is being spent in a way consistent with what it was appropriated for. Accordingly, the department recognises the need for clear guidelines and effective administrative controls over utilisation. The department has conducted a review of its administrative procedures to ensure that the original guidelines for the scheme are being honoured and is currently reviewing the guidelines.

HOSPITALS - GRAYLANDS HOSPITAL

Mentally Disturbed Prisoner Facility Proposal - John XXIII College

923. Hon GEORGE CASH to the Minister for Planning representing the Minister for Health:

- (1) Does the Government intend building a facility for mentally disordered prisoners at Graylands Hospital?
- (2) If so, will the Minister provide details of the proposal?
- (3) When is the building project to be -
 - (a) commenced; and
 - (b) completed?
- (4) What is the cost of the project?
- (5) When are mentally disordered prisoners intended to be located at the new facility?
- (6) How many mentally disordered prisoners are currently housed at Graylands Hospital?
- (7) Was the board of the adjoining John XXIII College consulted before a decision was made to build the facility?
- (8) If so, when?

- (9) What was the college's response?
- (10) Is the Minister aware of claims that the findings of the Murray Committee are flawed in that -
 - (a) the report does not deal with the issues of security; and
 - (b) the report does not adequately deal with the arguments contained in the Cramond-Harding Report which recommended a prison-based facility?
- (11) Will the Minister meet with the board of John XXIII College to discuss this matter?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) Yes. The Government intends building a facility for mentally disordered offenders at Graylands Hospital.
- (2) Planning for the facility is proceeding and details will be made available to interested groups and individuals in the near future.
- (3)
 - (a) 1991.
 - (b) 1992.
- (4) The cost is still being determined; a sum of \$9.9 million has been included in the Government's Capital Works Program.
- (5) Mentally disordered offenders are currently located at Graylands Hospital and have been for many years; they will be accommodated in the new facility in 1992.
- (6) At the beginning of November 1990 there were 17 persons at Graylands Hospital who would normally be accommodated in a facility such as that proposed; the number varies from week to week.
- (7) A public meeting was held in September 1989 at which justification for the proposed facility was presented and groups and individuals had the opportunity to ask questions and voice opinions.
- (8) Covered in (7).
- (9) Concerns were expressed by representatives of the college at the public meeting.
- (10) The claims of some individuals are known but -
 - (a) the issues of security are being very seriously considered in planning for the proposed facility and the process to date has included consultation with overseas and interstate experts. Security features have been examined in similar facilities elsewhere. The project control group is being advised by a special consultant and representation on this team also includes an officer of the Department of Corrective Services;
 - (b) the Murray committee, in reaching its conclusion, did fully consider the Cramond-Harding report and numerous other Australian and international reports. The committee noted that there had been a major shift in the attitudes of mental health professionals since the Cramond-Harding inquiry. This was reflected in changing patterns of practice in forensic psychiatry. It should be emphasised that the Cramond-Harding report itself recognised that even with the proposed prison-based facilities, Graylands Hospital would continue to play a major role in the treatment of mentally disordered offenders. The report emphasised, "The variety of situations which occur in relation to mentally ill persons is such that every reasonably available mode of treatment should remain open."

- (11) Representatives of John XXIII College, in fact, met with the Premier on this subject very recently. In addition, I have met with the Chairman of the John XXIII College Board, Mr Terry O'Connor, and Dr Peter Tannock of the Catholic Education Commission. The project also has a consultative committee; this has endeavoured to involve representatives of John XXIII College without success to date.

HOSPITALS - ONSLOW HOSPITAL

Dust Pollution Avoidance

1021. Hon P.H. LOCKYER to the Minister for Planning representing the Minister for Health:

- (1) What steps are being taken to avoid dust pollution of the Onslow Hospital from nearby building sites?
- (2) Are steps being taken as a matter of urgency to overcome discomfort being suffered by patients and staff of the Onslow Hospital?

Hon KAY HALLAHAN replied:

The Minister for Health has supplied the following answer -

(1)-(2)

I am advised that the hospital staff are doing all that they can to minimise patient and staff discomfort. The hospital is maintaining a high standard of hygiene by ensuring that all windows are kept shut and that the air conditioning is working efficiently, particularly the filters.

