Legislative Council

Friday, 5 December 2003

THE PRESIDENT (Hon John Cowdell) took the Chair at 10.00 am, and read prayers.

BILLS

Assent

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

1. Legal Practice Bill 2002.

2. Acts Amendment and Repeal (Courts and Legal Practice) Bill 2002.

SUSPENSION OF JOONDALUP CITY COUNCIL

Statement by Minister for Local Government and Regional Development

HON TOM STEPHENS (Mining and Pastoral - Minister for Local Government and Regional Development) [10.05 am]: I advise the House that I have today suspended the Joondalup City Council and appointed five commissioners to oversee the city's administration. The Governor approved the suspension this morning. It has become abundantly clear to me that the council was seriously dysfunctional and unable to ensure that the City of Joondalup performed its functions properly. The serious situation has been deteriorating for a considerable duration and events over the past fortnight have convinced me that it would be inappropriate for the council to continue to act as the governing body of the City of Joondalup. Five highly skilled commissioners have been appointed for a term of up to two years. These are Chairman Mr John Paterson, an experienced and respected practitioner in local government; Deputy Chairman Mr Allan Drake-Brockman, a barrister and solicitor with substantial experience in employer-employee relations; Mr Michael Anderson, an accountant and member of the board of the State Supply Commission; Ms Anne Fox, an organisational change management specialist and executive in health care who has strong team-building expertise and is a resident of the City of Joondalup; and Ms Steve Smith, who has considerable experience in local government management. The commissioners will ensure that the city operates smoothly.

I will appoint the members of a panel inquiry into the conduct of the Joondalup City Council within six months, in accordance with the Local Government Act 1995. I anticipate that any outstanding issues will be resolved before the next local government elections, scheduled for May 2005. I am disappointed that the suspension is necessary. I gave the council every chance to resolve the conflicts that had made it dysfunctional; however, it was unable to demonstrate that it could do so. The Gallop Government retains its strong commitment to allowing local governments maximum autonomy in managing their affairs in an open, responsive and accountable manner. However, there comes a time when the Minister for Local Government must responsibly step in and intervene under the Local Government Act 1995. That time arrived last night. I am sure that the appointment of commissioners will result in an improvement in the governance of the city. I look forward to the restoration of democracy in Joondalup once the issues have been resolved.

Debate adjourned, on motion by Hon Bruce Donaldson.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) AMENDMENT BILL 2003

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Nick Griffiths (Minister for Housing and Works), read a first time.

Second Reading

HON NICK GRIFFITHS (East Metropolitan - Minister for Housing and Works) [10.10 am]: I move -

That the Bill be now read a second time.

Part XV of the Local Government (Miscellaneous Provisions) Act 1960 controls the building approval system in Western Australia. It provides local governments with the administrative power and responsibility for all building work in the State. In response to the needs of the building industry, local governments and consumers, the State Government has drafted this amendment Bill to address two issues: first, to regulate local governments' delegation of authority to approve plans and specifications to their employees; and, second, to provide a framework to retrospectively authorise building work carried out without the prior approval of the local government. This Bill provides the head of power needed to regulate the delegation of a local government's power to approve building plans and specifications to a suitably qualified person appointed to the office of building surveyor.

The introduction of a performance-based building code of Australia has led to the need for greater knowledge and skills to deal with the increased complexity of building solutions. A building surveyor with only entry level education and

professional qualification may not be able to adequately assess and approve a complex new building; equally, not every building surveyor should be required to have the education and qualification needed to assess complex buildings. This Bill will allow regulations to be drafted to specify when a building surveyor can approve or refuse to approve plans and specifications for a building work that has a level of complexity commensurate with the building surveyor's level of education and professional qualification.

