



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1999

LEGISLATIVE COUNCIL

Wednesday, 24 March 1999

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 4.00 pm, and read prayers.

NOISE BUND BETWEEN REDLANDS STREET AND TONKIN HIGHWAY

Petition

Hon Nick Griffiths presented the following petition bearing 124 signatures -

To the Honourable the President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

Your petitioners, residents of Redlands Street, Bayswater request the Legislative Council call on the Government to construct a noise bund between Redlands Street and Tonkin Highway, Bayswater.

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

[See paper No 907.]

STANDING COMMITTEE ON ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Inquiry Into Management of Western Rock Lobster Fishery - Amendment to Motion

Resumed from 18 March on the following motion -

That the Standing Committee on Ecologically Sustainable Development inquire into the management and sustainability of the western rock lobster fishery having regard to-

- (1) The accountability of the Department of Fisheries and its rapid rate of expansion.
- (2) The potential conflict of interest of the department in being a regulator and having involvement in projects and marketing.
- (3) A proportional redirection of better interests development funding to the Western Australian Rock Lobster Fishers Federation to enable it to better represent the interests of lobster fishers.
- (4) The ability of Western Australian fishers to store, feed and sell their product anywhere within Australia.
- (5) The establishment of a seafood exchange in Fremantle.

And that the ESD Committee report its findings and recommendations to the House on or before 2 June 1999.

to which Hon Helen Hodgson had moved the following amendment -

In line 2 - To delete "and sustainability".

HON CHRISTINE SHARP (South West) [4.04 pm]: I would like to continue my remarks of last week to explain why I will oppose this amendment. The reasons are precise and particular. I make it clear that they are not in any sense because I wish to challenge the shared understanding of this debate that, by and large, Western Australians can be justifiably proud of the crayfishing industry and the achievement of the level of management sophistication in that industry; and as far as any of us are aware, there are no great issues of non-sustainability that that industry is in any sense hiding or operating under. We are all of the opinion that it is a well-managed fishery and that stocks of the resource are being managed sustainably. I am not challenging that nor am I suggesting that if this motion passes and becomes the terms of reference for the Standing Committee on Ecologically Sustainable Development, it would be the intent of the committee to focus on issues of sustainability. The committee would not focus on anything beyond the terms of reference which the Council has referred to it.

Nevertheless, I am concerned about the amendment from the perspective of good committee management rather than good fisheries management. These remarks are quite superfluous to the specifics of the crayfishing industry or of this motion. When we embark upon inquiries into whatever may be the nature of an inquiry, presumably one does not know what one will find. That is the point of inquiring. Therefore, I find it inappropriate, even draconian, that a committee should be constrained in this manner to comment on any matter of relevance, interest or public significance which may arise and be brought to the attention of the committee during the course of its inquiry into matters laid out in the terms of reference which are before us in this motion. The fact that this inquiry will go to a committee which is described as the Standing Committee on Ecologically Sustainable Development makes that constraint particularly restrictive. Therefore, as chair of the committee I recommend that Hon Helen Hodgson, who moved the amendment, consider whether it is in the best interests of free inquiry under the terms of reference as passed by this Chamber.

The issue of accreditation gave rise to the amendment. Accreditation is a worthwhile process indeed. It would be a huge feather in the cap of Fisheries WA if this fishery is one of the first in the world to receive international accreditation. However, the motion as worded prior to deliberation on the amendment is in no way incompatible with the process of accreditation. The debate on whether to remove the word "sustainability" from the inquiry could see the argument backfire and turned on its head. As Hon Bruce Donaldson said in the debate last week, "It is obvious that management and sustainability go hand in hand." For this Parliament to prevent a committee on sustainability looking at or in any way considering any matter relating to sustainability could be taken as an inference that there is something to hide, that we are not confident on that ground.

I am aware of what other members have said, that the world is watching and that this debate and inquiry have implications not only within this State but also for export markets. That is why we should have an open-book approach, showing that we have nothing to fear. We should also prove that a committee of this Parliament would very easily be able to give that industry several ticks in respect of sustainability. This may be a plus in the accreditation process. I oppose the amendment.

Hon Helen Hodgson: I will seek leave to withdraw the amendment.

HON DERRICK TOMLINSON (East Metropolitan) [4.13 pm]: I support the amendment moved by Hon Helen Hodgson, and I am pleased to do so before she withdraws it. I sincerely hope I can persuade her not to, because of its commonsense.

The amendment refers to the western rock lobster fishery and the motion refers to the management of the fishery and its sustainability. The "management" of the fishery refers to the fishery as an industry. The "sustainability" of the fishery refers to the fishery as an industry and the site at which the industry takes place. I was not sure what the "fishery" meant, and to ensure I was correct in believing that there are two meanings, I referred to the *Macquarie Concise Dictionary*, which states that a "fishery" means -

1. the occupation or industry of catching fish or taking other products of the sea or streams from the water.
2. a place where such an industry is regularly carried on.

It is therefore appropriate to read fishery as having those two meanings, and it is appropriate in the context of the original motion that "fishery" has those meanings. We are referring to management and sustainability; the management of the fishery in terms of the management of an industry; and sustainability in terms of sustainability of the industry as well as sustainability of the place in which the industry is carried out.

When we move from the stem of the motion to the five issues that the amendment requests a standing committee to consider, the meaning of "management" and "sustainability" of the fishery focuses upon the first meaning of fishery. The first item in Hon Jim Scott's amendment refers to the accountability of the Department of Fisheries and its rapid rate of expansion. That is the management of the industry and the role of a government agency in the management of that industry. The second item refers to the potential conflict of interest of the department in being the regulator and having involvement in projects and marketing. Again, we are not talking about the sustainability of the fishery in terms of being able to maintain the stock.

Hon J.A. Scott: Yes we are; it can include that.

Hon DERRICK TOMLINSON: It can, but it is the potential conflict of interest of the department in being the regulator and having involvement in projects and marketing. I concede the point made by Hon Jim Scott. However, if we have an argument about the potential conflict of being a regulator and an exploiter, we are talking about the capacity of the joint regulator-exploiter to maintain the viability of the stock. That is a reasonable argument. However, the terms of the motion clearly focus upon the organisational structure rather than the environmental or ecological concerns of the fishery. I accept that it is inevitable that in discussing it we must refer to ecological sustainability, because that is what it is about. However, the focus is not on ecological sustainability; it is on the organisational structure.

The third item refers to a proportional redirection of better interests development funding to the Western Australian Rock Lobster Fishers Federation to enable it to better represent the interests of lobster fishers. The focus is clearly on a political dimension of the organisational structure. We cannot entertain that being related to ecological sustainability. The fourth item refers to the ability of Western Australian fishers to store, feed and sell their product anywhere within Australia. That is a management issue. One would define "anywhere" to mean places at which that is viable; one would not want to feed and store rock lobsters in Oombulgurri, for example. The fifth item refers to the establishment of a seafood exchange in Fremantle.

The focus of the stem of the motion invites a dual interpretation. However, when we move away from that to the specific items, it asks the committee to look at the management of the fishery as an industry rather than at the management and sustainability of the fishery as an ecological entity. Hence, I see the commonsense in Hon Helen Hodgson's amendment to delete the word "sustainability".

Why is this significant when we are asking a committee to examine and report? My experience of committees is that their

first task is always to determine what the terms of reference mean and to translate that meaning into an operational program for review and report. If members follow the argument I have presented that each of those items relates to the management of the fishery as the management of the industry, they will see that there is a clear route for the standing committee to pursue. If we then introduce the issue of sustainability, even though it is related to the first but not to the fourth item, the committee would then open up a whole new dimension for the terms of reference. I suggest that they are unachievable and unmanageable terms of reference.

Even for the work of the committee, Hon Helen Hodgson's proposal makes good sense. However, I ask the question: If the motion is truly about the management relating to the accountability of a government agency, Fisheries WA, the potential conflict of interest of a government agency in being the regulator and the exploiter, and the allocation of public funds for a particular purpose to an industry accountable to a government agency, why ask the Standing Committee on Ecologically Sustainable Development to consider this rather than the Standing Committee on Government Agencies? Truly, the terms of reference are about the management of an industry and its relationship with a government agency, which is both regulator and exploiter, and some concerns about a conflict of interest in that government agency. I argue that the Standing Committee on Ecologically Sustainable Development is the wrong committee to consider this. That is a separate issue, and we are considering the amendment moved by Hon Helen Hodgson to delete the words "and sustainability". Were the amendment to be supported, the direction would be to inquire into the management of the western rock lobster fishery, which is quite consistent with the five matters that the original motion intends that the committee should look into. Therefore, I warmly commend Hon Helen Hodgson's amendment to the House.

HON HELEN HODGSON (North Metropolitan) [4.22 pm]: I seek leave to withdraw my amendment in the light of information I have received in the past few days.

Amendment, by leave, withdrawn.

Motion Resumed

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [4.23 pm]: Members have had a long debate on this issue which, surprisingly, takes on an industry that has been very well managed and has a sustainable future over a long period. It surprises me that people continue to want to inquire into and investigate industries that have a worldwide reputation for being among the best. Without doubt, the crayfishing industry has put itself in good stead for a long period into the future, and its sustainability and management are recognised worldwide. I have had a fair bit to do with the crayfishing industry since I have been a member of Parliament, and from when I was a youngster and regularly used to pick them from the rocks, boil them in a kerosene tin and enjoy fresh lobster with a group of other youngsters.

Hon Derrick Tomlinson: Were they all the right size?

Hon M.J. CRIDDLE: There were no measurements in those days, so they were sweet whatever their size. We certainly had good times on the rocks picking them up with leather gloves while carrying Tilley lamps.

Hon Tom Helm: Were you born in Liverpool too?

Hon M.J. CRIDDLE: My knowledge of the crayfishing industry goes back a long way, and in those days it was not the affluent industry it has become in recent times. The management of the fishery is a credit to that point. The simple fact that the industry is so well managed allows fishermen to have a bright future. Hon Jim Scott talked about corruption and so forth in the industry and I have asked him to identify that corruption. I hope he will provide some information that will stand up in a court of law because it would be a pity if his comments reached our overseas markets. It does not do the Western Australian industry any good in the world market scene to have that sort of information circulating. The marketing organisations have worked over a long period to help this industry achieve a reputation as a clean and well managed fishery that has environmental processes of which Hon Jim Scott would be proud. In overseas markets Western Australia is recognised as producing a clean and environmentally acceptable product. I had the opportunity of visiting Japan and seeing our product in the Tokyo market. It is well recognised in that large, worldwide market and when people in that type of market accept our product so readily, it is a tribute to the fishermen, the Rock Lobster Industry Advisory Committee and the Western Australian Fishing Industry Council which organise the industry.

Hon J.A. Scott: Are you saying there are no problems in the industry?

Hon M.J. CRIDDLE: I am saying it is a well organised fishery. There are always difficulties in any organisation and any industry. Certainly it will happen in any industry in which there are so many different opinions. Any primary industry operating in Australia, which has free thinkers, will always have conflicting points of view. I am in primary industry and I know there are many different views, but at the end of the day these people produce a very good product which is accepted in overseas markets. I reiterate that point. I remember when I became a member of Parliament six years ago the discussions that went on about pot reductions, the introduction of tar-spots, the females with eggs that had to be returned to the ocean, and the viability of the industry. Since that time, the industry has grown to one that has a reliable forecast.

Hon J.A. Scott interjected.

Hon M.J. CRIDDLE: As a person who has been involved with this industry, I say that we must take off our hats to researchers over a long period because they have proved correct. Hon Kim Chance made that point well and truly known. He has followed this. The respect they have gained for their ability to predict events in the fishing industry, the crayfishing industry and their catch has been well recognised. People have been able to budget on the basis of those predictions. There are fluctuations in the returns from the industry and, thankfully, the industry has come off the bottom which it experienced in recent times. It is a strong industry and it is about investment from the people involved and business management. Some of the lobster fishermen have not only very good and modern vessels and modern technology, but also a very good house and very good investments behind them. Some may struggle, but it may be part of their business management. Many people have become very wealthy from this industry.

This industry has a long history of success in its management and it is generally acclaimed as one of the best fisheries in the world. It is also commercially significant, because annual export earnings are in the region of \$300m and the industry directly supports 2 000 full-time jobs. Preliminary research findings indicate that the management packages introduced for 1993-94 to 1997-98 are still in place. That is interesting to note. It achieved the primary objectives of increasing the breeding stock and maintaining the catches at sustainable levels. I encourage members to read the recent *Commercial Fisheries Research Bulletin* entitled "The Effects of Five Years (1993/94 to 1997/98) of Stable Management in the Western Rock Lobster Fishery" as it provides a detailed assessment of the success of the package. I seek leave to table this document.

Leave granted. [See paper No 908.]

Members have mentioned the accountability of Fisheries WA. It is accountable to Parliament through its annual reporting process in accordance with the requirements of the Financial Administration and Audit Act. In addition, the Office of the Auditor General, as part of its normal program for the review of performance by government agencies, is in the process of conducting a performance examination of Fisheries WA. This performance examination will cover all aspects of Fisheries WA's management of the State's fisheries - including management policy, research and compliance - and, as part of this performance examination, will assess the extent to which the agency is meeting its statutory sustainability requirements for the rock lobster fishery and the State's other fisheries. The findings of the performance examination will be tabled in Parliament by the Auditor General in the second half of 1999. In view of this, I do not support another separate inquiry into the management and sustainability of the western rock lobster fishery when this issue and other related issues are currently the subject of an inquiry by the Auditor General.

Fisheries WA has reported extensively to the industry through the processes of the Rock Lobster Industry Advisory Committee and to individual rock lobster fishermen through RLIAC's coastal tours program and Fisheries WA publications. I have taken part in the RLIAC tours and know that fishermen have an opportunity to become involved in the discussion. Hon Jim Scott mentioned the extension of the season and its ramifications, and this program has given the fishermen the opportunity to be involved in discussion. I listened to the fishermen when that discussion took place and, as a result of it, the opportunity to extend the season was not taken up. The suggestion for the extension of the season was about maximising the return to the fishermen through the opportunity to put product into a market at a time when no other product was going into that market. It was a matter of slotting the product into the market to suit the opportunity.

A pamphlet on cost recovery and management of the fisheries fees in the western rock lobster fishery was published in June 1998 to provide an update on the developments for the State's rock lobster fishermen. The key factors outlined to the rock lobster industry were the growth of Fisheries WA under the current expenditure and the employment since 1994. That has occurred mainly in areas not recovered through commercial-fishers-managed fisheries fees; that is, recreational fishing, aquaculture development and the protection of fish habitats. Projects in cost-recovered fisheries, such as rock lobster fisheries, come on stream after consultation with the industry and after discussions with the management advisory committees; that is, the local committees in which fisheries around the State are involved. Additional services requested by the industry in recent years include the appointment of a full-time executive officer to service RLIAC. Under the current regime of cost recovery, the major commercial fisheries meet the majority of the agency's costs associated with the management of those industries. Fisheries WA is highly accountable in this process. It not only must convince the industry of the rationale for its fisheries management strategies, but also must justify the cost of implementing these strategies to the industry.

Hon J.A. Scott: What document was that?

Hon M.J. CRIDDLE: The cost recovery and management of fisheries' fees.

Hon J.A. Scott interjected.

Hon M.J. CRIDDLE: We will provide it for the member if he requires it. The second issue that was raised was the potential conflict of interest of the department in being a regulator and having involvement in projects and marketing. Fisheries WA has adopted the funder-purchaser-service provider management model. This model makes a clear distinction between

funding, purchasing and service provision activities. Industry scrutiny of the activities and attributed costs of Fisheries WA has been occurring through the RLIAC processes. The Government has no intention to have Fisheries WA become directly involved in marketing Western Australian seafood products. This is clearly a responsibility of the industry, which it does very well. Members must understand that we have some very good marketers in Western Australia and we also have some very large ones.

Hon Kim Chance: What was the proposal to extend the season about if it was not a Fisheries WA initiative?

Hon M.J. CRIDDLE: It was a Fisheries WA initiative, but people must take up that opportunity. There is no suggestion that Fisheries WA will start selling.

Hon Kim Chance: Was that not market driven?

Hon M.J. CRIDDLE: Yes, it was market driven, but industry discussed it. I covered this while Hon Kim Chance was out of the Chamber. It was discussed at the RLIAC tours around the coast and there was plenty of input. That is why it was knocked off - the fishermen did not want it.