I understand the dust is coming from a residential development area close to the hospital and the contractor involved has been asked to take appropriate measures to control the dust.

BREAST CANCER - PREVALENCE

Research Funds

1067. Hon P.G. PENDAL to the Minister for Planning representing the Minister for Health:

- (1) How prevalent is, or what is the index used to measure, breast cancer in Western Australia?
- (2) If not answered by (1), how many deaths have occurred in Western Australia in each of the past 10 years as a result of breast cancer?
- (3) What Government funds are directly committed to research in this field?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) There are almost 500 new cases of breast cancer in Western Australia each year. In terms of lifetime risk, approximately one woman in 15 will develop breast cancer at some time in her life.
- (2) An average of 180 deaths from breast cancer have occurred in Western Australia each year since 1980.
- (3) Approximately \$1.3 million is directed to setting up and managing a breast X-ray screening program in Western Australia. Of these funds, \$130 000 is committed to the research on the effectiveness of screening mammography at the Women's Cancer Prevention Unit of the Health Department. Both Professor Gray at Royal Perth Hospital and Dr David Ingram at Queen Elizabeth II Medical Centre are conducting extensive research into the causation and treatment of breast cancer. These medical academics should be approached direct for information on resourcing of their programs.

WASTE DISPOSAL - WASTE STORAGE FACILITY, COOLGARDIE*Location*

1068. Hon N.F. MOORE to the Minister for Planning representing the Minister for Health:

- (1) What is the exact location of the proposed waste storage facility in the Shire of Coolgardie?
- (2) What environmental studies have been carried out to ensure that the site is suitable for waste storage?
- (3) When was the site last visited by Department of Health or other Government department or agency officers?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) 60 kilometres north east of Jaurdi Siding,
115 kilometres north west of Coolgardie,
80 kilometres north east of Koolyanobbing,
approximately 15 kilometres north east of Mt Walton.
- (2) (a) Public Environmental Review, 1988.
(b) EPA Report and Recommendations on the PER, 1988.
(c) Aboriginal Sites Study, 1988.
(d) Environmental Management Program for disposal of radioactive waste - two volumes - includes three geological studies, a flora and fauna study and a risk management study for burial of radioactive waste, 1989.
- (3) Officers of the Health Department visited the site on 5 and 6 January 1989 and the site was visually inspected by aircraft in October 1989. A consultant working on the project for the Health Department was on the site early in October 1990.

HOUSING - DUPLEX AND TRIPLEX DEVELOPMENTS*Unsewered Land, Metropolitan Area - Septic Tanks Permission*

1069. Hon P.G. PENDAL to the Minister for Planning representing the Minister for Health:

I refer to the Minister's media statement dated 3 October 1990 regarding the Government's move to allow duplex and triplex developments on unsewered blocks in the metropolitan area and ask -

- (1) What are the special environmental requirements that would apply in such cases?
- (2) What are the details of the health and environmental requirements for septic tanks in these instances?
- (3) How is it envisaged that septic tanks will be monitored and how often will such monitoring take place?
- (4) Is the Minister aware that concern exists in the community that intensive developments on unsewered blocks may lead to an increase in water salinity?
- (5) Has the possibility of increased water salinity been considered?
- (6) If so, how will such an increase be prevented?
- (7) If the likelihood of increased water salinity has not already been considered, will the Minister undertake to have this possible side-effect of multi dwellings on unsewered land investigated and prevented?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) The special environmental requirements will apply more specifically to the constrained areas identified in the sewerage policy amendment. Duplex development will be the maximum allowed in these areas. The requirements are for the on site disposal system to be designed to effectively limit phosphorus movement from the site to five per cent of that discharged from the septic tank system.
- (2) Site conditions for the septic tank systems must have permeable soils with 1.2 metre clearance to groundwater level. An area of 150 square metres must be set aside for each dwelling unit for on site effluent disposal.
The disposal field must incorporate soil amendment material to limit phosphorus discharged to five per cent from site. The system must be designed to operate effectively for more than 10 years.
- (3) Monitoring by local authority health surveyors will occur at the time of installation. The Health Department of WA will undertake random monitoring of systems at approximately six monthly intervals over a two year period.
- (4) No.
- (5) Yes. However, as only a limited number of approvals are anticipated in the constrained areas, the potential for increased salinity is negligible.
- (6)-(7) Not applicable.