There has been a lack of clarity in the existing building control provisions for the management of unapproved building work. Legal advice obtained by local governments has been inconsistent, and although some local governments have been dealing with unapproved building work internally, others have not. Instead, they have been issuing a notice under section 401 of the Act requiring the builder or the owner of the building to pull down or to make alterations to the building. The only recourse an owner has is to appeal against the notice to the minister. This process is bureaucratic and inconsistent and causes unnecessary concern to owners served with a demolition notice. The buildings in question are often structures such as garden sheds, patios, verandahs, carports and minor extensions and alterations. This situation has been the subject of many appeals to the responsible minister for a number of years. The building codes and regulation branch of the Department of Housing and Works, which processes these appeals, advises that approximately 400 appeals are received every year and more than 50 per cent relate to this area.

The greater scrutiny of buildings by real estate agents at the sale of properties has also led to an increase in the number of appeals received. The majority of these are in relation to buildings constructed without approval. A number of local governments have been asking for urgent legislative amendments to make the legal position clear and to allow for the management of unapproved building work. This Bill will provide the owner of a building on which unauthorised building work has been carried out the opportunity of applying to the local government for a certificate of substantial compliance for unauthorised building work. The local government, if satisfied with the standard of construction, may decide, instead of serving a notice under section 401 to pull down the building, to issue a certificate of substantial compliance. The local governments will continue to retain their power to serve a notice under section 401 as appropriate. I commend the Bill to the House.

Debate adjourned, pursuant to standing orders.

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2001

Returned

Bill returned from the Assembly without amendment.

INSPECTOR OF CUSTODIAL SERVICES BILL 2003

Second Reading

Resumed from 11 November.

HON PETER FOSS (East Metropolitan) [10.17 am]: The Opposition enthusiastically supports this Bill. First, the office of Inspector of Custodial Services has been more than justified in its creation. As with many bodies, the initial appointee is vital for the job to be carried out appropriately. We sometimes think that setting up the institution is enough, but the reality is that the people who are the institution are vital in determining the vigour with which the task is carried out. Professor Harding and his staff have set up the office very effectively and well. I congratulate Professor Harding: he has proved to be an ample and excellent pillar of the job in the first instance. I am sure that whoever follows him in that position will have a good grounding. I am pleased that the Government has also expressed those views about Professor Harding.

The Inspector of Custodial Services was established when I was Minister for Justice. I saw it as an effective aid to management. It is a matter of informing not merely Parliament - although that is important - but also the minister. A difficulty in any form of government department is the conspiracy of silence to ensure that the minister does not know what has gone wrong because that often causes disruption in the department. The events seen on *Yes Minister* and *Yes, Prime Minister* are often the case within any bureaucracy. One or two areas are specialists in this process - prisons is one of them. They are very much bodies under discipline and there is no idea of whistleblowing or speaking out of turn or rank. Problems are often difficult to find. People operating prisons are also not greatly given to change or operating in a manner different from the way they are used to. It is necessary to set up a body outside the hierarchy to find out what is happening, and then to drive change. A similar office was created in the United Kingdom that had this effect. It also allowed a lot of modernisation and the removal of poor quality prisons. Interestingly, the UK had a similar impetus for this change; namely, the creation of privately run prisons. Government prisons were the ones with enormous problems. No form of contractual warrantee was in place for these establishments against which performance could be measured, and there was no benchmark to which the prisons had to perform to be handed over the money to do their job. Many government prisons in the United Kingdom had to be closed or have radical change in their operations.

Some interesting things have happened. The Report of an Unannounced Visit to Hakea Prison, known as the Hakea report, was long coming and it needs to be dealt with by the inspector. I have raised the matter with him. I need not move an amendment to this legislation as I have an undertaking that he will deal with it; that is the appropriate way to

go. The inspector rightly provides a debriefing as he leaves the prison and provides a draft report. This gives the prison the opportunity to start to address matters prior to the report being made public. It is a good incentive. There is nothing like putting pressure on people. One means is to say that a report will be filed and will be before Parliament, and then those involved will have an opportunity to say what has been done. It is preferable that prison operators say they are addressing most of the points raised by the inspector's report. That is better than going in with a big stick afterwards. That was partly the reason we provided for a delay between the report being given to the President and it being tabled in the Parliament. However, they have had more than the 30 days. In the case of the Hakea Prison report, they had almost a year from the time of the inspection to producing the report because the Ministry of Justice did not do anything about it. It is disgraceful how very little was done with Hakea Prison for a long time. That is not the intention. In the future, Professor Harding intends to follow that procedure but to be a bit more vigorous on the reply by the Ministry of Justice and not take it that something is happening when, in that particular instance, it was clear that nothing had been happening. I hope that the Inspector of Custodial Services follows up the Hakea report to make certain that it has been acted upon - it certainly was not shown that the Ministry of Justice was going to do much about it.