Hon J.A. Scott interjected.

Hon M.J. CRIDDLE: People in primary industry are allowed to have discussions. Primary industry is full of individuals; I am one of them. I have strong views and other members of primary industries do not agree with me. I would have fixed the wool industry years ago if they had listened to me.

Hon Kim Chance: Or even the Marketing of Meat Act.

Hon M.J. CRIDDLE: The agency recently advertised for tenders to develop a market-focused strategy for the rock lobster industry. This initiative is supported by RLIAC and has the objective of identifying ways to improve the economic returns from the industry. The intention is to facilitate a more market-focused industry and to enhance the opportunities for trade and market development, not for the agency to actively market the rock lobster.

The third point that was raised in the motion was consideration of a proportional redirection of better interests development funding to the Western Australian Rock Lobster Fishers Federation to enable it to better represent the interests of lobster fishermen. Commercial fisheries pay a development and better interest levy as part of their managed fishery fee arrangements as agreed with the industry. This represents a return to the community as payment for providing the commercial sector with access to community resources of the State's wild fish stocks. The minister has chosen to use the DBI funds to support the industry peak bodies such as the Western Australian Fishing Industry Council, which provides a voice that is representative of the industry generally. The Western Australian Rock Lobster Fishers Federation represents only a subset of rock lobster fishermen with a common set of views. Many professional fishermen's associations and other organisations represent particular fishermen's regional or other interests. These groups have similar claims to the WARLFF for funding. As it would not be possible to fund all these groups, it would be inequitable to fund it over others.

The fourth point is the ability of the Western Australian fishers to store, feed and sell their product anywhere within Australia. Increased interest in the commercial rock lobster fishermen being able to hold, feed and sell their catch, as well as growing interest in the aquaculture of rock lobster, has generated the development of a draft fisheries paper titled "Opportunities for Fattening, Holding and Aquaculture of Western Rock Lobster". The public comment period has closed and submissions received will be considered by a rock lobster enhancement and aquaculture reference group, which will report to the Minister for Fisheries. It is likely that ministerial policy guidelines will be drafted in due course to prescribe how aquaculture and related activities should be allowed to develop in Western Australia. Policies dealing with rock lobster fishermen holding and selling their own catch were included in the draft policy paper. Fishermen are already able to hold and sell their catch as part of their normal fishing operations. Almost all marketers nowadays hold their own product. There are big holding operations in Fremantle and Geraldton.

Recently a ministerial exemption was granted to allow a Carnarvon fisherman to "free swim" his rock lobster catch in his own live holding facilities. That and similar initiatives will also help Fisheries WA to assess the compliance risks associated with relaxing the existing regulations that control how fishermen may hold and transport their catch. The continuing sustainability of the fishery is dependent upon ensuring that the illegal take of protected lobsters is minimised, and therefore it is important to ensure that any relaxation of existing controls does not compromise the ability of the agency to ensure the ongoing integrity of measures to protect the breeding stock and undersize rock lobster.

Fisheries WA has not investigated a "seafood exchange" for rock lobster in Fremantle for the coming season. The idea of an exchange as such has not been raised with Fisheries WA. Nevertheless, Fisheries WA investigated electronic marketing of the State's wetfish catch and similar local market issues in a paper entitled "Improving the Western Australian Wetfish Market" which was completed in 1996. That paper is available on the agency's Internet web site for Hon Jim Scott and others who want more information about the issue.

The Rock Lobster Industry Advisory Committee, which is a statutory advisory committee, has an established marketing

subcommittee that has investigated many issues related to predicted large catch seasons for rock lobster and in part has initiated the proposed market focused industry strategy. Fishermen have generally resisted proposed initiatives to change the fishing season or to make other significant changes for marketing benefits and it is hoped that a strategy can be developed that will increase economic returns from the fishery and win support from the fishing sector. Only good can come from people thinking positively about the future and doing the best they can.

Hon Helen Hodgson pointed out the standing in which the western rock lobster fishing industry is held. It is set to become the first accredited fishery in the world. That move is supported by the Western Australian Fishing Industry Council, the Rock Lobster Industry Advisory Committee and, in particular, Kailis and France Foods. A parliamentary inquiry by the Standing Committee on Ecologically Sustainable Development may reflect badly on the industry. I would not be keen to see an inquiry carried out, and I am sure that the Government does not want to see an inquiry carried out.

I think I have covered most of the issues that have been brought forward by Hon Jim Scott, but I would like to refer to the catch. I understand that it has been bigger than average following the end of February, but slightly smaller than was predicted. It is predicted that it will be above average. On the first day or so of the season on the Abrolhos just recently, there was about a 25 per cent increase in the catch and it is expected to be about 10 per cent better again this year. In Fremantle it is considerably more than last year's catch. In fact, the catch is going very well in those areas. I understand also that the beach price for crayfish is now about \$19. It has risen in recent times from about \$16. Therefore, bearing in mind the difficulties that we have had in the Asian area and the Chinese market, there has certainly been an upturn in recent times, and that augers well for the future of the industry.

I return to my earlier point about the way in which fishermen run their businesses. The industry has been quite reliable for several years. It is a well-managed fishery and it is a credit to all those involved in it. The Government does not support the motion. I will listen with interest to any further comments.

HON M.D. NIXON (Agricultural) [4.45 pm]: I am surprised that the motion has been moved. Western Australia and the rest of the world face many problems, so I am amazed that the rock lobster fishing industry is singled out as one that requires an inquiry. There is absolutely no doubt that the industry is well managed and sustainable. Hon Jim Scott criticised estimates of the future catch. I endorse Hon Murray Criddle's comment that no other fishery in the world is better managed, monitored and regulated than the rock lobster industry in Western Australia. At the end of the year I am always amazed at how accurately the catch is estimated. The little critters seem to move around a bit and we never know where they are at any given time. Some of my friends who dive on the Abrolhos say, "We are not going to catch any lobster this year because we have been diving there and there is not one to be seen", but a week later, when the fishing season opens, the catches suddenly seem to be back to normal. There is no doubt that Fisheries WA does a wonderful job of developing methods to calculate the catch for the season.

As a member of the farming community I have much in common with members of the fishing industry. Anyone who relies on the seasons and so on to make a living is a little independent and cussed. I am always amazed at how much more independent fishermen are. The rock lobster industry traditionally has been a high-profit industry and every one they catch is well worth the trouble. Fishermen have done everything in their power to increase the technology to catch rock lobsters. The only difficulty is that if they did nothing it would threaten the sustainability of the industry. From time to time it is necessary for Fisheries WA to introduce controls. In the past certain aspects of that control management have been considered. As with anything, sometimes we must suck it and see and it is only when we do so that we realise that perhaps there are better ways of doing something. There have been some regulatory requirements of which I am certainly critical. Nevertheless, there is a structure. When all fishermen have a chance to make input into the management plan, there is no doubt that it is not only a well-managed industry, but also that the operators have every chance to have a say on the management plan.

Fishermen are individuals, so just like farmers we will never get them all to agree. It is human nature. There will always be some who believe that there is a better way of doing something. They sometimes feel that in their operations they have suffered slightly more compared with some of their neighbours. That happens whenever Governments introduce controls. There will always be some who feel a little harder dealt with than others. That is one reason that I support a free society. It is only when we have free and responsible people in an industry that we will remove many hardships. The trouble with the fishing industry is that it must be managed to maintain its sustainability. That means that somebody must make a decision based on scientific fact, and in Western Australia it is of extremely high quality, and it must be a democratic decision which suits the majority of fishermen.

I have no doubt that this is going as well as can be reasonably expected. Certainly, it is not in crisis.

Hon Jim Scott also raised the potential conflict of interest with Fisheries WA being the regulator while having involvement in projects and marketing. In my knowledge of the fishing industry, I cannot see that Fisheries WA in any way is compromised in its actions. It has certainly attempted to develop markets. Hon Kim Chance and Hon Bruce Donaldson will note that recently the department looked at an aquaculture project at Esperance, for which it received a little flack. One could argue on that basis that it is too entrepreneurial. Time will tell whether aquaculture can apply in the rock lobster

industry. It is a complex matter. It is important that the department acts as a promoter and leader in aquaculture. I can see no conflict of interest, and no reason that the department will act in anything other than a fair manner to the professional fisherman.

The motion reads -

A proportional redirection of Better Interests Development Funding to Western Australian Rock Lobster Fishers
...

I am sure that the producers are well able to argue the case, as they do. Anyone who contributes to research funds wants them spent in a fair and responsible manner. Parliament cannot add much to that process. The democratic processes are in place and the professional fishermen will make their case to the minister. The motion further reads -

The ability of Western Australian fishers to store, feed and sell their product anywhere within Western Australia
...

One can find a silver lining in every black cloud with the fall in the price of lobster. I have had the opportunity to eat rock lobster several times in the last couple of weeks. In the past, the price of rock lobster increased to the stage at which many Western Australians could not afford the luxury of eating it. The chances of increasing the consumption of rock lobster in Australia depends upon its relative prices. I hope that the world price will increase and Western Australian fishers will receive about twice the current return. Once again, rock lobster will become a luxury food in WA, rather than the food we rushed to buy last Christmas because for the first time for many years it fitted the average family budget.

I cannot see how members of Parliament will do anything better in that regard than the normal commercial process. Regulated marketers of rock lobsters operate in Western Australia. It is essential that any industry be regulated. Ultimately, one must make sure that the regulations are working by measuring the catch to see whether objectives are being achieved. I cannot see how Parliament can produce any better ideas than commercial people on how to market rock lobster. We could obtain expert advice. Nevertheless, if anyone has commercial information on how to return a couple more dollars for a kilo of rock lobsters, he will keep it to himself. That commercial information will certainly not be readily available to a committee of this House.

Maybe I was missing on parliamentary business when the member raised the fifth point about the establishment of a seafood exchange in Fremantle; I apologise if the matter was mentioned in my absence and maybe I should study what the member promoted. However, although Governments have a responsibility to act as a catalyst in marketing products - which the Fisheries Department does very well - marketing is always best done in the long run by the private enterprise system. An industry goes the extra mile when it has an incentive.

Hon J.A. Scott: We have had the legislation to allow that to happen.

Hon M.D. NIXON: Is that to allow it to have a market? The member is saying that the current licensing system should be adjusted to enable the market to apply. That may have some merit. I have not studied it. The major market for Western Australian rock lobster will be overseas. Rock lobster is eaten only on special occasions in Australia. At \$35 a kilo when landed on the beach, it is well and truly above the purchasing power of most Western Australians. We have trouble selling beef at about \$1.20 a kilo; therefore, relative to other foods, it is a high price.

I can see no reason for the standing committee of this House to examine this issue. Many other matters have a far higher priority to increase the competitiveness of Western Australian industry. The forestry debate is very much in the public domain, and I understand the ESD Committee is already examining that matter. The Constitutional Affairs Committee has referred petitions to that committee on that matter.

The motion gives the proposed ESD inquiry a report deadline of 2 June 1999. By the time the committee places an advertisement in the paper asking people to give evidence, the deadline will be beaten. It is an impossible deadline. If the member wanted to conduct an inquiry of any value, it would take 12 months or two years, such is the complexity of the industry. It is far better done by the skilled professionals already considering the matter. It is best monitored directly by the producers in the fishing industry through their normal democratic processes.

HON DEXTER DAVIES (Agricultural) [4.58 pm]: Inquiring into the fishing industry is obviously of some interest to people involved in that industry. It is probably one of the best prepared industries to sustain an inquiry as several inquiries are already taking place on that subject. If this inquiry were held into the fishing industry, it would be in the interests of this place to wait until the Auditor General's performance examination was completed, and the national competition policy legislation review was completed. Therefore, the parliamentary committee would not repeat the collation of information which becomes available.

I emphasise that since I have been in this place I have taken an interest in the fishing industry. I do not claim to be an expert by any means. However, my electoral region takes in virtually all the fishing industry regions along the west and south coasts. As Hon Murray Nixon said, Farmers Federation and Pastoralists and Graziers Association meetings establish

organisations which we think will represent the bodies totally. People become interested and try to cope with the myriad problems any primary industry encounters as technology improves and different circumstances arise. Disagreements always arise as a result of matters such as geographic or seasonal aspects. A range of issues arise which make it nearly impossible for everyone to say that the industry is on top of the world. From Kalbarri to Geraldton to Dongara to Jurien to Fremantle and to Albany, all people involved have a different opinion about the right way to cope with any specific issue. Anybody who claimed that the system was perfect would not be telling the whole truth. The industry that probably can hold its head up highest in Western Australia is the fishing industry, because of its work on sustainability and because of the world organisations that have endorsed its work on conservation.

Debate adjourned, pursuant to standing orders.

[Questions without notice taken.]

CRIMINAL CODE AMENDMENT BILL 1999

Introduction and First Reading

Bill introduced, on motion by Hon Peter Foss (Attorney General), and read a first time.

Second Reading

HON PETER FOSS (East Metropolitan - Attorney General) [5.33 pm]: I move -

That the Bill be now read a second time.

The Criminal Code Amendment Bill 1999 seeks to address criminal law reform in the areas of burglary and videotaped interviews conducted by officers of the Anti-Corruption Commission. The amendments are little more than procedural in matter, given that the burglary amendments flow from a recent decision of the Court of Criminal Appeal, and the amendments relating to videotaped interviews merely codify regulations which are already in place.

Three Strikes Burglary Laws: In November 1996, through amendments to sections 400 and 401 of the Criminal Code, new burglary offences were created. These new laws are, however, more widely known for the introduction of "three strikes and you're in" mandatory 12-months' imprisonment or detention for home burglary. Recently an issue concerning the application of the three strikes law to juveniles was highlighted by the Court of Criminal Appeal. This issue, which necessitates legislative action, is the subject of this current Bill.

In *G (A Child) v The Queen*, the court held that it was wrong to regard a juvenile as a repeat offender for the purposes of the three strikes provisions of section 401 of the code as a consequence of findings of guilt or admission of guilt where the Children's Court refrains from imposing any punishment in accordance with section 67 of the Young Offenders Act 1994. Presently, the definition of "repeat offender" in section 400 of the code refers, in part, to a finding or admission of guilt that led to a punishment being imposed on the offender, or an order being made in respect of the offender. The Court of Criminal Appeal held that an order under section 67 of the Young Offenders Act 1994 is not a conviction for the purposes of section 400 of the code as it neither leads to a punishment being imposed nor to an order being made in respect of the offender.

In order that the burglary laws of this State are clarified in their operation, the Criminal Code Amendment Bill 1999 amends the definition of repeat offender in section 400 of the code, such that a conviction for the purposes of the three strikes law means a finding of guilt, whether after a plea of guilty or otherwise, and whether or not a conviction is recorded. This will address the issue raised by the Court of Criminal Appeal in *G (A Child) v The Queen*.

Videotaped Interviews: Chapter LXA was inserted in the Criminal Code in 1996 through the enactment of provisions contained in the Acts Amendment (Jurisdiction and Criminal Procedure) Act 1992. This chapter presently deals with issues associated with videotaped interviews conducted by the police. The Criminal Code Amendment Bill 1999 now seeks to effect a number of changes to chapter LXA of the code in relation to videotaped interviews conducted by officials of the Anti-Corruption Commission.

The amendments are not substantive in nature and merely seek to place the Anti-Corruption Commission under the same Criminal Code regime in respect of videotaped interviews as currently applies in relation to videotaped interviews conducted by police officers. The current restrictions contained in the code in respect of broadcasting and retention of videotapes of police interviews will apply in exactly the same way in relation to videotaped interviews conducted by the Anti-Corruption Commission.

As an interim measure, some of these provisions have already been effected through amendments contained in the Criminal Code (Authorized Persons) (Videotapes of Interviews) Amendment Regulations 1998. The provisions contained in the Criminal Code Amendment Bill 1999 are designed to codify, in statute law, the restrictions and obligations that surround videotaped interviews conducted by the Anti-Corruption Commission. In addition, the Bill will codify the existing regulatory powers which enable the Parliamentary Commissioner to have access to videotaped interviews and will enable the Parliamentary Commissioner to play such videotaped interviews to other persons. In this way the Parliamentary

Commissioner will be placed on the same footing as police officers and Anti-Corruption Commission officials in relation to the handling of videotaped interviews.