SCHOOLS - CUE PRIMARY SCHOOL

Additions Delay

1086. Hon P.H. LOCKYER to the Minister for Planning representing the Minister for Education:

- (1) Why has no further development taken place with additions to the Cue Primary School even though a considerable sum of money has been raised in the town towards the project?
- (2) What is the present situation with regard to these additions?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

(1)-(2)

Funds will be provided to allow the school to complete the project. The school community needs to be congratulated on their efforts.

HOMESWEST - FITZROY CROSSING

Rent Collection Visits

1089. Hon P.H. LOCKYER to the Leader of the House representing the Minister for Housing:

- (1) How often do officers of Homeswest visit Fitzroy Crossing to attend to housing matters such as rent collection?
- (2) How many visits have taken place since 1 September 1990?

Hon J.M. BERINSON replied:

The Minister for Housing has provided the following reply -

- (1) An officer from Derby visits Fitzroy Crossing at least fortnightly to attending to housing and maintenance matters.
- (2) Since 1 September 1990 an officer has visited Fitzroy Crossing on six occasions.

RAILWAYS - NORTHERN SUBURBS RAILWAY
Engine and Railcar Orders

1095. Hon P.G. PENDAL to the Minister for Police representing the Minister for Transport:

- (1) How many engines and/or railcars have been ordered for the northern suburbs railway extension?
- (2) From whom have they been ordered?
- (3) What is the contract price?
- (4) Is the contract on the basis of lease or purchase?
- (5) Has any agreement, formal or informal, been entered into with the Queensland Government to buy these engines and/or railways and then to have them leased back to the Western Australian Government?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) 22 two-car sets.
- (2) Walkers ABB Traction Pty Ltd.
- (3) \$87.56 million.
- (4) As in the case of the first 21 electric railcar sets, a third party will assure title to the 22 electric railcar sets from Walkers ABB for the purpose of a lease to Westrail.
- (5) No.

HOSPITALS - ALBANY REGIONAL HOSPITAL
Works, Outstanding Payments

1096. Hon GEORGE CASH to the Minister for Planning representing the Minister for Health:

What payments are due, but not yet paid in respect of the substantial works recently carried out at the Albany Regional Hospital?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

There are no further payments due in respect of stage 1 and 2 redevelopment of Albany Regional Hospital.

MINERAL SANDS - JANGARDUP AND BEENUP
Road Transport Route

1106. Hon BARRY HOUSE to the Minister for Police representing the Minister for Transport:

- (1) Has the road route for the transport of mineral sands from Jangardup and Beenup 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 GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

The honourable member is referred to the response to parliamentary question 1108.

QUESTIONS WITHOUT NOTICE

MOTORCYCLES - DRIVERS' LICENCES

Power to Weight Ratio Legislation

812. Hon GEORGE CASH to the Minister for Police:

- (1) Has the Government any intention of introducing motorcycle drivers' licences based on power to weight ratios rather than engine capacity?
- (2) If so, can he indicate when that legislation might be introduced, or the Government's current policy on the matter?

Hon GRAHAM EDWARDS replied:

I ask that the question be placed on notice so that I might talk to the Assistant Commissioner - Traffic in the morning and get an update on the situation.

AUSTRALIAN SECURITIES COMMISSION - FEDERAL ATTORNEY
GENERAL*Service Standards Preservation Assurance*

813. Hon GEORGE CASH to the Attorney General:

What assurances has the Attorney General received from the Federal Attorney General that corporate services in this State will not suffer as a result of the headquartering of the Australian Securities Commission in the Eastern States?

Hon J.M. BERINSON replied:

I have received repeated assurances from successive Federal Attorneys General that the standard of service which we seek to preserve will in fact be preserved. As I have indicated to the House before on a number of occasions, the difficulty we face has been in translating that good intention, which I accept as bona fide, into some sort of concrete and measurable level of staff numbers and authoritative staff positions. I cannot say that progress on that matter has been all that speedy; in fact, it is fair to say that it has been a very slow and painful progress. Nonetheless, I think we are now on the point of securing a structure in this State which will meet the minimum requirements that we have previously set.