On the other hand, Acacia Prison is a very good example of how the inspectorate works. The report on Acacia Prison made it clear that there had been failings on the part of the contractor and the government supervision of that contract. It was quite a difficult report for both parties involved and nobody came out unscathed. However, it was interesting to note that by the time the report was made public, the inspector was able to say that the Ministry of Justice and Acacia Prison had acted on the report and had addressed the matters referred to in the report. Having spoken to Professor Harding, it is quite clear that Acacia Prison is criticised because it is a benchmark. However, it is still doing better than all the other prisons. If we had a contract for the provision of services with all government prisons, written in similar terms to that with Acacia Prison, it would be interesting to see how many of those prisons would not be in dire danger of having their contract terminated. That is what the Government in the United Kingdom did. It said to its prisons, "If you get another report like that, you will be terminated. We will put the service out to private contract because, obviously, you do not have the capacity to meet the terms of contract." This is starting to show that, by having at least one private prison, it can be used to compare the running of two different systems. To have an inspector who can run the ruler over both systems and indicate how they are going as a means of improving the quality of the running of our prisons and as a good management tool, is proving to be a very effective one.

This legislation carries out a number of undertakings that were given at the time the original office was created by way of amendment to the Prisons Act. It was intended for those undertakings to go into a separate Bill eventually, which is now being done - I am very pleased to see the Government carrying that out. This legislation addresses a number of the minor problems that have emerged since the current legislation was put in place and it includes juvenile justice facilities that were, again, part of the undertaking. However, it misses out on police lockups, which I regret. I do not how they got left out of the legislation. I am sure they will be going in. The police are always good at making up some sort of excuse why lockups should not be included. When I originally gave the undertaking that we would not put police lockups in there, there was a certain amount of squealing, squalling and wriggling on the part of the police. However, the reality is that they look after police lockups and they incarcerate people. Many police lockups would be considered to be entirely substandard. It is disgraceful that they should be able to continue without being properly inspected. I hope that the minister will give me some sort of timetable for when the final part of the range of inspectors services will be added to the Act - I see it is not there yet -

Hon Nick Griffiths: What reasons did the police give to you?

Hon PETER FOSS: That the police did not need it and that they were different. They were excuses rather than reasons. The general reason was that they did not want to do it. The police thought it would be too much of a burden - the usual thing that what applies to everyone else does not apply to them - for them to put up with the inspections by the Inspector of Custodial Services. The police said that they did not have a lot of prisoners in the lockups very often and that when they were in there, it was not for very long, therefore, it should not be considered. It seems to me that Professor Harding would be able to make all those allowances himself.

Hon Nick Griffiths: But you didn't find those reasons convincing -

Hon PETER FOSS: No, I found them entirely unconvincing.

Hon Nick Griffiths: But you weren't able to advance the position.

Hon PETER FOSS: No, we said we would do it on a staged basis. First we would deal with prisons and allow the Inspector of Custodial Services to inspect those services that were capable of being carried out by an independent contractor. At that stage, nothing was being carried out in the juvenile area - it came under another Act anyway. To pick up police lockups would have also been difficult because it was not intended at that stage that they should be given a contract to run police lockups. I should also point out that recently, when I was in Albany, I talked to some people from the AIMS Corporation who run the court lockup there. They said that it would be extremely helpful to the police if, while the court was on circuit, they could look after the police lockup. The AIMS people did not go on circuit with the magistrate; they waited in Albany for the court to return and for there to be more prisoners to look after. The people from AIMS were very keen to do this because during this period they were being paid to do nothing. They would much