Conclusion: The continuing high incidence of burglary is a matter of concern, and there is a community expectation that laws will be amended as necessary to reflect emergent problems and issues. The Bill achieves that purpose. In addition, it is the Government's policy to ensure that the Anti-Corruption Commission is a powerful, independent investigatory body which is provided with the necessary means and safeguards to ensure it can continue to function in an efficient and accountable manner. Again, the Bill achieves that purpose.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

CRIMES AT SEA BILL 1999

Introduction and First Reading

Bill introduced, on motion by Hon Peter Foss (Attorney General), and read a first time.

Second Reading

HON PETER FOSS (East Metropolitan - Attorney General) [5.38 pm]: I move -

That the Bill be now read a second time.

The Bill is part of a scheme which will simplify the application of the criminal law in waters surrounding Australia. The scheme was developed by the Special Committee of Solicitors General and endorsed by the Standing Committee of Attorneys General.

Jurisdiction over crimes committed at sea was, until the early 1980s, an obscure area of law. Beginning in 1979, complementary commonwealth and state legislation was enacted, designed to divide the responsibility for crimes committed in offshore areas between the Commonwealth and the States. The criminal laws of the State were extended to crimes committed at sea with which the State was connected in one of a number of specified ways. The Western Australian statute is the Crimes (Offences at Sea) Act 1979.

The 1979 scheme presents several difficulties. The legislation of the Commonwealth, the States and the Northern Territory take differing approaches to the issue. Within individual Acts, there are gaps and differences which are not found in other Acts. This adds an element of complexity to what is itself a relatively complex scheme. The imposition of state criminal law upon conduct by reference to the destination of the vessel and the State in which the vessel was registered has proved awkward. The scheme contemplates the possibility that a state authority investigating a crime at sea that was an offence against the law of another State would be bound to follow the investigative procedures of that other State. The existing state of the law is confusing and difficult to understand. It is in this context that the Solicitors General proposed that a clearer and simpler scheme should be devised.

Under the scheme agreed to by the Standing Committee of Attorneys General, the Commonwealth and the States will enact Acts containing an identical schedule that constitutes the scheme for the extraterritorial application of state criminal laws in the sea surrounding Australia - the adjacent area. The adjacent area extends 200 nautical miles from the baseline of the State or to the outer limit of the continental shelf, whichever is the greater distance.

The criminal law of the State is to apply of its own force to a distance of 12 nautical miles from the baseline of the State. Beyond 12 nautical miles, the criminal law of the State is applied with the force of a commonwealth law. The boundaries and baselines of the States and the boundaries to the adjacent areas are described in the map and descriptive material contained in part 6 of the schedule. The scheme does not apply to state and commonwealth laws excluded by regulation from the ambit of the scheme. This is to cater for presently operating schemes relating to subjects such as fisheries.

The authority that is investigating an offence investigates it according to its own procedure. For example, South Australian police investigating an offence that under the scheme is an offence under Western Australian law will investigate it according to South Australian procedures. Where a state offence and a commonwealth offence operating of its own force are being investigated together the investigating authority will, as at present, have to follow the procedural requirements which are the more stringent.

The commonwealth Act will apply the criminal law of the Jervis Bay Territory to certain criminal acts which occur outside the adjacent area. Jervis Bay Territory law will apply on Australian ships, to Australian citizens on foreign ships who are not members of the crew and on a foreign ship that first lands in Australia after the commission of an offence. The commonwealth Act will also make special provision for the application of criminal laws in the Australian-Indonesian Zone of Cooperation.

Clause 7 of the schedule provides that the commonwealth Attorney General must consent to a prosecution of an offence

committed on a foreign ship that is registered in a foreign country where the offence could be prosecuted in the country of registration. This requirement is necessary to ensure that any prosecution does not involve a breach of Australia's international obligations. Before granting approval the commonwealth Attorney General must be satisfied that the Government of the foreign country consented to the prosecution in Australia.

Under the scheme commonwealth proceedings will be run according to the law of the Commonwealth and state proceedings will be run according to the law in the jurisdiction in which the proceedings were commenced. In the example given above the Western Australian offence would be tried in a South Australian court according to South Australian laws relating to criminal procedure and evidence.

Responsibility for the administration and enforcement of the law relating to crimes at sea is to be set out in an intergovernmental agreement. The agreement will also empower state authorities to perform functions and exercise powers in the investigation of offences as provided for in the legislation. This is provided for in clause 3 of the preamble and part 3 of the schedule.

The agreement will provide that the arrival State - that is, the State in which an Australian ship arrives after an offence has been committed - has primary responsibility for investigating and prosecuting an offence. In general terms a State will have primary responsibility for investigating and prosecuting crimes committed in its adjacent waters out to the 200 nautical mile limit. The agreement will provide that where more than one jurisdiction is empowered to prosecute offences those jurisdictions should consult to determine the jurisdiction most convenient for prosecution. It will also provide that jurisdictions should, where practicable, provide assistance to one another in the investigation of offences arising under the scheme.

The intergovernmental agreement will be entered into by Attorneys General once the legislation is enacted in all jurisdictions. Clause 6 requires the minister to have the intergovernmental agreement published in the *Government Gazette*.

Western Australian police rarely encounter crimes at sea - apart from Marine and Harbours Act offences. When they do encounter crimes at sea they are faced with logistical problems and legal uncertainties. In order to meet some of those logistical problems the agreement will provide that the Commonwealth shall use its best endeavours to provide assistance to the State from commonwealth agencies such as the defence forces, the Australian Customs Service and the Australian Federal Police. Such assistance may include the gathering of evidence, the provision of personnel, transport, communication facilities or information. The policing of offences at sea will continue to be difficult operationally and logistically but this measure will eliminate the legal uncertainties. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

The PRESIDENT: Before we move to orders of the day, I remind members that there is a special recognition ceremony for staff tonight. I think all members received a note to that effect. A complimentary smorgasbord will be provided to members and staff.

WEAPONS BILL

Committee

Resumed from 23 March. The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

Title -

Progress was reported after the title had been partly considered.

Hon PETER FOSS: The Supplementary Notice Paper indicates an amendment to clauses 8 and 9. If members have a copy of the regulations they might like to look at how the matter was previously dealt with.

Title put and passed.

Report

Bill reported, with amendments.

Recommittal

On motion by Hon Peter Foss (Attorney General), resolved -

That the Bill be recommitted for the purpose of reconsidering clauses 8 and 9.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

Clause 8: Other articles carried or possessed as weapons -

Hon PETER FOSS: I move -

Page 5, line 13 - To delete "subsection (3)" and substitute "subsections (3) and (5)".

At one stage it was suggested that the matter be dealt with by way of regulation. If my recollection is correct, it was originally suggested that home owners not be dealt with by way of regulation. I had serious doubts about the capacity of the regulations to deal with that matter. Accordingly, we have asked parliamentary counsel to draft an amendment which deals with business owners. The measure has been restricted to business owners because if it referred to all premises anywhere, unfortunately it would allow people such as the Coffin Cheaters to keep such weapons on their premises. The amendment deals with the occasion with which we are concerned, which is the lawful defence of home or business premises.

Hon N.D. GRIFFITHS: What is sought to be achieved is supported, but I have some misgivings about the wording. The Attorney General has referred to "business owner". The word "owner" is not in front of us. The wording of the amendment is "a person who has the immediate control and management of a business". I understand what "immediate control" is and I understand what "management" is. It seems to me that a commonplace example of where someone may need to have access to one of those weapons is a shop. The owner or manager may leave the shop premises for whatever purposes and leave behind someone who cannot be described as a manager - that is, someone who performs the task of serving behind the counter or perhaps sweeping the premises. That person under these words may be in strife. I do not know. I am concerned. Why should it be restricted only to management? We need to safeguard the wellbeing of the people involved. What if the manager was there, and an employee was also present, but the employee was the only person who could reasonably access the weapon? I am not sure whether these matters have been thought through as well as possible. I do not know the answer off the top of my head. We have all just received the wording, including, I suspect, the Attorney. I want to get this right. Frankly, one way to get it right - I have criticised the Minister for Police in the past for delay - may be to effectively postpone consideration until Parliament returns from a break in a few weeks. I leave it in the Attorney's hands.

Hon PETER FOSS: The original concept was to refer to "owner". The problem was that the owner may not be the person controlling the premises. The example given by Hon Nick Griffiths would mean that the person merely left in the premises would not have possession. "Control and management" does not mean that the person can say, "I am the manager." It is the person who at that time controls and manages the premises. If the person controls and manages the premises, he or she controls and manages things on the premises. That is the concept. If one has such control as to have possession of the weapon, such possession is excused. For instance, if one is not in control and management of the premises, and one is carrying a weapon, one would not be excused. The person in control and management may decide that a baseball bat will be kept under the counter. That person need not be on the premises. As he or she is the person in possession of the premises, he or she may be in possession of the bat.

I could take Hon Nick Griffiths back to some old cases regarding possession. If a person has a house containing items, and leaves a servant in charge of the house, and the servant or someone else steals, possession is taken from the owner of the house; namely, the owner has the control and management of the house, not the servant who happens to be there at the time.

Hon N.D. Griffiths: I understand that point. The Attorney might be right in relation to those words. I am not convinced that the Attorney is right. We have had insufficient time to consider the matter, and I would hate to be wrong.

Hon PETER FOSS: I have no problem with the member's suggestion, although I believe my view is correct. I have been backward and forward to parliamentary counsel -

Hon N.D. Griffiths: But only for a few days.

Hon PETER FOSS: I realise that. I changed paragraph (b), which now refers to the area to which "the public usually does not have access". It originally referred to the area to which "the public is not permitted to have access". That might have required a separate room rather than having an item under the counter. That is slightly different. We have liberated that aspect a little. I will accept it if the member would prefer to defer consideration. I agree with the member that it is far better to get it right than otherwise. Would the member like the Bill deferred to a later stage of this day's sitting or until some time considerably later? It is up to him. I agree - I would not want to pass the measure if members were unhappy that the wording does not satisfy all concerns.

Hon N.D. GRIFFITHS: In response to the invitation, for the moment the Bill could be postponed to a later stage of this day's sitting. Members can then think about it. If their concerns are allayed, we can progress the matter further. If not, the other invitation can be taken up.

Hon PETER FOSS: I am happy with that suggestion. It would be advisable to debate the clause now so any concerns can be thoroughly aired. I can ensure that the concerns will be addressed if we postpone consideration. If we adjourn until a later stage of today's sittings, it is imperative that before the House rises, we bring the Bill back on, even just to adjourn

debate; otherwise, we will lose it from the Notice Paper. I mention that in case some member is talking at great length at five minutes to 10 o'clock - it may be me!

I have outlined the reason for the change from the original suggestion of the word "owner". We did not think "owner" was appropriate. Somebody on the premises must be the person who possesses that premise, and that person should be excused for possession of the weapon. "Immediate control and management", as referred to in the first line of the amendment, was designed to create the link between the person in control and the person who possesses something kept under the counter. Only that person may carry it, and only out of view in a part of the shop where the public would not normally have access.

Hon NORM KELLY: I raise a few concerns on a brief reading of this amendment. If this committee consideration is to be adjourned until later today, I will be involved in other matters on the Notice Paper then; therefore, I express my concerns now.

Hon Nick Griffiths mentioned the terminology in proposed subclause (5). It may be more useful to use "control or management" rather than "control and management". The second concern is the reference to "business". Would that include voluntary and charitable organisations? I seek a response. Is a person in immediate control and/or management - quickly thinking of scenarios - if a retail shop employee needs to go out into a dark laneway late at night with a piece of four by two? The allowance of possession is understandable in the scenario of a baseball bat in a video shop. This could be extended to other businesses. Part of my tool kit when I drove a taxi was a shifter next to the driving seat as this was useful for running repairs on night shift. The previous clause relating to dwellings covers vehicles. Are people working in a vehicle also covered for carrying objects for defence? I appreciate that this amendment will improve the Bill.

Hon B.K. DONALDSON: I put forward a suggestion to the minister for consideration over the dinner suspension. Proposed subclause (5) refers to a person who is in immediate control. Why not look at the person being the owner or employee who has the immediate control and management of a business?

Hon PETER FOSS: I will check out Hon Norm Kelly's suggestion of "control or management" with parliamentary counsel. "And" rather than "or" attempts to move closer to defining who will have possession. Hon Bruce Donaldson's suggestion would eliminate from permissible possession someone being left in charge of the premises; namely, neither the owner nor the employee.

Hon N.D. Griffiths: That hurts the concerns I raised.

Hon PETER FOSS: I would rather not have Hon Bruce Donaldson's suggestion as it would be limiting.

Sitting suspended from 6.02 to 7.30 pm

Hon PETER FOSS: Members will be pleased to hear that over the dinner break some discussion took place and probably to the horror of all members of the Chamber at least the two lawyers in the Chamber agreed on the wording. The suggestion in proposed new subclause (5) of "control or management" is too wide. The most important point is that the person who is in possession of the premises is the person who has the capacity to use that weapon and the one whom we would seek to charge. A person who has the management of the premises may not even be on the premises. If we provide that there must be control and management there will a problem when the person who normally has control and management leaves the premises in control of his 18-year-old daughter. She would be in control but it may be arguable whether she has the management of the premises. We concluded that the words "and management" did not add a great deal to what we were attempting to do. The best view would be to take out the words "and management", although we are not dealing with that part of the amendment.

The CHAIRMAN: I will take the view that the minister has not moved the second part of the amendment to insert new subclause (5), so that will solve the problem.

Hon NORM KELLY: Before the break Hon Bruce Donaldson raised the issue of whether the proposed new subclause (5) should state "A person who is an employee" or words to that effect. Changing the wording to "immediate control of a business" does not sufficiently address my concern that an employee of the business may not be in control of that business but may be carrying out those functions, and it is not simply possession of the article but includes carrying the article. Even though the manager has possession whether he or she is present or not, an employee may be the person carrying that object. I do not think this is the time to talk about possible scenarios. However, it would be reasonable to expect there would be occasions when an employee should be covered under this clause when carrying out his normal work. That is bearing in mind that there would be sometimes additional responsibility placed on the employee to protect the business of the employer. The proposed new wording does not provide sufficient safeguards for employees, and that may be the minister's intention.

Hon PETER FOSS: We do not intend people to wander around armed. We are talking about possessing one of these articles under the counter pending some occurrence, not that employees should wander around armed in premises. We are dealing with a legitimate provision for contingencies. Somebody must be in possession of such an article on the premises, and the person who would be in possession of it when it is being stored would be the person who has control of those premises -

whoever that might be at a particular time. There was a suggestion about people going outside. I suggest they take a capsicum spray because that will definitely be permitted under the regulations. The solution for anyone going outside is to take a capsicum spray rather than a piece of four-by-two. We are not seeking to set a regime of armed employees; we are seeking to allow for a weapon - generally speaking not a prohibited weapon - which will be capable of being kept for the purpose of protecting the premises in the event of something happening. It is not intended that we have armed employees.

Hon NORM KELLY: One solution to be doubly sure is to have a capsicum spray concealed in a piece of four-by-two! Would an employee who carried about something that was kept under the counter be covered by the law only if he or she were carrying that article in response to a situation the person would be covered by section 25 of the Criminal Code; that is, as long as they were carrying it in response to an incident? In the ordinary course of business they would not need to carry that unless, for example, somebody had come in who they feared was about to commit an offence in which case they would be covered by section 25 of the Criminal Code.

Hon PETER FOSS: I think this point arose in the Standing Committee on Legislation. Once the situation has occurred, the code makes it lawful to use a weapon. I suppose it is the compilation of Acts, but section 5 of the Criminal Code is an overriding section. Once there is an immediate situation of trying to prevent the commission of an offence or to protect property one can get hold of anything. In a hardware store it could be a piece of four-by-two, a crowbar or an axe. The code comes in to protect that action.

Here we are dealing with a situation of an owner of a video store having a baseball bat under the counter. If it were a sports store the owner could say it was there for the purpose of sale. In a video store the owner would not hit someone with a small plastic video. We are dealing with a situation in which no handy weapon is available that could be used to protect oneself. When someone brings it on the premises it would be difficult to say it was there for sale. The obvious reason would be for protection. If it is stored there for use it is considered to be in possession of the person who has immediate control of the premises, who could be offending under this legislation and who therefore must be provided with a defence. Once the person comes into the store, anyone could grab the baseball bat if it were under the counter and use it, and that is a different situation than what is contemplated under this clause.