I must say that we are being assisted very substantially in that by Mr Tony Hartnell, the Chairman of the Australian Securities Commission, who has consistently indicated that he is prepared to support the general argument that we have advanced, but which has left him in some difficulty as he is naturally subject to Commonwealth finance departments for the necessary funds. I am very hopeful now that within a week or so we should be in a position where we can realistically bring a Bill to the House that will be supported by indications of a staff structure of the ASC in this State which would meet those minimum requirements that were previously put to it.

TRAFFIC ACT - NEW REGULATIONS

814. Hon E.J. CHARLTON to the Minister for Police:

In view of the statement made to the Parliament some days ago by the Minister for Police that new regulations relating to the Traffic Act would be gazetted by 9 November, could the Minister advise the House whether that has taken place?

Hon GRAHAM EDWARDS replied:

I am quite surprised at this question. Having given my word that it would happen, I am surprised there is any doubt that it has. I am able to confirm that the amendments to the Road Traffic (Drivers' Licences) Regulations and the Road Traffic (Infringements) Regulations were gazetted on 9 November 1990. I am sure the member would be pleased to know that the regulations will be tabled in Parliament, I think tomorrow.

TRAFFIC ACT - NEW REGULATIONS
Police Personnel Advice

815. Hon E.J. CHARLTON to the Minister for Police:

Supplementary to my previous question, to the Minister's knowledge has the Police Department advised police personnel around the State that this is taking place?

Hon GRAHAM EDWARDS replied:

Standard procedures allow for this to occur, and those procedures have occurred.

EMPLOYMENT - PILBARA
30 000 Jobs Program

816. Hon MARK NEVILL to the Minister for Resources:

Is the Minister aware of the Opposition's program to create 30 000 jobs in the Pilbara in six years; is he aware of the basis of that program, and does he believe that there is a capacity to achieve that goal?

Hon J.M. BERINSON replied:

In common with other members I have, of course, seen media reports of statements by Mr Richard Court on behalf of the Opposition advocating a policy to produce an additional 30 000 jobs in the Pilbara in six years. I say firstly that it is good to see enthusiasm for development of the Pilbara being expressed in any quarter, and certainly it is shared to the full by the Government.

Hon N.F. Moore: It is a pity it is not coming from the Government. When are you going to do something about it?

Hon J.M. BERINSON: I think Hon Norman Moore will find us doing more about it than he currently imagines. However, the fact is that the development of this area must be based on realistic projections and on a real understanding of what is possible. Conversely, it is not assisted at all by fanciful speculation about the industrial and economic potential of the Pilbara region. A more reasoned analysis than that provided by Mr Court is essential if proposals for the Pilbara are to be taken seriously. As Hon Mark Nevill has reminded us, it appears to be the Liberal Party's projection that 30 000 jobs would be created within six years in the Pilbara region if only the job were left to it.

Hon N.F. Moore: You should read the statement.

Hon J.M. BERINSON: The exaggeration involved in that calculation is probably most clearly demonstrated when it is considered that the current Pilbara work force numbers about 22 000 and that has taken over 25 years to achieve. It would be interesting, I must say, to see some detailed assessments and projections on which the Liberal claims are based -

Hon N.F. Moore: You are always knocking us.

Hon J.M. BERINSON: - and no doubt Hon Norman Moore will be able to provide them. An appreciation and a calculation of infrastructure costs, in particular, must be fundamental to any realistic analysis. To take housing alone, the needs of 30 000 additional workers and their families would cost no less than \$3 billion, and very likely more, and that is not taking account of the supporting infrastructure required for residential areas such as roads, power, schools, hospitals and so on. This does not take into account the cost of the industries which would have to be established to absorb those 30 000 workers. I hate to be negative about this -

Hon N.F. Moore: You are a knocker. Knock, knock, who's there?

Hon J.M. BERINSON: Nobody is knocking development of the Pilbara. I will provide many opportunities for the member to enjoy the achievements of that development. We will not achieve those developments through a series of

Aesop's fables; the Pilbara will be built and developed on a more solid basis than a myth.

The cost of housing alone would be \$3 billion and added to that would be the infrastructure required to support that housing development. Also, the cost of power generation and the cost of industry to absorb the 30 000 workers would have to be taken into account. To say that that could be achieved within six years is fanciful - it is impossible.