prefer to look after the police lockup while the magistrate is on circuit because that would allow two more policemen to do police work. That seems to me to be eminently sensible and I am sure it would be repeated around the State wherever there is a circuit magistrate. It would not save direct money but it would provide an extra resource at no extra cost. It seems to me to be entirely sensible. Unfortunately, it may need an amendment to the Court Security and Custodial Services Act, but it is certainly one that I would support. It is a matter of eminent good government that we should allow policemen to do police work and custodial people to look after lockups. I mentioned that because it fits in with the general scheme of things. I look forward to seeing police lockups included in the legislation, because, now that we have a separate Act, it could easily be done perhaps without amendment to the Court Security and Custodial Services Act. This legislation has picked up the definition of "lockup", which is the same under the Court Security and Custodial Services Act, but it does not have to be. This legislation could have its own definition of "lockup", which would be 90 per cent like the one from the Act, and we could take out whatever words do not allow police lockups to be including in the legislation. That could be done quite easily. I will not suggest that amendment because I know Professor Harding is very keen to have this legislation passed. I would normally suggest it but I will not do it this time because I do not want this legislation to be held up.

Hon Nick Griffiths: And it may have resource implications at this stage.

Hon PETER FOSS: Yes. At this stage I will just raise the matter. I do not intend to make an amendment, but it is a matter that should be raised because it is good government all around that we do that.

I was concerned with some procedural difficulties. As I mentioned earlier, the first one was that the release of the Hakea Prison report was too slow. Another problem was with tabling of the report in the interim. When the Hakea Prison report was finally tabled, there was a difference between the two Houses. One was sitting and the other was not and there was a question about the 30 days. Of course, the question was whether the report could be released. I think the President was prepared to release it but the Speaker was not, which caused a bit of a problem. In the end, nothing happened. However, I think that has now been dealt with in this legislation. The other problem was the time between the inspection and the report. I am one of those people who believes that we do not want to highly circumscribe in the legislation. If we have a sensible administrator who is prepared to deal with it and to ensure he provides a service that is satisfactory to Parliament, I would much prefer that it be done by way of undertakings and understandings than to start putting into the legislation strict time limits. I am quite happy to leave that.

One other very important change is the independent visitor service, and I am very pleased with its performance. When I was the Attorney General I asked Professor Harding to take responsibility for the training and supervision of prison visitors. The prison visitor concept is very old. It involves independent people of some standing visiting prisons, talking to both prisoners and officers and reporting independently and directly to the minister in charge of prisons. Problems arose in the past with that system. Generally speaking, prison visitors were retired prison justices of the peace. They were not necessarily the most active people. They had been visiting prisons for quite some time and had been responsible for prisoners serving further periods of detention. It was a rather cosy arrangement. They used to wander in, have a cup of tea with the superintendent, say hello to the officers and come back with a few complaints. Their visits were generally unmethodical and untutored. The coalition Government instituted the practice of having an in-house inspection service prior to the official one. It became obvious that there was no check list against which to compare criteria such as cleanliness, tidiness and acceptable food standards - fundamental requirements such as the Army would expect. The qualitative criteria can also be measured during those visits. Prison visitors were not doing that. However, one visitor did a very good job. He was thorough in his approach and I thought it was appropriate. I spoke to Professor Harding to see whether he could take prison visitors under his wing and guide them to perform the role in the same way as the inspectors do and to work their way through various elements of the prison to ensure he received feedback from continuing monthly visitations.