Hon B.K. DONALDSON: The Legislation Committee had problems with this clause. I am pleased that some resolution has been forthcoming; it picks up the committee's concerns. We can probably not improve on it much more.

Amendment put and passed.

Hon PETER FOSS: I move -

Page 6, after line 8 - To insert the following new subclause -

- (5) A person who has the immediate control of a business does not commit an offence under section 8(1) if the person carries or possesses the article at a part of the business premises -
 - (a) that is not in the view of the public; and
 - (b) to which the public does not usually have access,
 for the purpose of using it in lawful defence at the business premises in circumstances that the person has reasonable grounds to apprehend may arise.

Hon NORM KELLY: Does the word "business" cover voluntary organisations, charitable groups and the like?

Hon PETER FOSS: As far as they carry on business it would. If they did not carry on business it would not. I have dealt with that with the police. I assure Hon Norm Kelly that offenders are not in the habit of raiding charities for that purpose. We can deal with that by regulation. We do not want to end up with the "Charitable Order of Coffin Cheaters" included as people exempted from this clause".

Hon N.D. GRIFFITHS: What is being proposed is appropriate for two reasons: First, it addresses the primary concern I raised when the matter was first mooted. Second, with respect to charities, initially the proposal was that these matters be dealt with by regulation. As a general rule it is bad to make legislation on the run. Having said that, it is the nature of Houses of Parliament that we do make legislation on the run. We tend to move amendments from time to time which occur to some of us by way of a rush of blood. There has been a degree of reflection over the dinner break.

The deletion of the words "and management" is an improvement. The fact that this clause does not deal with each and every item is acknowledged. It cannot. When an Act of Parliament is prescriptive it is unworkable. When we get down to the nitty-gritty of how to deal with each and every situation in a delicatessen or whatever, the only reasonable way to deal with it, if it can be done at all - sometimes it cannot be - is by regulation. Although as members of Parliament we have a view that we should say what will happen, and when we are dealing with regulations we say, No, it cannot happen", so it is not quite the same thing; generally speaking - there are some notable exceptions - when we are legislating we should deal with general principles rather than trying to deal with every scenario that will arise. Perhaps in dealing with this clause we are

trying to deal with a scenario as part of what is involved in the Weapons Bill. What was contained in the Police Act was not as unworkable as many people think it was. A couple of lines to it by way of amendment would have done the job.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 9: Section 25 of *The Criminal Code* not affected -

Hon PETER FOSS: I move -

Page 6, line 10 - To delete "section 25" and substitute "sections 25 and 31".

This clause deals with the effect of this Bill on the provisions relating to the word "excuse" in the Criminal Code. It mentions only section 25, and it would perhaps be beneficial to refer to section 31 of the Criminal Code. It may not be absolutely necessary, but having considered the matter, parliamentary counsel thought it better to refer to section 31. If there is any benefit to be gained we should give the Criminal Code justification and excuse provisions pre-eminence over this legislation. That is what this amendment does and I support that idea.

Amendment put and passed.

Clause, as amended, put and passed.

Report

Bill again reported, with further amendments, and the report adopted.

STATE FORESTS Nos 22, 38, 65 and 70 - REVOCATION OF DEDICATION

Assembly's Resolution

Message from the Assembly received and read requesting concurrence in the revocation and partial revocation of certain state forests.

Motion to Concur

HON MAX EVANS (North Metropolitan - Minister for Finance) [7.50 pm]: I move -

That the proposal for the revocation of state forest No 70 and partial revocation of state forest Nos 22, 38 and 65 laid upon the Table of the Legislative Council on 17 November 1998 by command of His Excellency the Governor, be carried out.

With regard to the revocation of state forest No 70 and partial revocation of state forest Nos 22, 38 and 65, I now outline the reasons. It is proposed that state forest No 70 and parts of state forest Nos 22, 38 and 65 be revoked. The combined area of this proposal is about 173 hectares, offset by an exchange of 40 hectares. It should be noted that during 1997-98, the total area of state forest increased by 2 478 hectares due to the inclusion of uncleared vacant crown land east of Collie into state forest No 24. Area 1 to be revoked is about 9 000 square metres - just under one hectare of state forest No 22. It is near Pickering Brook townsite, approximately 26 kilometres east of Perth, and is predominantly cleared. This land is required for access to a packing shed and cool store. The land and improvements on it form an integral part of the business being conducted on the adjacent property - lot 1 of Canning locations 818 and 1844. The owners of that property, Cargo Holdings Pty Ltd, have agreed that if the proposed excision goes ahead the land will be amalgamated into the certificate of title for lot 1 of Canning locations 818 and 1844; it is prepared to purchase the land at market value, which will be determined by the Valuer General's Office just prior to sale - and on 19 February 1998, the Valuer General's Office advised that the value of the area is currently \$25 000; and it will meet all costs incurred during the excision and subsequent sale process.

Area 2 relates to a land exchange proposal. It is proposed to release part of state forest No 38 at Nyamup in exchange for a portion of Nelson location 4406. The area of state forest is about 24 hectares and is largely cleared and developed with houses used for holiday accommodation and other buildings associated with the previous Nyamup mill settlement. It is currently leased from the Department of Conservation and Land Management for tourist accommodation and recreation purposes. Nelson location 4406, the land to be exchanged, is approximately 26 kilometres south east of Manjimup. The area is suitable for development as a recreation site. If the exchange goes ahead, CALM is likely to establish a camping ground on the area. Further timber cutting would be excluded because of the proximity of the area to the Warren River. No known threatened flora or fauna is on either of the areas being considered for exchange. The exchange will offer advantages to both parties. It will give the applicant greater security of tenure over his existing capital investment at Nyamup, and it will add to the forest estate an attractive riverfront property with relocation potential. The proponent has agreed to meet all costs incurred during the exchange, which will be on an equal value basis, with no monetary consideration involved. The Valuer General's Office has confirmed that both parcels of land are of the same value.

Area 3 is an application by the Water Corporation for excision from state forest No 65 of an area of 26.6994 hectares. This

is required for a water storage reservoir site and access to it off Gnangara Road. Construction of the reservoir is scheduled for 2005, and water from it will be used in connection with development of Perth's north-east corridor. There are no rare flora within the proposed site as surveyed by consultants Hart Simpson and Associates, nor from CALM's inspection. If excised, the land will be set aside as a reserve and vested in the Water Corporation. The former Water Authority secured clearances for the project from the Environmental Protection Authority, the Departments of Land Administration and Minerals and Energy, and the Shire of Swan.

Area 4 involves the remnant of state forest No 70 at Baldvis. In October 1996 the Government approved a commercial afforestation program to combat salinity and eutrophication in the Agricultural Region and on the Swan coastal plain. Part of this decision authorises CALM to undertake the disposal of assets, the proceeds from which will help fund the maritime pine afforestation project under the State's salinity action plan. State forest No 70 was identified as one of the main areas that could be sold to achieve the desired aim. It is now proposed to revoke the present state forest tenure of the land and convert it to freehold. State forest No 70 has an area of about 121 hectares. Approximately 60 per cent of the area is a near-mature pine plantation established between 1968 and 1971. Some form of residential development is considered the most appropriate future use of the land which has already been rezoned urban under the metropolitan region scheme. A proposal to rezone the land for residential development under the City of Rockingham's town planning scheme is currently before council. Preliminary valuations indicate that sale of the land would realise in excess of \$6m. At this stage there are no firm plans as to the preferred manner and timing of disposal.

All four of the proposed revocations in this motion have the support of the Lands and Forest Commission, which is the vesting body for state forest and must be consulted about any plans to alter the forest estate by revocation. I commend the motion to the Chamber and ask members to support it.

HON CHRISTINE SHARP (South West) [7.58 pm]: I am pleased to inform the Chamber that I agree with this motion, although it has taken considerable study and thought on my part. I have taken a bit of effort over the summer recess to look at this important subject of forest revocation. When I first heard last December that some forest revocations would be coming to this Chamber, I broke into a panic because I thought that it would happen the next day; and we all know that in this place we never know whether things will happen today, tomorrow or in three months. I raced around and asked several officers in this place, "What is a forest revocation, and what should I do?" No-one seemed to have any idea of exactly how revocations are handled, which made me panic even more, because I thought, "Perhaps they are terribly exceptional and unusual events, and this is another sinister plot by CALM that we have uncovered. I had better look into this." There was no memory at all of how revocations work. I thought I would ask the department, and it has been extremely helpful in this matter and provided lots of information about forest revocation. Since 1930, 70 separate revocation motions have been passed in this place and the last 16 were passed between 1994 and 1995. I wonder whether the fact that no-one has any memory of how they go through the Parliament is an indication that until there were greenies in this place, no-one took much notice of them and that this is the first time they will be debated.

Hon J.A. Cowdell: If you look at the *Hansard*, you will find there was considerable debate, including demands for maps, and they were carefully looked at over the past few years.

Hon Norm Kelly: I am sure the member is talking about greenies in the generic sense.

Hon CHRISTINE SHARP: I am indeed; we are not exclusive in our approach. I am glad that all members have been greenies for a long time and will continue as such. The minister representing the Minister for the Environment has explained the four areas in question. I understand that the first area, which is less than a hectare at Karragullen, is in this revocation because of a mistake. Apparently the orchardists who live on the adjacent site made a mistake with their boundaries 20-odd years ago and built their cold store on the wrong site. Therefore, they are unable to access their cold store facilities as they are partially located on the boundaries of state forest. The first area is to be amalgamated into the freehold title land and is to fix a mistake made by private landowners some time ago. I am not sure whether the department should be so compassionate with people who get their boundaries wrong. However, it is a small area and it involves considerable personal inconvenience to the people involved. Therefore, I understand the compassion of the department in these circumstances.

Although the minister described the second area as having an equal value in the form of a land swap, I think this is a win for the State Government because it involves an area of 24 hectares at Nyamup. I have never been to Nyamup, although it is in my electorate. It is an old Bunnings' mill site and I imagine that, as with areas of similar ilk with which I am familiar, it has been cleared and compacted and is most unsuitable for many purposes, except its current purpose. It is full of small jarrah houses and will make an ideal recreation site. That is the proposal for Nyamup. In exchange for this area of so-called state forest, which is actually a residential area, the Government will get a prime site located on the Warren River. It is an excellent exchange and it will be an improvement to the state forest estate. I am pleased that the department and Mr Joe Hall and colleagues have managed to organise this swap.

The third area is a nuts and bolts issue between the Water Corporation and the State, and the area is required for a reservoir. Most members know that water flows downhill and that it is useful to locate a reservoir on a mound. That is why this area

will be excised because it is a high elevation close to the location of the Gnangara water mound. The Water Corporation will suitably recompense the State.

I have most concern about the fourth area in this revocation motion. Ironically this is the only area that is not native forest; it is 121 hectares of pine plantation. I have not been able to confirm whether it *Pinus radiata* or *Pinus pinaster*, but it is an almost mature softwood plantation, planted between 1968 and 1971, which is close to harvest. It is part of state forest No 70, but this 121 hectare site is isolated from the remainder of state forest No 70 and is surrounded by an area of freehold title land. The reason for the sale is clearly commercial, and its sale is part of the Department of Conservation and Land Management's surplus property policy. Under the current surplus property policy, CALM intends to raise \$9.3m in the 1998-99 financial year. Presumably, this area will be in the budget for CALM next year. CALM's budget is always an area of great interest. Most of the \$9.3m which CALM will accrue this year from the disposal of surplus property will come from the sale of 171 hectares of radiata plantation which is for sale further south in locations around Bridgetown, Nannup and Balingup. Most of it is radiata plantation. In addition to the 171 hectares for sale in the current year - it may already have been sold - since 1997 a further 1 370 hectares of land has been sold on which *Pinus radiata* is growing. Of that area, 840 hectares had mature pine trees close to harvest, similar to the land at Baldvis. The land that has been disposed of under the program has been retained by the State under the profit a prendre system, with which members will be familiar, whereby CALM continues to manage those trees, brings them through the last couple of years to harvest, and retains the right to sell the timber. The other 521 hectares sold in the past two years since this surplus property policy began have young pine trees on them and they have been sold along with the freehold title of the land, without any profit a prendre attachment. In the past two years the State has sold a total of 1 541 hectares of softwood plantation.

I know a fair bit about this because I live in plantation country at Balingup and there are many pine plantations in the shire in which I live and along the beautiful Blackwood River country, through to Nannup and south to Bridgetown. Relative to other parts of the south west, the Blackwood country is geologically young and that is why it is still steep. Not only does it still have hills, but also it has wonderful soil, as opposed to sand, which is most unusual in Western Australia. The Blackwood country has rich soil and deep valleys, and members who have driven between Balingup and Nannup along the Blackwood River will know that it is unusual country for Western Australia and spectacular in its landscape attributes. When I first went to Balingup 20 years ago, most of it was farmland but due to a slump in the dairy industry at that time, many small farms could not survive as dairy farms and the land came on the market. It was a constellation of factors, and at the same time a prominent federal government program made a lot of money available for long-term investment in the softwood industry.

Many of these farms were bought at bargain prices by the Government. The pines which were established on them form the main bulk of the softwood plantation industry in Western Australia. Interestingly on all these properties were farmhouses. The policy of the time was that people and pines do not mix; that these plantations were very dangerous because radiata pine is highly flammable. When these properties were acquired by the State to plant pine trees, it was decided that all the farmhouses would be bulldozed. Balingup is a very small place - most members would not know of it - and 21 houses were bulldozed in that way.

Hon Ray Halligan: It is considered the centre of universe

Hon CHRISTINE SHARP: The member is quite right; it is for those who live there. Very close to where I live now, was a property called "Eulomo" which had a house on it which was built in 1902. Like many other residences in the district, it was built of homemade bricks. It was a heritage house which had many remarkable features, including a cellar, presumably partly excavated to make bricks, and a tower in which the waste was collected from which methane was produced for the gas used on the property. It also had a rather strange room where local myth has it that Aboriginal people were kept from time to time; I know nothing about whether that is true. It had magnificent gardens and boasted over 400 varieties of roses. Twenty years ago this homestead was removed by the then forests department to allow that property to become a pine plantation.

Years passed, and those pines are getting bigger and close to maturity. As I have explained to members tonight, we have discovered a new purpose for all of those old dairy farms - making money; a perennial activity. Through the surplus property policy all those small blocks can be sold back. They have become highly desirable real estate in that beautiful Blackwood country, with its steep hills and fertile valleys.

Members may ask why members of the Greens (WA) are opposed to this surplus property policy. I will explain the reason for that to members and as well as why I have had to think carefully about the motion before us. A quarter of an hour before the dinner suspension tonight, much to the horror of Hon Norm Kelly, I was thinking of opposing the motion. I have thought about this matter a little more and will explain why I have changed my mind. However, I remain firmly opposed to the surplus property policy, firstly, because it sends entirely the wrong message to the plantation industry. Over fairly considerable areas of land, it is removing any prospect of a second rotation. Everybody knows that anything to do with trees takes a long time, a lot of planning and a lot of time to grow. It is quite a serious matter to remove land from the plantation estate without a possible organised second rotation going in.

We must remember that these radiata plantations which are now being harvested by the Department of Conservation and Land Management were planted largely due to the investment of the Federal Government. The purpose of that federal funding in the late 1960s and early 1970s was to establish, with the wisdom of the time, a viable plantation industry throughout Australia and in the south west, in particular. Our previous generation put a lot of money and foresight into establishing for Western Australians a plantation industry. At present the Department of Conservation and Land Management is selling off this industry to maximise its short-term capital input.

This wrong message is not an isolated phenomenon; it is part of a pattern which the softwood industry is getting from the State Government. It includes a shift in species. Quite a lot of other areas are under state forest title but do not have forests on them, rather they have radiata plantations which were converted some years ago. I hope nowadays we would not clear a state forest and put an exotic plantation; however, in the past much of that occurred. They are not being replanted with radiata as they are being harvested. Members may say that is jolly good, and perhaps they are being replanted with native forest. That is not so. They are being replanted with blue gums. Members may say that is a good thing because after all blue gums are native trees, and they may then ask whether they are better than pine trees. It is true that blue gums come from Victoria and Tasmania where they are a native. I will not bore members with the complexities they pose to our plantation industry. The simple fact is that blue gums are not suitable for solid timber. Blue gums are being grown for woodchips, the lowest quality of forest product - a residue product. At the moment the largest input to our farm forestry program is to produce a residue product, instead of aiming at producing solid timber. I invite members to think about that.