I go further and say that it is irresponsible, because anyone with an interest in investing in the Pilbara could not take the proposal seriously.

Point of Order

Hon E.J. CHARLTON: Could we have the question again, Mr President, because no-one in the Chamber knows to what the Minister is referring.

The PRESIDENT: The honourable member knows that it is out of order to have the same question asked twice.

Questions without Notice Resumed

Hon N.F. Moore: It is out of order to give the same answer twice.

Hon J.M. BERINSON: My comments do not just represent a personal or Government view, as the comments have been expressed also by the Confederation of Western Australian Industry. That organisation expressed the view in strong terms and indicated that the Liberal reference to a petrochemical or steel plant in the Pilbara cannot support its estimate for job growth.

Hon P.G. Pendal: We must admit that you blokes built the casino.

Hon Mark Nevill: You opposed it.

Hon P.G. Pendal: Dead right.

The PRESIDENT: Order! If members do not want questions without notice time to continue, it will cease. If we are to have questions, at least let the Minister answer the question, albeit briefly.

Hon J.M. BERINSON: I conclude as I started, -

Hon N.F. Moore: By knocking the idea again.

Hon J.M. BERINSON: - by indicating that the Government is not only enthusiastic about pursuing the development in the Pilbara, but also dedicated to utilising all avenues to achieve it. As I have already said to Hon Norman Moore in passing, we will achieve this and I am sure that he will share in our pleasure in doing so.

CAR THEFT - PEMBURY ROAD, THORNLIE
Violent Threat - Written Description Advice

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

I refer to an incident in Pembury Road in Thornlie last night in which an attempt was made to steal a resident's car, and during the attempt one of the offenders threatened the resident and his family with a bicycle chain.

- (1) Will the Minister investigate the claim that the resident was told this morning to describe the incident to the regional police superintendent in writing because the superintendent was cutting back on his personnel?
- (2) Is this the standard advice given to members of the public who are subjected to violent threats?

Hon GRAHAM EDWARDS replied:

(1)-(2)

If the member will give me the details of the matter, I will certainly pursue it.

CITY OF STIRLING - CORRUPTION ALLEGATIONS
Liberal Members of Parliament and Councillors Inquiry

818. Hon REG DAVIES to the Attorney General:

At 9.58 am today during a Radio 6PR interview the Attorney General, when talking about corruption in the City of Stirling, made a statement to Mr Barry MacKinnon about Liberal members of Parliament and Liberal City of Stirling councillors being investigated.

Hon J.M. Berinson: No, I did not.

Hon REG DAVIES: Will the Attorney General confirm or deny whether it is only current or former councillors affiliated with the Liberal Party who are being investigated in relation to corruption in the City of Stirling?

Hon J.M. BERINSON replied:

I believe I am being misquoted, and I would like to see the transcript to confirm that. If I said "investigated", that was wrong. I am sure I said on at least three or four occasions - and this is what I would have meant to express on all such matters - that allegations of corruption were limited to Liberal councillors and members of Parliament. My understanding is that, in respect of the bribery and corruption allegations, that is the position. I am relying on media comment for that assertion, which has been continually made. I have never gone to the point of asserting that those allegations were well founded or could, or would, lead to a prosecution. That is a matter I have always left, and I still leave, for the proper authorities to pursue.

Was the question regarding whether I said that the investigations were limited to members of the Liberal Party?

Hon Reg Davies: Those affiliated with the Liberal Party.

Hon J.M. BERINSON: I do not believe I said that, and my intention was not to say that. My intention was to talk about allegations and not investigations. If another word slipped in, that was inadvertent and I would have to correct it because I have nothing to indicate the nature of the investigations.

VIDEOS - X RATED VIDEOS
Canberra

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

What does the Minister understand to be the extent of X rated videos coming into Western Australia from Canberra?

Hon KAY HALLAHAN replied:

I suggest that the honourable member put that question on notice.

PROJECTS - SIX MAJOR DEVELOPMENT PROJECTS
Names

820. Hon W.N. STRETCH to the Minister for Resources:

In view of the Minister's new found interest in development projects, as expressed to Hon Mark Nevill, and given that the Minister said during the Estimates Committee sitting that six major development projects were on the drawing board but he was unable to name them, is he now in a position to name some or all of these projects?