The second problem was that when a report was written by one of the visitors it contained a number of matters that required checking. The usual procedure was for the Ministry of Justice to do the checking. That meant that reports became embroiled in the hierarchy again and were filtered, which meant that they did not provide an independent view. Before that I asked that reports be dealt with by the Attorney General's department within the Ministry of Justice, which was not part of the prison section, and report to me independently. The reports I received after that had not been filtered through a dozen prison officers, the superintendent and ex-superintendents who are now senior people in justice. They provided an undiluted view on the veracity of the information from prison visitors. That whole process is now under the Inspector of Custodial Services, which affords the prison visitor service official recognition. According to Professor Harding, it is working well. He receives a continuous flow of useful information from prison visitors. I heartily applaud that. Those changes are now showing a degree of good governance, which is encouraging for prisons. Irrespective of what we might think about prisons, it is important that they do not waste money, do not allow corrupt practices, do not allow the quality of our investment in the land to deteriorate and ensure that money is not spent on an ineffective prison service. That is why an inspectorate is a good thing. It gives an independent management check and report on every aspect of prison operations to the minister in charge of prisons, so that we can ensure that the taxpayers' dollar is being well spent with the ultimate aim of producing useful prisoners as opposed to useless prisoners. I notice that, to his credit, Professor Harding considers that prisoners should be kept sufficiently occupied. During the coalition

Government's term, one of the major problems with prisons, especially when a prison was overcrowded, was ensuring that all prisoners were fully occupied. Nothing is worse for prison discipline or more wasteful of government money than prisoners sitting around all day with nothing to do. That is one area that Professor Harding has emphasised. I hope it leads to prisoners being occupied with worthwhile work for much longer periods. The Opposition supports the Bill.

HON GIZ WATSON (North Metropolitan) [10.34 am]: The Greens (WA) also support the Bill and welcome the anticipated amalgamation of the powers of the Inspector of Custodial Services to be in stand-alone legislation, which was foreshadowed when the inspectorate was established in I believe 2000. We believe that the Inspector of Custodial Services performs a very important role. The Greens (WA) expresses its thanks and praise for Professor Harding's work.

Hon Peter Foss: Hear, hear!

Hon GIZ WATSON: I speak to him fairly regularly, and when I can I study reports that he has tabled. His appointment is a great step forward for the operation of prisons in Western Australia and, on many occasions, the inmates.

It would be remiss of me not to say that the Greens did not support the circumstances in which this office was established. A trade-off was arranged between the Australian Democrats and the then coalition Government to enable the establishment of a private prison in this State and to leave the door open for future private prisons, which the Greens vigorously opposed and continue to oppose. We made it clear that we thought the appointment of an independent inspector was a very important step forward, both in the management of prisons and for the rights of inmates in a prison system that had considerable problems. To some extent, the system continues to have problems and receive criticism. We debated the pros and cons of establishing a private prison to break what was seen as an intransigent culture in the majority of state-run prisons. I will not revisit that debate. However, I put on the record again that the Greens do not consider that the trade-off of an independent inspector was appropriate. It is interesting that the inspector's recent report on Acacia Prison indicated significant problems, which were anticipated by the Greens, among others.

Hon Peter Foss: Which he says have been addressed. Have you spoken to him about that?

Hon GIZ WATSON: I have spoken to Professor Harding about that. In his view, some of those matters have been addressed and things are improving. However, other sources have indicated that that view is not held by everybody. Both Governments have been very lenient on the service provider of Acacia Prison. It has been given considerable leeway to improve rather than be told it has not met its obligations. A similar situation also exists within the court and custodial services because the service provider has breached its contract twice, if not three times.

Hon Peter Foss: They are still doing better than the State did by a factor of 20.

Hon GIZ WATSON: Certainly. Professor Harding suggested that the main reason - I will stand corrected if it was not actually he who told me, but I believe it was - the State Government will not acknowledge the difficulties with the private prison system is the considerable additional cost of reverting to a state-run prison.

Basically, the key reason for saying private prisons do not work -

Hon Peter Foss: It is not that they do not work; the fact is that they have not complied with their contracts. They are still doing better than the state system.

Hon GIZ WATSON: We could have a long debate about whether they work or do not work, but I have undertaken, as have other members, to have a limited debate on this matter to expedite the passage of this Bill. For the record, the Greens (WA) do not believe that private prisons work. It depends on what is defined as "work". They certainly make plenty of profit for those who run them. Anyway, we will continue to speak out about private prisons on all levels.