In a few months we will come to the new planting season. I do not know what will happen then. In the last tree planting season when various radiata plantations classified as state forest were harvested, of about 1 500 hectares, only 60 hectares were replanted to pine. The rest were either sold or replanted to blue gum. This includes some areas near where I live in an even smaller place than Balingup called Grimwade, which is so tiny that it does not even boast a shop anymore. It has the distinction of having produced the best radiata timber in the State. Some of section 2 of the Grimwade state forest plantation was outstanding for its growth rates and quality of timber. Last year after it was harvested, it was replanted with blue gum. This is sending a very worrying message to the softwood industry.

Let us look at the topical issue of the Regional Forest Agreement, which is meant to integrate a whole new future for our timber industry. As many members are aware, an important discussion paper was circulated some months ago on the options for this agreement. It contained the famous (a), (b) and (c) options which made no mention whatsoever of any plantations playing any role in an RFA. Although under the national forest policy statement and the terms of reference of the Regional Forest Agreement there was clear potential that the RFA should include a whole scenario for an important shift in our forest industries away from an exclusive preoccupation with native forest logging towards getting our bread and butter timber from our plantations, I think all members, even Hon Barry House, will agree with me that there is almost universal consensus that our plantations will perform a very important and critical role in sorting out our forest policy and our timber industry in the future.

Hon Barry House: I am planting 15 000 trees this year.

Hon CHRISTINE SHARP: Excellent! That is a lot more than I am planting.

Yet, at the same time under our official options there is not a single mention, not a single scenario or strategy which is based on a shift in part by the timber industry to plantations. It is for these considerable reasons that the Greens (WA) oppose the Department of Conservation and Land Management's surplus property program. It is sending the wrong message to our plantation industry, it is undermining our plantation industry and it is undermining investment in our plantation industry precisely at the moment when there is almost universal consensus that this is the industry that needs a strong message of support for a fundamental role that it will play in the provision of our timber supplies for the future. It fits very much into a pattern which I have discussed at other times in this place of the unfortunate predicament in which the Department of Conservation and Land Management finds itself in its incessant need to discover innovative solutions to self-funding.

Although I was sorely tempted before the dinner suspension to oppose the motion, I have looked further at the precise proposal for area 4 at Baldivis, the extra 120 hectares of pine that will be cleared and sold with no second rotation, and I have decided not to oppose the motion because this area has some special characteristics. It is already zoned urban; I am told that it has an estimated value now of \$6m, and \$6m can buy an awful lot of farm tree planting. That is a great thing and I thoroughly support that, although I do not support the undermining of the plantations that we already have. It is no good having one benefit if it is at the expense of a negative because one cancels out the other. We do not want a salinity action plan which is based on destruction elsewhere. However, if the Department of Conservation and Land Management can raise \$6m in this way, that money will be very well spent in greening our wheatbelt and in helping with the enormous problem of salinity. For that reason I am very pleased that the Greens members of this place will be supporting all four motions for revocation this evening.

HON J.A. COWDELL (South West) [8.24 pm]: The Australian Labor Party will be supporting all four of these revocations. We have paid attention on previous occasions to revocations, particularly as it has often been difficult to find out where they are without the maps and explanations at hand, and we have had debates on that in the past.

However, and as Hon Christine Sharp has commented, I cannot leave the revocation applying to the remnant of state forest No 70 at Baldivis without comment, particularly as the minister in his statement made certain claims which lead to obvious questions. The minister claimed that part of this decision authorises the Department of Conservation and Land Management to undertake the disposal of assets, which will help fund the maritime pine afforestation project under the state salinity action plan. It is estimated that \$6m will be yielded from this sale, and some proceeds will go to the maritime pine afforestation project. The question begs asking and I do now ask: How much out of the \$6m will go to that program? Secondly, what, if any, amount of that \$6m will go to any other afforestation program? Where is the rest going? We need the answer to those three questions now. I understand that the minister, on previous occasions, has been shot as a messenger in this regard and obviously it may be that we can only accept the minister's assurance that he will provide us with that information as we facilitate the Government's business. I will look forward to that assurance when he replies.

Hon Max Evans: Could you just put that again, you are complicating matters?

Hon J.A. COWDELL: It was simply three things.

Hon Max Evans: Do you want this sorted out tonight before the Chamber rises?

Hon J.A. COWDELL: No.

Hon Max Evans: Why not?

Hon J.A. COWDELL: It is not a conditional question. I am putting the questions on notice so that the minister can find out the information as it is relevant. The minister made a statement to the Chamber why we should vote for revocation of remnant of forest No 70. He claimed that part of the merit of the revocation is the money that will go to maritime pine afforestation. Therefore, I asked the straightforward questions: How much will go to that program? How much will go to any other afforestation program? Where is the rest going?

I ask these questions for the obvious reason that we can see the necessity for CALM's surplus property program and the earnings from that but we are also interested in CALM's plantation program. I have been particularly concerned over the years when we have conducted the estimates committee with Dr Shea from CALM and we get onto the question of plantations. When we ask Dr Shea how our plantation program is going because the switch over date is 2000 or 2001 and all the plantation timber is coming on stream and pressure is going off old-growth and so on, there is always the vision splendid, but it always gets pushed back to "Five years from now" and it is always the same five years every year. I asked Dr Shea last year: "How are you going in terms of the plantation area and has the Asian downturn affected us?" Dr Shea answered, "Yes, it has, there is significantly less investment. We are not meeting our previous projections."

That is all very well. No-one receives precise projections on the plantations; therefore, it is logical to ask what CALM is releasing from the \$6m for the sale of this area. We want to know that CALM is doing something useful with funds from the plantation sales. Plantations are underfunded because of the Asian economic crisis. I suspect CALM is completely ignoring that aspect and does not have an appropriate policy to meet its projections. Is it taking any action?

Hon Barry House: A clause in the RFA will establish a 20-year time frame.

Hon J.A. COWDELL: I look forward to a lot of things, but I am not sure that the Regional Forest Agreement is one of them. I live to be surprised by it.

Hon Bob Thomas: Do not hold your breath!

Hon J.A. COWDELL: Like Hon Christine Sharp, I indicate that we need to at least be informed where the \$6m is going. I hope that it will be directed to bolster afforestation projects relating to salinity. I hope that additional funds will be invested in other plantation developments. I look forward to the minister's answer.

HON NORM KELLY (East Metropolitan) [8.32 pm]: The Australian Democrats also support the revocation of state forest No 70, and parts of state forests Nos 22, 38 and 65. The Democrats have concerns similar to those expressed by previous speakers. Rather than reiterate those matters, I refer to the part of state forest No 65 which is proposed to be revoked. The minister's statement did not mention one aspect; namely, that a good deal of the area to be revoked falls within mining lease No 70/238. This has a monetary value. I understand that the Water Corporation will be compensating the Department of Conservation and Land Management for forsaking those mining rights to the tune of \$60 000. I do not expect to receive an answer tonight, but I seek a response from the department on where that \$60 000 will be applied and for what purpose.

The area of state forest No 70 at Baldivis involves a far greater amount of money. Concerns are involved here as well. I correct Hon Christine Sharp on one of the figures to which she referred earlier. Although state forest No 70 comprises about 120 hectares, only about 70 hectares are under pine plantation.

Hon Christine Sharp: In what state is the rest?

Hon NORM KELLY: I am not sure whether it is natural bushland or cleared.

The Democrats' concerns rest mainly on how the \$6m will be used. The minister's statement tonight leads one to believe

that all money generated from the sale of the asset will go towards the maritime pine afforestation project. The minister said in his statement -

Part of this decision authorises CALM to undertake the disposal of assets, the proceedings from which will fund the maritime pine afforestation project . . .

One suspects that the entire proceedings will be directed to partially fund that project. It is arguable whether it is the appropriate use of these funds. The Australian Democrats welcome money going into the afforestation project but our concern is that in a sense we are selling off the farm to save the farm. One of the problems we see when we look at the salinity action plan is that no solid guarantee of long-term funding is in place for what is very much a long-term problem which requires a long-term solution. We are concerned that we need to fund such programs by selling off land. As we do with a lot of privatisation programs, we must ask, once the Government has sold this, what the State will have to sell in the future if it is to carry on fighting the salinity crisis that faces it.

Another aspect of plantations is whether money is better spent on the most commercial application of building up the State's plantation estate or whether it should be used in areas that may be less commercially viable but more beneficial environmentally. It is a question of whether that money should be spent in higher rainfall areas to obtain a larger plantation crop and a higher yield of pine timber or whether it should be spent in other areas where it would be more beneficial in helping to cure the salinity crisis. It is important that we seriously consider the first of those options, that of putting money into maximising the commercial return from our plantation estates, given that we must face the inevitable; that is, a decline in the amount of native forest timber which will be available to be logged. This question is at the heart of one of the large debates surrounding the Regional Forest Agreement.

More than a decade ago it was quite clear that a political decision was made to log in our native forests at an unsustainable rate. The Australian Democrats are concerned that decisions will be made at the expense of the State's native forest. The way we are headed under the current RFA process, a political decision will be made to continue logging native forests at that unsustainable rate. I am sure that coalition members are briefed on a very regular basis compared to non-government members. If that political decision is made, it will be based on the need to prop up that industry to avoid too much structural damage to it in the change over to a plantation-based industry. If that happens, the Government must admit that it has failed the timber industry, because the timber industry has been well aware for a long time that the logging of native forests needs to be reduced, especially considering that the signing of the RFA will lock us in for 20 years. That decision should not be taken lightly. In signing such an agreement, the Government will not only lock itself into this commitment but also future Governments, which may be of different persuasions, and the people of Western Australia. If that commitment is based on propping up an unsustainable industry, the inevitable will occur further down the track. The argument 10 years ago was that the Government knew that the industry would log at an unsustainable rate but that it would allow the industry to do it so that it could adapt. Here we are at the end of that 10 years with the industry saying that it has not adapted and the Government saying that it will pander to the industry's arguments.

If that is the case, we will be greatly disappointed and it will show that the Government has failed the people of Western Australia. I have not visited any of those four state forests so I cannot speak of the quality of the natural bushland or the amounts that may have been cleared or planted with pine. However, we must carefully look at selling off what is owned by all Western Australians for the sake of development. The Baldy area comprising 120 hectares although zoned urban under the metropolitan region scheme is yet to be zoned urban under the local city of Rockingham's town planning scheme. I understand that is currently underway. I would like to think that the people of the city of Rockingham and its representatives will ensure that through the consultation process of having that amendment processed through the city and through the Planning Commission, sufficient recognition is made that this has been an area for the people of the region that has been traditionally non-urbanised, and that greater than normal areas of public open space will be retained in the inevitable development of this area into residential housing.

It would be very easy to talk further about the issue of whether such rezoning to residential land is necessary and the related issues such as infrastructure in that increased density. However, the main concerns have more to do with the windfall from the sale of Crown land, to where those moneys will go, whether it is a good use of our money, and whether it will be a short-term prop-up, especially in terms of the salinity action plan, to get a few things happening with the possibility of less funding in years to come. I will be disappointed if that is the case.

I do not expect answers from the minister tonight, but I would like the Government and CALM to consider my comments and respond to me directly about the funding, both the estimated \$6m from state forest No 70 and the \$60 000 from the compensation for the sand mining lease in Gnangara, and how that money will be spent.

Hon MAX EVANS (North Metropolitan - Minister for Finance) [8.43 pm]: I thank the three parties for their support and I note the comments made. One hundred per cent of the \$6m that Hon John Cowdell mentioned will be spent in the maritime reafforestation plan under the state salinity action plan. I have the annual report and I thought there might have been more information in here. They were going to put a lot more into this to try and solve this salinity problem. We know it is a big cost factor. That \$6m will all go into that.

Hon J.A. Cowdell: Nothing about plantations?

Hon MAX EVANS: I think that is new plantations; that was part of the whole thing.

Hon J.A. Cowdell: The action plan.

Hon MAX EVANS: It is going into maritime pine reforestation and the member might recall the first starters program commenced in 1997-98 and for a while I brought in what we called net appropriations in which the revenue from the sale and other items would go against the debt. Before that the Treasury took the revenue and left the debt. We started off with about \$128m of debt in CALM and it is now down to \$84m. I thought it was a worthwhile plan. Instead of us keeping down debt and having the money simply going to the bank, we put it into this reforestation state salinity plan.

That is what is being done; it is simply another part of that. I am not sure what else has been spent this year.

Hon Kim Chance: There is a figure of \$18.1m.

Hon MAX EVANS: That is about right. I thought I had the information with me, but I do not.

Hon Kim Chance: That figure came up in our debate the other day and during the debate on the urgency motion.

Hon MAX EVANS: I am glad the member has reminded me of that.

The \$60 000 goes back into Department of Conservation and Land Management revenues to fund various other programs.

I am not a forester, but I do know that often one species of tree cannot be replanted because the nutrients have been removed. Orange growers alternate their plantings using oranges and stone fruits. Hon Christine Sharp referred to replanting pine trees. I will be interested to find out whether that is possible. I thank members for their support.

Question put and passed, and a message accordingly transmitted to the Assembly.

MARKETING OF MEAT AMENDMENT BILL 1999

Second Reading

Resumed from 18 March.

HON KIM CHANCE (Agricultural) [8.48 pm]: The Opposition supports this Bill without amendment. It is important that I make that clear from the start. However, it is a longer story to explain how those circumstances came about. It is with considerable sadness that I advise that I have recommended that my colleagues support this Bill with considerable dispatch, nonetheless that was my recommendation and they have accepted it. I will expand on that issue later.

Hon N.D. Griffiths: You were a persuasive advocate.

Hon KIM CHANCE: I had to persuade myself first. The reason I found it difficult to come to that decision is partly contained in the short title. Members will note that it is a Bill for an Act to amend the Marketing of Meat Act 1971 and it consequentially amends other Acts. That year - 1971 - was a crucial year for the future of the meat industry and was the catalyst for a major change in the dominant political structure in rural Western Australia. The referendum which led to the formation of the then Western Australian Lamb Marketing Board, which was subsequently covered by this legislation, was a long and hard-fought issue. It came about because lamb producers in Western Australia had had enough, frankly, of receiving \$5 for their lambs one week when the week before they had received \$20 for identical lambs. It was an extremely difficult period. It was that experience which led the majority of lamb producers in Western Australia to opt to enter a statutory arrangement which provided for the acquisition of lambs by the Western Australian Lamb Marketing Board and the single-desk selling powers. Those single-desk powers currently reside in section 19 of the parent Act, and that section becomes critical to this debate.

There had just been a change of Government, and the decision by the Government of the day to accede to the strongly voiced opinion of growers that a statutory marketing authority was needed was not unanimous with respect to either grower opinion or political opinion at the time. I referred to the change it made in the political environment in the country, which change led to the split of the Country Party in Western Australia and the subsequent formation of the party that we know today as the National Party of Australia (WA) Inc.

The industry split similarly, and it is fair to say that the sides were pretty well delineated. The majority of, but not all, members of the then Farmers Union of WA, the organisation now known as the WA Farmers Federation, were generally in support of the statutory marketing arrangements, but there was almost unanimous opposition to them by the Pastoralists and Graziers Association. Therefore, the old dividing lines were drawn, and we battled it out toe to toe. Although the PGA lost that issue, in a sense it had a win in the referendum, because I recall that the same referendum also dealt with statutory marketing arrangements for beef cattle. Therefore, the PGA had a win. I can remember standing on the same platform as Hon Murray Nixon's younger brother, my old friend, Graham Thomas Nixon. He was representing the PGA and I was

representing the Farmers Union. The decisions were ultimately made by the industry. I acknowledge that a number of individuals, notably the then President of the Farmers Union meat section, Mr Davies from York, now deceased, played an enormous role in putting together the organisation we came to know as the Western Australian Lamb Marketing Board.

Times change, and since 1971 we have seen the very successful operation of the authority holding those statutory powers over a number of years. Times change, markets change, people change and overwhelmingly our attitude to marketing schemes changes. I recognise that the Pastoralists and Graziers Association's position on the issue has been consistent from the beginning. It is a significant acknowledgment which is being made by the two organisations, the Western Australian Farmers Federation and the Pastoralists and Graziers Association - members can read it in the second reading speech - in that both organisations have come out in support of the change in the Bill. Hon Murray Montgomery might agree that this is probably the first time that those two organisations have agreed on anything concerning statutory marketing powers and the Lamb Marketing Board. A number of significant meat producers present, including Hon Murray Montgomery, will recall every moment of the debate with even greater clarity than I can.