Hon J.M. BERINSON replied:

Some important projects are involved and I hope to make an announcement on one very major development some time this week. In all cases I would prefer that comments be cleared with the parties concerned so as not to intrude on commercial arrangements.

Hon N.F. Moore: Give us an idea of which ones you are talking about.

Hon J.M. BERINSON: I am not only hopeful but also confident that the first announcement will be made this week.

VIDEO TAPES CLASSIFICATION AND CONTROL ACT - POLICE DIFFICULTIES

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

Can he advise the House whether the provisions of the Video Tapes Classification and Control Act are proving difficult for the police to act on?

Hon GRAHAM EDWARDS replied:

If X rated videos are coming into this State they would be doing so illegally because X rated videos are unlawful in this State. I have not had a briefing on the matter and I have no current information from the police regarding difficulties or otherwise. I will certainly pursue the matter with the commissioner now that the member has raised it. I will ask him for an update on it and will convey that information to the member.

SWAN BREWERY SITE - FUTURE

822. Hon E.J. CHARLTON to the Minister for Planning:

Every time I drive past the old Swan Brewery, or whatever the Minister likes to call it, it deteriorates.

Hon Kay Hallahan: Every time you drive by it, it deteriorates? Leave it alone.

Hon E.J. CHARLTON: That is right. Not only is it deteriorating, but the Minister will also deteriorate if it takes as long as it is taking to do something about.

Hon Sam Piantadosi: You should stay in Tammin.

The PRESIDENT: Order!

Hon E.J. CHARLTON: We do not have a brewery in Tammin and we have not done deals with people on breweries.

The PRESIDENT: Order! If members ignore my request for them to come to order, questions without notice will cease. If Hon Eric Charlton is not permitted to ask his question, we will forget about having a question time.

Hon E.J. CHARLTON: In view of the continuing deterioration of that building, will the Government take alternative measures about its future? Obviously the matter cannot go on the way it is.

Hon KAY HALLAHAN replied:

Perhaps I should refresh members' minds about this matter. I did not realise that Hon Eric Charlton had such a special interest in the old Swan Brewery and that his activities were causing a greater deterioration in the building. It would be good if he decided to stop causing that deterioration.

An injunction was placed on the site. Further consultations were required by the Aboriginal Cultural Material Committee which required it to prepare a report to the Minister, after which the Minister would then make a decision about the building.

Hon E.J. Charlton: How long is it going to take?

Hon KAY HALLAHAN: That process is in progress. Like the member, whether we are both seeing the value of that historic building -

Hon E.J. Charlton: When?

Hon KAY HALLAHAN: I am not sure when that report will go to the Minister but that has been the cause of the delay. People have felt that they should be consulted. They have requested greater consultation, which is one of the factors that has prolonged the work of the Aboriginal Cultural Material Committee. I think it is close to finality.

PROSTITUTION - GOVERNMENT POLICY

823. Hon D.J. WORDSWORTH to the Minister for Police:

(1) What is the Labor Party's current policy on prostitution?

(2) Is it the same policy as is being implemented by the police today?

Hon GRAHAM EDWARDS replied:

(1)-(2)

The current policy of the Labor Government on prostitution is the same as I understand the current policy of the Liberal Party to be. It is the same as the last policy of the Liberal Party, which is to support the policy of containment.

The Government will be releasing a report tomorrow which will give some focus to prostitution and which I hope will give some focus to whether that policy should be changed and, if it is to be changed, what should replace it. I will be able to make available a copy of that report tomorrow. I certainly hope this question will be dealt with in a responsible, reasonable and mature manner by all concerned and I expect that people will want to have a look at the report and that they will have a point of view.

A very good task force has been working on this matter under the chairmanship of Ms Beryl Grant, who has done a tremendous job in addressing this issue. She is a very well respected and well thought of woman. I look forward to the release of that report tomorrow and to addressing the issues contained in it.

Of course, it is pertinent to note that there is a writ of mandamus on the Commissioner of Police at the moment. He is seeking advice on that and I am watching with interest that matter, which is currently before the courts.

As I said, I will be in a position to table a copy of that report into prostitution tomorrow and I look forward to the member's ongoing interest in the matter.