The reports produced by the inspector to date have been very useful and have resulted in a number of significant management practice changes within the prison system; we welcome and acknowledge that. It is a limitation that the report on his findings is just a recommendation to the minister. We would argue that there should be stronger provisions that would actually require changes. The powers and functions of this Bill are not sufficient to require change within the prison system. I guess that is always a question of judgment.

Hon Nick Griffiths: It is essentially a role of a public servant. I think it is a matter for Parliament and the Government to determine priorities, but it is important to have recommendations.

Hon GIZ WATSON: Sure.

Hon Peter Foss: Who is the manager?

Hon GIZ WATSON: That is an interesting question. That is a criticism I have heard from prison advocates. They appreciate the work of the inspector and think that he and his staff have the capacity to get into prisons and find the information that is required, but they feel that it is a political decision.

Hon Peter Foss: But that is up to us. We have to put the pressure on the Government to make sure that it is carried out.

Hon GIZ WATSON: As members will be aware, I have occasionally asked questions about the inspector's report and asked for a response. Sometimes the answers are satisfactory and sometimes they are not received as quickly as I would like or are not as complete as I would like.

Hon Nick Griffiths: Perhaps you have made this agreement.

Hon GIZ WATSON: I understand. In support of this Bill, I acknowledge the work of other people who visit prisons, particularly the independent visitor service. Many people in not-for-profit organisations have made extraordinary contributions to the monitoring and critiquing of prison services by going into the prisons to visit inmates. This work is often very emotionally demanding and is largely unrewarded financially, but it is a vital service and I acknowledge that. An enormous amount of voluntary work also goes into ensuring fairness and justice within the prison system, because a large proportion of the community would rather think that these people will be locked up and forgotten about; however, people in prison still have rights and they still need programs to ensure that when they are eventually released back into the community they will be less likely to reoffend and more likely to integrate with the community. That must be the outcome that everybody is looking for. The lack of provision of some of those rehabilitation and training programs is one of the criticisms that has been levelled at the management of the private Acacia Prison. In particular, I acknowledge the work of the Deaths in Custody Watch Committee in raising a lot of issues that are now the subject of more formal investigation by the inspector. Over the years their work has been crucial in trying to redress the unacceptable rate of deaths in custody. I welcomed the comment by Hon Peter Foss about extending the role of the Inspector of Custodial Services into police lockups, and I raise that matter in the context of the deaths in custody issue as well. Some of those deaths have occurred in police lockups.

Hon Peter Foss: That used to be the main source.

Hon GIZ WATSON: Yes. Therefore, it is an important point to raise. We agree that the inspector should have the powers to inspect police lockups. In the same vein, a matter that I have raised with the Attorney General, which raises questions of jurisdiction, is that it should also be the role of the Inspector of Custodial Services to inspect all places of detention within Western Australia, including the commonwealth facilities that currently detain refugees.

Hon Peter Foss: They are doing that on contract.

Hon GIZ WATSON: I have had an exchange of correspondence with the Attorney General on this matter. I put on record that, in the view of the Greens (WA), it would be totally appropriate for the Inspector of Custodial Services to be able to visit those places of detention, which are currently places of misery and despair for many people, much to the shame of Australian citizens. Unfortunately, I have not received a positive response about the inspector being able to do that, but it is something I will continue to pursue on behalf of the Greens and on behalf of those people being held for extended periods in commonwealth facilities within Western Australia. With those comments, the Greens support the passage of this Bill and again acknowledge the important work that the inspector is doing in this State and, hopefully, will continue to do into the future.

HON JOHN FISCHER (Mining and Pastoral) [10.48 am]: I will make my remarks very brief. Unfortunately, I missed this Bill previously, but I would like to express my interest in this legislation. We support it, but do so extremely reluctantly. I have listened to comments about the tremendous job that people have supposedly been doing in relation to this legislation, yet the two experiences I have had make it obvious that this is just another example of extending the total waste of taxpayers' money. I visited the Curtin Immigration Centre prior to it being closed down after Professor Harding had done an inspection. I did not let anyone know I was coming. Having looked at the centre, I totally disagree with the report published by Professor Harding. I also had a look at the Broome Regional Prison after Professor Harding had done a report on it. I totally disagree with that report also. I wonder sometimes what people think these prisons are for. I am not against a system of independent observers reporting on conditions in the prisons. I will support the Bill. The minister looks shocked.