We have agreement, and the significance of that agreement must be respected by the House. It was on the basis of that agreement that, as I have said, I was prepared to recommend to my colleagues that we needed to go along with the Bill. It was not something at which either party arrived easily; it is a delicate and sensitive agreement. I certainly do not regard it as a robust measure that can be manipulated in any way. The guidelines of the agreement are extremely tight, and for that reason the Opposition in another place moved an amendment which it thought, and I still think, helps the Bill better to reflect the status of the agreement. The reason that we are not progressing with the amendment is the commercial sensitivity and the very tight time lines involved in the Bill rather than any change of position by the Australian Labor Party on the issue.

The amendment that we proposed to move was very simple. It would not have changed the effect of the Bill in any case. It deals with the section 19 powers of the parent Act, the section 19 powers being the powers of acquisition and the single desk, in a sense. The Australian Labor Party's view was that the Bill requires that those section 19 powers be terminated when the rest of the Bill is repealed on a certain date, that date being the end of this calendar year or such earlier date as might seem appropriate. The Opposition felt that, particularly after listening to issues that were raised in the briefing that we had, the agreement that had been made, at least in the view of the Farmers Federation, left some flexibility in the termination date for those powers.

When I read what the minister said, my immediate impression was the same as that of the Farmers Federation. I will read out those words because they were quoted to me in a letter which subsequently arrived from the Farmers Federation. I refer to a letter dated 16 March, which was shortly after our briefing, from James Ferguson, the Executive Director of the Farmers Federation. He said -

This has been the position of the Federation since the first discussions regarding the proposal to transfer the WAMMCO assets to a grower co-op.

The position has been confirmed by a special meeting of the Federation's meat section and remains the view of our Office Bearers, including Meat Section President, Mike Norton. This position is reflected in the Minister's statement dated October 13, 1998 where he said: "State Cabinet has also agreed to all lamb being exempted from acquisition effective from 1 January 2000. The final date will depend on the progress in formulating the new organisation and the necessary legislation being advanced.

The WA Farmers Federation clearly read that to mean that if at the point of the termination date of 31 December 1999 it became apparent that the complex process of putting in not only a new cooperative structure but also the vertical integration structure - which is a necessary component of the whole conversion of this organisation from a statutory marketing body to a competing cooperative of producers - was not going to be effectively in place by the cut-off date, it was possible that the minister could use his discretion under this Bill and set that date further back in the calendar. The minister's advisers have told me that was never their intention and the flexibility which is inherent in my reading of that line, and also that of the Farmers Federation, related only to terminating the section 19 powers of the cooperative at an earlier date than the end of this calendar year. However, that is not what it says, and it is not the way I or the Farmers Federation read it.

After that briefing I conferred with my colleague, the member for Eyre, Hon Julian Grill. At this stage, other than the points that were made by Mr James Ferguson at that briefing, we had no other contact with the Farmers Federation before we came to the view that led to the amendments being drafted. In consultation with Hon Julian Grill we determined that we would move an amendment which we believed gave some flexibility to the minister. Without affecting the termination date, it provided that the minister may set a termination date at another time by order of the Governor but that time may not be later than 31 January 2000. The option was left open to the minister in circumstances that cannot possibly be predicted from here, given the complexity of the issue, to extend the date, otherwise nothing in the amendment changes the cut-off date from 31 December 1999 or earlier if that is indicated because our amendment did not affect the option of cutting off the powers earlier if that was indicated as being necessary.

The reason we have chosen not to move that amendment is dictated by the sittings of the two Houses of the Parliament, and

the amount of time that people will have to put this deal together. We have one more day's sitting before a three-week recess, and the Assembly is not sitting tonight. Were this House to successfully move an amendment, albeit a minor amendment, the message could not go to the Assembly tonight; it would have to go to the other place in the morning. It could technically go to the Assembly in the morning because we sit at 11.00 am, but I think everyone understands the difficulties there.

Then the Bill would have to get back to the Assembly and the message would have to come back here. It posed a difficulty that may not have been possible to overcome, in that we may have been left with a message stranded between the Houses, the Parliament's going into a three-week recess and another week's sitting for which I will not be here, although it could have progressed notwithstanding that. It would have caused a delay of at least three or possibly five weeks. When the House comes back for that one week, we have another week's recess following that.

In the event it may have caused a delay of a vital five weeks I had to conclude that, although I felt our amendment was important, it was insufficiently important to put the whole industry change at risk. Thus, my reluctant support for the Bill has been topped off with my reluctant withdrawal of the amendment to the Bill; nonetheless, I am not entirely negative about the changes.

I told members why I was concerned that we could not go ahead with the process of statutory marketing. I still believe in that form of marketing, and I always will.

Hon M.J. Criddle: So did I 10 years ago.

Hon KIM CHANCE: We are faced with the difficulty now. I do not want to repeat the issues discussed in the second reading speech. The WA Meat Marketing Corporation has lost a significant amount of money over the past two years partly because of its very expensive kill contract with Metro Meat International, which I am told is at a level of about \$18 a head, and on top of that the abattoir operator also takes the fifth quarter and the skin, although I am not entirely sure about the skin. That is a very expensive contract. I am somewhat surprised that WAMMCO maintained its losses at those relatively low levels. The amount of \$18 a head is about double what a similar operator would charge in the eastern States.

There are other complications. Life is not easy in the meat industry in Western Australia. WAMMCO's contract is with Metro, which is the operation company owned by the owners of two of the major abattoirs in Western Australia - there are now three with Fletchers Narrikup. The Chinese International Trust Investment Company owns the former Metro abattoirs at Katanning and Linley Valley. CITIC is a significant owner of abattoirs in Australia, probably more so in South Australia than in Western Australia. It is a big operator. Since it entered the Australian market it has made huge losses Australia-wide which I understand to be in the order of \$160m. Not surprisingly, CITIC is keen to cease its operations in South Australia and Western Australia.

I understand that it has advised, through its operations company Metro, that it has no intention of renegotiating its contract with WAMMCO on termination of its contract on 30 June this year. That effectively means that operations at Katanning and Linley Valley will cease at the end of the financial year. Those two abattoirs have been for sale for some considerable time. Clearly a corporate decision must be made by the owners of the abattoirs one way or the other in June this year or earlier.

It is at that point that things begin to come together in relation to this Bill. It is at that point that we expect the cooperative to be making its bid to purchase Katanning and Linley Valley abattoirs.

That is the whole point of this legislation, even though the Bill does not mention it anywhere, because this will be a commercial undertaking by the new cooperative, and the Bill can do only those things which need to be done in legislation to provide for the establishment of the new cooperative. That is why the potential for a delay at the parliamentary level must be avoided at all costs. I assure members there is considerable cost with regard to my philosophical position and that of my party, but we sometimes need to cut our cloth to suit what we have, and I believe that in the circumstances before us we have no other choice.

With regard to a fall-back position - and I have considered that - there is a remote possibility that the amendment that we would have otherwise moved would be required and the minister would be in a position to say to himself, "In these circumstances, I wish we did not have that cut-off date of 31 December 1999, because if I could allow the company to trade for another three or four months with those single-desk powers, it might make the difference between success and failure." In the absence of our amendment, the fall-back position is probably that those circumstances would surely be known by November of this year, in which case there would technically, if not practically, be time to come back to this place with legislation. Therefore, we will have a theoretical opportunity in any case to address that matter. Should those circumstances arise, I know that the minister and the Government understand that we would be completely cooperative in trying to put through that legislation. In any case, the chairman of the corporation, Mr Mark Bahen, who was present at the briefing that we received, has advised us that the continuation of the single-desk powers will not be of great consequence to the continued success of the new corporation. He believes that an adequate time scale and a rapid move toward vertical integration are far more important aspects of the activities of the new corporation.

The success of this deal will require the legislation, some good corporate governance in converting to the new corporate structure, some good luck and some good timing in the commercial negotiations for the purchase of the two abattoirs, and, above all, adequate capitalisation. We pressed the minister in the other place to give us some idea of the amount of capital that would be required, and he studiously avoided indicating what that capitalisation might be, simply because it is too commercially sensitive. The last thing that we need is for people who may be competing for the purchase of the abattoirs to know what capital we have available. However, what the minister did do in debate in the other place, and what he did not do in the second reading speech, was indicate that adequate capitalisation would be made available. I do not understand why that issue was missing from the second reading speech, because I regard that as the single most important issue. It is interesting that in the briefing that we received, which ran for almost two hours, 80 per cent of the time that we spent in discussing issues relevant to the Bill was spent on discussing things that were not mentioned in the second reading speech, and my colleague Hon Julian Grill made the observation, "Where is all this in the second reading speech, where we expect to learn about the policy of the Bill?" In part, that is because much of what is being done relates to the commercial future of the organisation, but we are dealing with the legislative future which is only a tiny pocket of it. Although the second reading speech puts other things in place, it can refer only to the legislation. I was pleased to the extent that the minister gave an indication that adequate capitalisation would be provided for the new corporation. My guess as an opposition member is that capital between \$3m and \$7m will be required. In any case it will be a significant amount of money because not only must the abattoirs be purchased, but also they must be brought to an adequate standard. That is a rough estimate of the amount required to establish this corporation, and it will depend on the valuation of the assets of the existing corporation. The only other firm undertaking from the Government - this came from the briefing and not directly from the minister - was that the capital is understood to be sourced as equity capital from the Government. Again, that is not in the second reading speech, but it is crucial to whether this operation will be a success or a failure.

I will not go over a great deal of information covered in the second reading speech. However, I must note, as did my colleague in another place, that the timing of this legislation has created some difficulty. It was first introduced in the other place barely 13 days ago. Since then it has passed through the Legislative Assembly and made its way to this House and, given the time of day, I believe it will pass through all stages tonight. That has taken place in less than three weeks. That has created personal difficulties for some people. It is one thing for members to talk to the Government about an issue on which we can eventually agree, and an entirely different matter for members of the Greens (WA) and the Australian Democrats, who were faced earlier today with the possibility of needing to make a judgment on a Labor Party amendment which would be crucial, because their numbers would have dictated whether the amendment was successful. They were faced with an unfamiliar Bill, on which they had little time to get a briefing or general background. They have not had an opportunity to consult with the WA Farmers Federation, the Pastoralists and Graziers Association and the Australian Meat Industry Employees Union. It must be recognised that that creates difficulties.

I understand the need for speed and proper dispatch from time to time when dealing with legislation, but none of us wants that to be repeated on a regular basis. I could say many other things about this Bill. It is with a great deal of sadness that I see the end of statutory marketing of lamb in this State. Perhaps some time in the future it will all happen again. Nonetheless, I hope the new corporation is successful; certainly, I wish it every success and I hope that in a year or two this corporation will make profits and be the dominant trader in lamb in Western Australia.

HON CHRISTINE SHARP (South West) [9.19 pm]: I have this intriguing sense that something quite important is happening with this Bill, but I do not know what it is. I acknowledge the remarks of Hon Kim Chance in recognising the difficulty posed to me and other colleagues in the short time we have had to consider the issues in the Bill. I have a feeling that if life were 10 times longer than it is, the marketing of lambs in Western Australia could become an object of great fascination to me. Given the circumstances, I suspect it is an area on which I will never have an opportunity to become an expert. I am in the position of having to make a contribution this evening, and I thank both the staff from the office of the minister and, particularly, Hon Kim Chance for giving me some information about the general background to the legislation. I now feel I can face my colleagues for the Greens (WA) with a modicum of confidence, although with mixed feelings.

I am always interested in patterns. Ironically in this legislation I see two distinct and opposing patterns of policy coming and going. With the abandoning of the marketing monopoly enjoyed by the Western Australian Meat Marketing Corporation and of the single-desk policy, I see the end of an era due to the introduction of national competition policy throughout Australia. I feel some concern, as other members have expressed, about this new direction and the long-term ramifications of it for regional producers in losing the protection of their single desk and effective marketing monopoly. This pattern is well established. With this legislation, it is reaching a culmination and is not likely to be changed at this time, and must move to a completion.

It is interesting, therefore, to find that that completion will be resolved by a rather different pattern, one based not on competition, but cooperation. We see being put in place - perhaps in some opinions it is a rather old-fashioned idea - a cooperative. I say old-fashioned because in the debate which surrounded the controversial change in the structure of the Australian Wheat Board in the federal arena last year there was considerable expression that cooperatives were something quite out of date in the modern era of competition and that it was singularly appropriate for the Australian Wheat Board

structure to be changed from a cooperative-grower structure to a corporate structure. That corporate structure is now being created; therefore, I am very pleased that in Western Australia, we will have the formulation of a new cooperative. These structures have an awful lot going for them in terms of maintaining power with producers and maintaining the benefits within regions. For a long time they have served this State very well in different ways.

I am pleased to learn that a new vogue is being discovered this week, not only in this legislation with the establishment of the Western Australian Meat Marketing Co-operative Limited, but also in the south west where there will be the launch of a new western tree co-operative of growers and producers of timber. I see in these two things happening in the same week perhaps the beginning of a new pattern; a pattern whereby we are again firmly establishing co-operative principles in our commerce and not abandoning ourselves willy nilly to competition policy and the dictates of the market with all the ramifications that that may pose to our lifestyle. With these mixed feelings and some humility, as I know very little about the subject, I conclude my remarks by saying that we will be pleased to support the Bill tonight.

HON HELEN HODGSON (North Metropolitan) [9.26 pm]: I am not sure that the Australian Democrats can support this Bill tonight. My reasons for that are primarily related to processes. People in this place are aware that we now have a business management committee which is supposed to decide when we deal with business. This is a classic example of when this process has broken down to the point where I was advised at 6.30 pm during the staff function that we were likely to be debating this Bill tonight. I do not deny that there has been contact between my office and the minister's office during the week. I believe on Monday there was some discussion about an appropriate time for a briefing. However, what it comes down to is if the business management committee has not told us that a matter is coming onto the list and the list from the Leader of the House's office that we receive on Tuesday morning does not tell us that it is coming on, it is perfectly reasonable for us to organise our work priorities based on what we do believe is on the list for the week. This Bill was not on the list for this week.

It is a short Bill. Given that it is a short Bill, I had read it before today so that at least I had some idea of the subject matter. However, I was caught on the hop to the extent that my copy of the Bill with the comments I had made is in my electorate office. I did not even have time to go back to my electorate office to collect that file. I appreciate that the minister arranged for his staff to provide me with a short briefing this evening during the debate in which I was not participating. However, that is not the point. The point is that if the Government wants informed debate in this place, it must give members the time to inform themselves. Ministers must be aware that from my point of view informing myself does not mean that I will accept that a ministerial briefing will contain all the information I need. For me, the process of informing myself means that I read the legislation and identify whether there are questions I need to ask prior to a briefing. At the briefing I will follow up the points that I have identified on which I want further information. Following the briefing, I will seek confirmation of those points from other people who have an interest in the matter under discussion.

In this instance, I would have wanted the opportunity to speak to the Pastoralists and Graziers Association, the WA Farmers Federation and people representing employees at the abattoirs, which I believe is the meat industry union, or whoever are the other representatives, because they all have a vested interest in what is occurring in this place. Because of the unseemly haste with which this has been brought forward, I have not had the opportunity to carry out any of that follow-up work.

I also acknowledge that once the Government has the support of the Australian Labor Party to bring on something in a hurry, we can do little about it despite any nice words said in the Chamber. We can only have our voice heard outlining that we have not had time to consider the matter. We do not know what is going on. The cosy deals behind the Chair are limiting the role of the House to review and scrutinise legislation. In that context, I remind members that a milk vendor industry restructure took place not long ago. That issue has been an ongoing sore in this place. The problem related to a clause in legislation that was addressed in debate, but was passed. It has been brought to the attention of members continually for the last three years - or at least since I was elected here two years ago.

The Bill seems innocuous enough. With my background in corporate legislation, I understand the terms and what is happening in the proposed restructure. However, that is not adequate. I have read the legislation and the second reading speech, and undertook a brief scan of debate in the other Chamber. This measure hinges on the articles of association and the trust deed. I understand they are not fully drafted, let alone available for scrutiny! This covers the appointment of members to the board. I understand that the trustees will be elected. It is expected that the board will also be the trustee under the trust deed. However, none of that is finalised. We cannot see what the election mechanism will be. We do not know what the distribution will be among the shareholders, or the allocation. The Bill provides that the trustees can allocate shares in the cooperative among various lamb producers. This is indicated in clause 3(1)(a)(ii). Nothing tells us how it will be done. None of the detail is provided. Those matters may well come back to haunt this place in the future. We should focus on these aspects in this place.

The motherhood statements refer to the need for producers to have a vested interest in the industry. I do not argue against producers having a stake in marketing and production in their industry - it almost goes without saying. The Australian Democrats do not blindly accept the principle of vertical integration which this Bill will introduce. I question how it matches the principle of competition which supposedly is also incorporated in the Bill. Questions are raised about the end of the

single-desk system. What date is involved? I understand as recently as today the Farmers Federation at its meeting did not wholeheartedly endorse the proposal in the Bill. I would like to know why. I understand that its concern was the basis of the amendment which Hon Kim Chance has withdrawn.

I appreciate that members believe that urgency has merit in this situation. Many other industries have brought legislation before this place which has stood on the Notice Paper for some time. They are not dealt with in such haste. The Australian Democrats cannot support legislation without an opportunity to see its detail, which was a result of the timing of this debate.

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [9.34 pm]: I thank members for their support. I understand the situation in which Hon Helen Hodgson finds herself. This legislation contains some imperatives. Hon Kim Chance pointed out a few of the reasons for its urgency. Opportunities will be extended given the extra few weeks that the organisation will have to carry out some of the business required. Obviously, the slaughter contract will be terminated by 30 June and something is needed in its place by that time. If that did not happen, some difficulties could arise with the lamb kill coming up with the spring flush. That is an important point to bear in mind as producers need certainty.

Another issue is that the Western Australian Meat Marketing Corporation had been running into serious financial difficulties. That situation could not continue. Its finances were certainly getting embarrassing for all concerned. The corporation had run down its funds way below what any real business sense would permit. There are certainly some difficulties there.

I will run through the framework which will be put in place. It will give direct benefits to the lamb producers by their owning and controlling their own industry. It will introduce more competition into the meat processing sector. It will establish a transition advisory group, including representatives of key farming organisations in the business community consultation process. The outcome is a proposal in relation to the organisational model objectives, structures and responsibility of the organisation, producer participation and the start up of the operational requirements. The agreement between the peak industry bodies and the corporation is to create the cooperative. Although we say that there is that cut-off time in the date, which may well be 31 December 1999 or perhaps some other date, if that is the only differential in the agreement that has been reached, it is a very small point having regard to the overall industry requirements.

The formation of this cooperative has met with general agreement right across the board. An inaugural board of the cooperative will be established, and David Smith will be the chairman. The role of the board will be to assess and progress the advisory group's proposals into a business that would provide the best direct benefits to the lamb producers. The board will be established with human resources, business and planning members. The board therefore will certainly have the ability to carry out those functions.

The main elements of the Bill are to transfer the net assets of the corporation to a cooperative, to confer on the new cooperative the corporation's single-desk arrangements until no later than 31 December 1999 and to repeal the Marketing of Meat Act no later than that date. That is the basis of the Bill. I thank members for their cooperation in having this Bill passed through the House at this time. It will certainly enable the new operation to be in place and to be in operation in time for the spring flush. I thank members for their indulgence.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate, and passed.

House adjourned at 9.38 pm

QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.

WHITTAKERS TIMBER GROUP - DEFICIT

528. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for the Environment:

It was reported in *The West Australian* on Saturday, October 17, 1998 that the Whittakers timber group has a deficit for 1997/98 of \$3.8m and accumulated losses over the last several years of \$22.5m -

- (1) How much of the \$14.935m owing to the Department of Conservation and Land Management ("CALM") at June 30, 1998 (as stated in CALM's Annual Report 1997/98) was owed by the various Whittaker group of companies?
- (2) What is the average value of logs purchased by this group of companies during the last 12 months?
- (3) How much has this group of companies owed CALM at the end of the last four financial years?
- (4) What percentage of their annual royalties have been paid over the last four years?

Hon MAX EVANS replied:

- (1) \$1 732 341.28.
- (2) The average value of logs purchased for the financial year ending 30 June 1998 is:

Jarrah sawlogs	\$62.46 per m ³
Karri sawlog	\$75.53 per m ³
Pine sawlog	\$63.02 per m ³
Pine industrial wood	\$35.14 per m ³
- (3)

30 June 1998	\$1 732 341.28
30 June 1997	\$2 669 045.74
30 June 1996	\$1 607 947.62
30 June 1995	\$ 980 718.13
- (4) 100%

PUBLICATIONS IN LANGUAGES OTHER THAN ENGLISH

956. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

- (1) Can the Minister for Education advise what languages the parent booklet "guide to education" is produced in?
- (2) Can the Minister advise what other publications available for parents are produced in languages other than English?
- (3) Does the Curriculum Council provide information booklets about the curriculum framework, and TER Courses they are responsible for assessing, in languages other than English?

Hon N.F. MOORE replied:

- (1) A guide for parents 1998 was produced in English. The publication has not been revised for 1999.
- (2) The Early Childhood Education Directorate of the Education Department of Western Australia is in the process of publishing a pamphlet called *When Can My Child Start School?*, in the following languages; Chinese, Indonesian, Croatian, Serbian and Farsi. The proof is currently being checked by interpreters for text errors. The original pamphlet (in English only) was printed in August 1998. The Department of Education Services produces the publication "Non-Government Schools of Western Australia: A Guide for Parents". This publication, while printed in English, does state that copies can be made available in alternative formats on request. To date there have been no requests to produce copies in languages other than English.
- (3) An information package for parents on the Curriculum Framework is being developed. The publication of it in languages other than English is being investigated. Tertiary Entrance Ratings (TER) course manuals are only published in English

PUBLIC SERVICE, CONFIDENTIALITY OF PERSONAL DATA

965. Hon E.R.J. DERMER to the Attorney General:

- (1) Is the Attorney General aware of the Federal Government's recent announcement that it intends to legislate for the protection of personal data held by the private sector?

- (2) Is the Attorney General concerned that the failure to introduce similar protection for personal data held by the Western Australia public sector means that such information will continue to be at risk of misuse?
- (3) Given the increasing reliance on electronic IT processes in the State public sector, what steps, if any, does the State Government intend to take to ensure peoples personal data is able to be adequately protected?

Hon PETER FOSS replied:

- (1) Yes.
- (2)-(3) The recent Commonwealth decision to introduce privacy legislation to cover the private sector has prompted further discussions between the various jurisdictions concerning the enactment of privacy legislation to cover the public sector. The State Government is currently examining various options with a view to providing adequate legislative safeguards for the protection of personal information. Such safeguards will take into account emerging technological advancements in data processing. In that regard any legislation is likely to follow the privacy principles in the proposed Commonwealth regime, which is expected to be introduced into the Commonwealth Parliament late in 1999.

TEACHERS, THE KIMBERLEY

1075. Hon TOM STEPHENS to the Leader of the House representing the Minister for Education:

- (1) How many Government employed school teachers are located in each of the following Kimberley population centres -
- (a) Kununurra;
 - (b) Wyndham;
 - (c) Oombulgarri;
 - (d) Kalumburu;
 - (e) Doon Doon;
 - (f) Glen Hill/Mandangala;
 - (g) Mt Barnett;
 - (h) Derby;
 - (i) Halls Creek;
 - (j) Christmas Creek;
 - (k) Camballin/Looma;
 - (l) Fitzroy Crossing;
 - (m) Broome;
 - (n) La Grange/Bidyadanga;
 - (o) One Arm Point;
 - (p) Bayulu; and
 - (q) any other Kimberley population centres?
- (2) How many of these teachers are currently located in shared accommodation?
- (3) What number of additional teacher accommodation units are needed in each of these centres in order to meet the needs for those teachers requiring individual accommodation?

Hon N.F. MOORE replied:

I am advised:

- | | | | |
|-----|-----|---------------------------------|-------|
| (1) | (a) | Kununurra | 50 |
| | (b) | Wyndham | 15.45 |
| | (c) | Oombulgarri | 8 |
| | (d) | Kalumburu | 11.5 |
| | (e) | Doon Doon/Dawal | 2 |
| | (f) | Glen Hill/Mandangala/Jundranung | 2 |
| | (g) | Mt Barnett/Wananami | 4 |
| | (h) | Derby | 43.47 |
| | (i) | Halls Creek | 27 |
| | (j) | Christmas Creek/Wangkatjungka | 8 |
| | (k) | Camballin/Looma | 18 |
| | (l) | Fitzroy Crossing | 24 |
| | (m) | Broome | 86 |
| | (n) | La Grange/Bidyadanga | 12 |
| | (o) | One Arm Point | 9 |
| | (p) | Bayulu | 6 |
| | (q) | Cherrabun | 2 |
| | | Muludja | 3 |
| (2) | (a) | Kununurra | 2 |
| | (b) | Wyndham | 2 |

(c)	Oombulgarri	3
(d)	Kalumburu	5
(e)	Doon Doon/Dawal	0
(f)	Glen Hill/Mandangala/Jundranung	2
(g)	Mt Barnett/Wananami	2
(h)	Derby	2
(i)	Halls Creek	2
(j)	Christmas Creek/Wangkatjungka	0
(k)	Camballin/Looma	4
(l)	Fitzroy Crossing	4
(m)	Broome	0
(n)	La Grange/Bidyadanga	9
(o)	One Arm Point	5
(p)	Bayulu	0
(q)	Cherrabun	0
	Muludja	0
(3)	(a) Kununurra	1
	(b) Wyndham	0
	(c) Oombulgarri	0
	(d) Kalumburu	2
	(e) Doon Doon/Dawal	0
	(f) Glen Hill/Mandangala/Jundranung	0
	(g) Mt Barnett/Wananami	0
	(h) Derby	1
	(i) Halls Creek	1
	(j) Christmas Creek/Wangkatjungka	0
	(k) Camballin/Looma	2
	(l) Fitzroy Crossing	1
	(m) Broome	0
	(n) La Grange/Bidyadanga	4
	(o) One Arm Point	2
	(p) Bayulu	0
	(q) Cherrabun	0
	Muludja	0

The above relates to the number of teachers in shared accommodation who have indicated a preference for individual accommodation.

QUESTIONS WITHOUT NOTICE

MAIN ROADS, OUTSOURCING OF WORK

1014. Hon TOM STEPHENS to the Minister for Transport:

Yesterday the minister stated his support for the total outsourcing of the construction of main roads. How does the minister justify this move when recent figures for the Perth-Bunbury highway show that the public sector crews have delivered roads at 70 per cent less cost than the private sector and with very high levels of satisfaction with that work?

Hon M.J. CRIDDLE replied:

I have had an opportunity to look at some of the information coming back from the sections that the Leader of the Opposition nominated yesterday. The Leader of the Opposition must realise that a lot of variations are involved when comparing the work of two different teams on two different roads. The Myalup section included a number of intersections and crossovers, including deceleration lanes, right-hand turn lanes and culverts. The Preston section had many fewer of those than the Myalup section, so there was an advantage in favour of the Preston section. The Myalup section also included a bridge which was not in the construction costs but the roads leading to it were. Significantly higher land costs of \$520 000 were incurred for the Myalup section compared with \$192 000 for the Preston section. Therefore, those comparisons contain a lot of variations. Regardless of who does the work, there must be an equal opportunity for comparison. If roads are side by side, obviously we can compare them, but when two sections of roads have different scopings, obviously we cannot compare them accurately.

MAIN ROADS, OUTSOURCING OF WORK

1015. Hon TOM STEPHENS to the Minister for Transport:

What is the Government's basis for persisting with an outsourcing policy?

Hon M.J. CRIDDLE replied:

Obviously we are of the belief that it presents substantial savings. The Leader of the Opposition is talking about statistics. I have tried to explain that we must compare apples with apples and also include the fact that Main Roads has overheads which may not have been included in these figures. With a contractor one gets a contract price. One must compare the true figures when doing this exercise.

FINANCE BROKERS, CHARGES

1016. Hon N.D. GRIFFITHS to the minister representing the Minister for Fair Trading:

In June 1993, "Finance Brokers News", a publication of the finance industry branch of the Ministry of Fair Trading, referred to recent investigations by the ministry and stated that several brokers now faced charges under the Finance Brokers Control Act. Which brokers were charged and what were the outcomes?

Hon MAX EVANS replied:

The article refers to a number of investigations involving allegations of misrepresentation against finance brokers Gamel Ward, Blackburne and Dixon, and Peter Fermanis. Those that identified concerns regarding a land valuer were subsequently referred to the Land Valuers Licensing Board for investigation. Those that related to finance brokers were not proceeded with due to the legal definition of "client" in the Finance Brokers Supervisory Board's code of conduct. Following correspondence from the Minister for Fair Trading, the board is amending its code to rectify this matter. In the time available, the ministry is unable to provide an individual list of the charges and outcomes. However, the Minister for Fair Trading has advised he will provide the member with the information as soon as possible.

HOPE VALLEY MOTOR SPORTS FACILITY

1017. Hon J.A. SCOTT to the Attorney General representing the Minister for Planning:

In regard to the proposed international motor sports facility at Hope Valley -

- (1) Does the Ministry for Planning have copies of -
 - (a) the ERM McCotter report on noise levels; and
 - (b) the individual and societal risk reports carried out by Environmental Risk Solutions Pty Ltd and by AEA Technology?
- (2) Does the noise level report indicate that noise levels exceed allowable limits and do the reports on individual and societal risk indicate that either of these risks exceed allowable levels?
- (3) Will the minister table these reports, notwithstanding the EPA processes; and, if not, why not?
- (4) Are any members of the international motor sports facility consultative committee Kwinana town councillors and are the members of the committee allowed to report to the Kwinana Town Council or are committee members sworn to keep information secret?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

Hon Tom Stephens: Mr Attorney, happy birthday.

Hon PETER FOSS: I thank the Leader of the Opposition.

- (1)
 - (a) Yes.
 - (b) ERS Pty Ltd report - yes; AEA Technology report - no.
- (2) The noise level report was undertaken for a different motor sports facility design to that which is now favoured. A new report will be needed before this question can be answered.
- (3) No. Both reports were prepared for a different motor sports facility design than that which is currently proposed.
- (4) Yes, a councillor from the Town of Kwinana is on the international motor sports implementation committee. Members of the committee have been informed of the confidentiality of the information discussed.

PROSTITUTION, DRAFT LEGISLATION

1018. Hon NORM KELLY to the Attorney General representing the Minister for Police:

- (1) Has draft legislation for the regulation of prostitution been completed?

- (2) If yes, when is the Bill due to be introduced?
- (3) What are the reasons for the lengthy delay in the introduction of this legislation?
- (4) Have representatives of the sex industry been consulted during the drafting process?
- (5) If yes, who has been consulted?
- (6) If not, why not?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) No.
- (2) Not applicable.
- (3) The matters to be addressed in legislation are complex.
- (4) No. I happen to know that this occurred: In putting the words down on paper, members of the sex industry were not consulted but they were consulted in the process of deciding what the content of the legislation should be.

Hon Norm Kelly: When was that?

Hon PETER FOSS: They met in my office. I cannot remember the date. It was some time ago.

- (5) Not applicable.
- (6) Consultation has not been considered appropriate to this point.

MINISTRY OF JUSTICE, SICK LEAVE

1019. Hon LJILJANNA RAVLICH to the Minister for Justice:

- (1) Is the minister aware that in the 1996-97 financial year Ministry of Justice employees were absent for an average of 66 sick-leave hours per full-time employee at an estimated cost of \$5.2m?
- (2) What action has the minister taken to remedy this situation?
- (3) What were the equivalent sick-leave absentee figures for 1997-98?

Hon PETER FOSS replied:

Notice of this question was given a week ago but unfortunately the member did not ask it until now. It may be that the situation has changed in the past week.

Several members interjected.

The PRESIDENT: Order! Members have been told once. It is the minister's birthday so the least they can do is listen!

Hon PETER FOSS: I have not been able to verify the statistics set out in the first part of the member's question. In view of the time frame and the research required to address all these parts of the question, including the statistics for the past two financial years, I request that the question be placed on notice.

ROYAL PERTH HOSPITAL, WATER SUPPLY

1020. Hon KEN TRAVERS to the minister representing the Minister for Water Resources:

- (1) Is the minister aware that the water supply to Royal Perth Hospital was cut off for three hours last Friday night due to actions of the Water Corporation?
- (2) What were the reasons for the actions of the Water Corporation?
- (3) How much notification was given to the Royal Perth Hospital of this action?
- (4) Is the minister aware of the health and possible legal ramifications of such action?
- (5) Can the minister guarantee that such action will not occur again?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes.

- (2) A 600 millimetre water distribution main in Lord Street, East Perth was isolated to enable it to be relocated to facilitate earthworks for the Lord Street railway crossing grade separation project.
- (3) Royal Perth Hospital was notified of the potential for reduced water pressure and possible discoloured water prior to the work starting. However, the potential for a temporary water supply interruption was not identified because Royal Perth Hospital is served by two separate water services to ensure continuity of supply. However, the second had been previously turned off under an administrative arrangement. Had both services been operating the isolation of a 600 mm water distribution main would not have resulted in interruption to the water supply to the hospital being interrupted.
- (4) Yes.
- (5) Discussions have been arranged with Royal Perth Hospital management to discuss servicing arrangements and the recent incident. The Water Corporation's procedure will also be modified to ensure that it individually checks the operational status of customers with dual services prior to starting any system maintenance work.

REGIONAL PURCHASING POLICY

1021. Hon TOM HELM to the minister representing the Minister for Works:

With reference to the Government's regional purchasing policy, I ask -

- (1) Can the minister confirm that the Government's 5 per cent preference applied in regional Western Australia for locally manufactured goods has been withdrawn?
- (2) If yes, why was this done?
- (3) If no, what preference is now given to those goods manufactured locally?
- (4) How does this preference differ from those goods which are supplied but not manufactured locally?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(4) The old regional purchasing policy provided for a 10 per cent price preference for goods and services sourced and used north of the twenty-sixth parallel, while south of it a 5 per cent preference applied. An additional 5 per cent price preference applied in the south where those goods and services had been produced in the local area. A maximum preference of \$20 000 applied.

As a result of a review conducted by the mid-west region during 1996 the policy was replaced by the regional buying compact, which was launched in December 1997. The compact was established after extensive consultation with government agencies, industry associations and suppliers. The primary aim of the revised policy was to establish a more effective mechanism for supporting regional business. The previous regional purchasing policy had attracted criticism from both agencies and suppliers as being too complex and difficult to administer.

Under the new compact, an across-the-board 10 per cent price preference applies to all goods and services purchased in regional areas of Western Australia regardless of where the goods have been manufactured. The compact also increased the threshold from \$20 000 to \$50 000. This change enables regional suppliers to seek a full 10 per cent price preference when bidding on regional contracts for goods and services sourced. This would also include any locally manufactured goods.

The State Supply Commission indicated there were few incidents in which the 5 per cent manufacturing preference came into effect. Industry consultation highlighted the need for, and potential benefits of, standardising and simplifying the application of the preference. The regional buying compact reinforces the Government's commitment to supporting regional industry through a simpler, more effective preference arrangement.

MARINE PARKS AND RESERVES SCIENTIFIC ADVISORY COMMITTEE

1022. Hon GIZ WATSON to the minister representing the Minister for the Environment:

- (1) How often does the Marine Parks and Reserves Scientific Advisory Committee meet?
- (2) What has been the attendance at those meetings since its establishment?
- (3) Will the minister table details of the attendance at those meetings?
- (4) Has any business of the Marine Parks and Reserves Scientific Advisory Committee and/or the Marine Parks and Reserves Authority been delayed due to poor attendance?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The Marine Parks and Reserves Scientific Advisory Committee meets as required in accordance with its functions.
- (2) I will table a paper listing the attendance at meetings.
- (3) The committee was established on 29 August 1997.
- (4) No.

[See paper No 909.]

STANDARDS GUIDELINES FOR CORRECTIONS

1023. Hon HELEN HODGSON to the Minister for Justice:

- (1) Does the ministry process a copy of the standards guidelines for corrections in Australia?
- (2) Are these standards applied to all Western Australian -
 - (a) prisons;
 - (b) lockups; and
 - (c) juvenile detention centres?
- (3) Do prison officers have a copy of the standards available to them?
- (4) If they are not used in all existing prisons, why have they been included in the request for proposal for the new Wooroloo South Prison?
- (5) Are there any repercussions when the standards are contravened; if so, what are they?
- (6) Are there safeguards for prison officers who are ordered to contravene the standards; if so, what are they?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2)
 - (a) The Prisons Act, prison regulations and director general's rules reflect the standard guidelines for corrections in Australia;
 - (b) the Minister for Police has responsibility for lockups; and
 - (c) juvenile detention centres are operated in accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice.
- (3) Prison officers have access to the standard guidelines.
- (4) Not applicable.
- (5)-(6) See (2).

FINE DEFAULTERS

1024. Hon MARK NEVILL to the Minister for Justice:

I refer to the Ministry of Justice publication, *Justice*, of 3 March and the story "Moving towards a greater understanding of prison numbers". Does the minister support the view of the director of policy, Andrew Marshall, on page 16 that last year the number of fine defaulters in prison had begun creeping up to a more realistic figure? What is meant by a realistic figure of fine defaulters in prison?

Hon PETER FOSS replied:

An intention of the Fines, Penalties and Infringement Notices Enforcement Act was to try to prevent the rather excessive number of people sent to prison for fine default. It established a process by which there is a higher possibility of recovering fines without imprisonment. The system is now dealing with two streams of fines for enforcement. One stream covers those which have been incurred since the Act came into effect. The other covers those which have started again and are coming through the whole process. As a result of the new Act there was a sort of "cash flow" change. For a period, neither of those

streams were producing numbers of people in jail. Also, of those who finally got through the stream, those who were pre the new system tended to be a more aggravated group. They were very old fines. The longer a fine is left, the more difficult it is to collect. We are now finding there is a much higher performance without any form of enforcement. Infringements are up to about 95 per cent of payment. I think the figure for court fines is approximately 75 per cent. That still leaves a number of people who go through enforcement and there will be a number at the end who will go to jail for failing to pay, despite all the various forms of enforcement.

Hon Mark Nevill: Hundreds of Aboriginal people in the desert have thousands of dollars worth of fines.

Hon PETER FOSS: The Aboriginal people are a matter of concern. I will bring to Parliament amendments to the fines enforcement legislation. As Hon Mark Nevill will know, in the desert I have put in place provisions for those people to do work development orders for any future fines so that they can go straight to a WDO without having to go through the interim enforcement measures.

We have done other things to stop these people from going to jail. They used to be imprisoned under the Aboriginal Communities Act, and part of the problem with the accumulation of fines in the desert has been that because the communities can no longer jail people for offences under that Act, they have to fine them, and those people cannot pay those fines. The reason they have not gone to jail is mainly that I am trying to make sure they go on to WDOs, and we have an arrangement whereby a special officer from the Aboriginal community is supervising those WDOs. We have a process whereby we can convert those fines to WDOs much more quickly than was previously the case. It is certainly right that we have had to look at a process to ensure that Aboriginal people are not unfairly disadvantaged. They certainly have the capacity to go on to WDOs, and if they do, they do not go to jail. The only people who end up going to jail are those who refuse to do WDOs.

The PRESIDENT: Order! I ask the minister to draw his answer to a close.

Hon PETER FOSS: I will, Mr President, but I was interjected upon by -

The PRESIDENT: I know that, but I still ask the minister to draw his answer to a close.

Hon PETER FOSS: The director of policy is saying that the cash flow differences, if I can describe them as such, are now moving through. The number of people who go to jail now represents the number of people who go to jail because they refuse to do WDOs.

INDEC CONSULTING, CONTRACT FEES

1025. Hon TOM STEPHENS to the Minister for Transport:

- (1) What action has the minister taken to investigate the claim that Indec Consulting received more than \$620 000 in contract fees without following the proper tender process?
- (2) What was the result of this investigation?
- (3) If no action has been taken, why not?

Hon M.J. CRIDDLE replied:

- (1)-(3) Main Roads WA has recently reviewed its internal procedures to ensure compliance with the State Supply Commission's policies.

BANDYUP WOMEN'S PRISON, MUSTER

1026. Hon JOHN HALDEN to the Minister for Justice:

- (1) What is the current muster at Bandyup Women's Prison?
- (2) How many prisoners was Bandyup originally designed to house?
- (3) Have there been any fires in Bandyup in the past two weeks?
- (4) Have any assaults on prisoners or prison officers been reported in the past two weeks at Bandyup?

Hon PETER FOSS replied:

Notice of this question was given yesterday; therefore, the answers to all of the questions are as at yesterday. I thank the member for some notice of this question.

- (1) 137.
- (2) When Bandyup was built in 1971, the capacity was 68. Subsequent modifications which became operational in 1991 - the self-care unit and the mother-child unit - resulted in a standard capacity of 85.

- (3) Yes. A prisoner in F block set fire to her mattress, resulting in minor damage to mattress and bedding.
- (4) Yes. On 14 March 1999, a prisoner hit another prisoner during a fight, resulting in a minor injury to the jaw. Also on 14 March 1999, a prisoner assaulted an officer who was in the process of restraining that prisoner. No injury resulted. On 19 March 1999, a visitor who had been found in possession of drugs spat on an officer.

CASUARINA PRISON, ACCESS TO TRAINING AND EMPLOYMENT

1027. Hon E.R.J. DERMER to the Minister for Justice:

- (1) Will the minister confirm that since the December 1998 disturbances at Casuarina Prison, the prisoners have been denied access to either training or employment, or both?
- (2) If yes, when will Casuarina Prisoner access to training and employment be restored?
- (3) Have Casuarina prisoners who did not participate in the December 1998 disturbances also been denied access to either training or employment, or both?
- (4) What does the minister assess to be the impact of the denial of access to training and employment on the rehabilitation of Casuarina prisoners?

Hon PETER FOSS replied:

I will answer this question in two parts, because a change has taken place today, as announced by the Ministry of Justice. Therefore, I will outline the situation prior to the change, because it will be interesting for people to know what the situation was, and I will also outline what the situation will be after the change. The situation prior to the change that was announced today was as follows -

- (1)-(2) Immediately following the disturbance, the majority of prisoners did not have access to training and employment programs for security reasons. Currently about 243 prisoners are involved in training and employment programs at Casuarina Prison.
- (3) The numbers given above relate to those prisoners who were not involved in the December 1998 disturbance.
- (4) Minimal. Prisoners who are required to address their offending behaviour will be given the opportunity, within available resources, to do so at either Casuarina Prison or another prison prior to their release.

That was the situation until today. Today, the Ministry of Justice made the following statement -

The Ministry of Justice has announced the lifting of the remaining Section 43 restrictions on prisoners imposed in the wake of the Christmas Day riot at Casuarina prison.

The General Manager of Prison Services, Terry Simpson, said the majority of those prisoners have now been returned to a more normal prison routine.

However, Mr Simpson said 11 prisoners identified as constituting a particular security risk are being placed in the prison's special handling unit.

Meanwhile, security matters raised by the riot are being addressed and improvements will be implemented over the coming months.

These will include significant structural improvements.

This is in line with recommendations made by a comprehensive security review carried out immediately after the riot.

Mr Simpson said all reasonable efforts are being made to progressively restore the pre-riot prison regime but until all security issues have been fully addressed, the complete range of activities cannot be restored.

Seven prisoners allegedly involved in the riot were charged today by the police Casuarina Riot Inquiry Taskforce.

Mr Simpson said the police inquiry is on-going.

I want to explain to people why to some extent this was necessary. Extensive damage occurred during the Casuarina riot, and that damage has been repaired. It was also made clear that things which were previously thought to have been designed to be secure are not secure; and substantial physical alterations will be made which will place Casuarina Prison in a different situation from that which it was in prior to the riot. What has happened now is like the situation prior to the riot, but that is not likely to remain the situation as a result of what we have learnt from the riot. It was necessary to restrain the section 43 prisoners for a considerable time until the security people were satisfied that security of the prison could be maintained.

LEEWIN NATURALISTE NATIONAL PARK, FEES

1028. Hon BOB THOMAS to the minister representing the Minister for the Environment:

Notice of this question was given on 17 March.

- (1) How much revenue has been raised by the introduction of new access fees for people visiting beaches within the Leeuwin Naturaliste National Park?
- (2) How many infringement notices have been issued for non-payment of the new access fees since their introduction last November?

Hon MAX EVANS replied:

I thank the member for some notice of this question. Unfortunately, had the question been asked on that day, the answer would have been the same. It is not possible to provide the information in the time required, and I request that the member place the question on notice.

GASCOYNE RIVER CATCHMENT AREA

1029. Hon TOM STEPHENS to the minister representing the Minister for Water Resources:

- (1) Has it been possible for the minister's department to make an accurate assessment of the recent Cyclone Vance-related rainfall in the Gascoyne River catchment area and the anticipated flood impact on the people of Carnarvon and areas adjacent to the Gascoyne?
- (2) If not, why not?
- (3) What advice is being given to the growers in Carnarvon with regard to any anticipated flooding?
- (4) On current estimates, when will the Gascoyne River peak in the Carnarvon township area?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The Water and Rivers Commission is continually monitoring river levels on the Gascoyne River to assess the flooding impact at Carnarvon. Predictions of the river levels at Carnarvon are provided on an ongoing basis. These predictions are refined as more information is gained as the flood flow travels down the river.
- (2) Not applicable.
- (3) River flow advice is being provided every three hours to Main Roads WA, the State Emergency Service, the Shire of Carnarvon and relevant local groups. This advice is also available by telephone from the Water and Rivers Commission office in Carnarvon. The Bureau of Meteorology is also providing flood warning advice for the Gascoyne River catchment based on Water and Rivers Commission river flow advice.
- (4) The current estimates indicate that the Gascoyne River will probably peak tomorrow at Nine Mile Bridge in Carnarvon. This estimate will be further refined when more information becomes available. It is expected that the North West Coastal Highway will be closed tonight due to rising water levels in the Gascoyne River.

SOUTH COAST ABALONE INDUSTRY

1030. Hon KIM CHANCE to the minister representing the Minister for Fisheries:

I refer to the arrangements that were made between the south coast abalone industry in zones 1 and 2 for cost recovery of dedicated fisheries enforcement patrols and ask -

- (1) Is it correct that zone 1 licensees have paid twice for services received between 1 July 1995 and 28 February 1996?
- (2) Is it correct that zone 2 licensees have paid twice for services received between 1 July 1995 and 30 April 1996?
- (3) Is it correct that the over-recovered amount is \$271 229?
- (4) What arrangements has the minister made for the return of this over-recovered amount to the licensees concerned?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. The minister has supplied the following answer -

- (1)-(3) The question is based on assertions made by the Esperance professional abalone divers association in a letter to

the executive director, Fisheries WA. The letter was dated and received on 23 March 1999 and the claims are being investigated by the executive director.

- (4) This will be determined pending the outcome of the investigation into the association's claims.

HOME AND COMMUNITY CARE SAFEGUARDS POLICY

1031. Hon CHERYL DAVENPORT to the Minister representing the Minister for Health:

In relation to the home and community care safeguards policy, can the minister indicate the amount of revenue that is estimated in the first year of the policy's implementation?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

The research that contributed to the development of the safeguards policy did not extend to undertaking estimations of revenue amounts in the first year of the policy's implementation. Under the HACC national guidelines, funded agencies have been able to charge clients for services since 1989. A May 1998 survey of HACC-funded agencies, to which 56 per cent of agencies responded, found that 80 per cent of agencies currently charge fees or request donations in lieu of fees. Prior to the safeguards policy, services had the discretion in any fee arrangements. The safeguards policy aims at achieving consistency and fairness for clients making contributions to the cost of their HACC services. The policy has been developed to ensure that a client's capacity to pay is assessed in the same way, regardless of which funded agency is providing the care.

REGIONAL FOREST AGREEMENT, EXPECTED SUSTAINABLE YIELD TASK FORCE

1032. Hon J.A. COWDELL to the minister representing the Minister for the Environment -

- (1) Who are the members of the expert task force scrutinising the calculation of the expected sustainable yield figure developed for the Regional Forest Agreement?
- (2) When was each member appointed?
- (3) On what occasions has the task force met?
- (4) What are the terms of reference for the task force?
- (5) When is the task force expected to report?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(5) The task force has not yet been established. It will be jointly established by the state and commonwealth ministers involved in the RFA process as soon as possible, and it will complete its work expeditiously.
-