Hon Nick Griffiths: You are misinterpreting my reaction if you think I looked shocked.

Hon JOHN FISCHER: The minister dropped his jaw.

Hon Nick Griffiths: I was about to say something by way of unruly interjection. I wonder whether you can tell the House where you disagree with Professor Harding's reports.

Hon JOHN FISCHER: Certainly. As far as Curtin goes, I have spoken on that subject before, and I brought it up in one of the committees on which I sit, when Professor Harding addressed the committee. The general approach and the report he issued on the conditions were totally and utterly wrong. That also applies to Broome Regional Prison. When I inspected that prison, I thought the conditions were pretty good for someone who was meant to be locked up.

Hon Nick Griffiths: Was the point of difference between you and the reports simply that you thought the conditions were all right?

Hon JOHN FISCHER: In the institutions I looked at, yes, that is the case. What concerns me is the extension of the parameters of the Inspector of Custodial Services. I have a concern about taxpayers' money being spent. I presume all these prison visitors cost money.

Hon Peter Foss: Prison visitors are volunteers.

Hon JOHN FISCHER: What I was going to say was not that, but rather that the set-up for them does cost the State some money, and there is far too much emphasis, especially from previous speakers this morning, on what should

happen here. This brings to mind that I had a look at the Riverbank prison when it was operating. I believe Professor Harding recommended that it be closed.

Hon Peter Foss: He did not recommend that it be closed; he recommended that either some money should be spent on it, or it should be closed.

Hon JOHN FISCHER: Is that not recommending that it be closed, because this Government certainly did not spend any money on it?

Hon Peter Foss: He was actually disappointed that it was closed.

Hon JOHN FISCHER: Hon Peter Foss can have his say later.

Hon Peter Foss. I have already had my say; I am just interjecting, which is quite acceptable. Professor Harding did not recommend that Riverbank be closed, and it should not have been closed; it should have had some money spent on it.

The PRESIDENT: Order!

Hon JOHN FISCHER: I know I am correct in what I am saying. I was extremely disappointed; it was an absolute waste of government money when that facility was closed down. From talking to the people who operated it, and considering the reason it was there, it seemed to me to be doing an extremely good job. If Hon Peter Foss wants to have his little crack at it, he can get up and say it himself in his own time.

I have some concerns about this legislation, and I will look very carefully once again at the budget next year to see exactly what it is costing the taxpayer.

HON NICK GRIFFITHS (East Metropolitan - Minister for Housing and Works) [10.54 am]: I thank Hon Peter Foss, Hon Giz Watson and Hon John Fischer for their support of the Bill. Both Hon Peter Foss and Hon Giz Watson were very positive about the work of the inspector. I note the point of view of Hon John Fischer; it is perfectly appropriate that he express in this debate where he differs about the work of the inspector. I look forward to his questions during the Estimates Committee next year. On the issue of police lockups, which was raised by both Hon Peter Foss and Hon Giz Watson, I note that the Minister for Police and Emergency Services is now also the Minister for Justice, and I will draw to her attention the observations of both honourable members. The work of the inspector, in the view of the Government, is very worthwhile. I look forward to this House being informed about the condition of juvenile detention centres as well as adult prisons in due course. I commend the Bill to the House.

Question put and passed.

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

ACTS AMENDMENT (RESERVES AND RESERVE BOARDS) BILL 2003

Second Reading

Resumed from 9 September.

HON GEORGE CASH (North Metropolitan) [10.57 am]: This Bill, to amend the Land Administration Act 1997 and the Parks and Reserves Act 1895, consists of three parts. Part 1 deals with preliminaries, such as the short title and commencement, part 2 with the Land Administration Act 1997, and part 3 with the Parks and Reserves Act 1895. The Land Administration Act 1997 provides for the amendment, management and cancellation of reserves, but applies only to reserves created under that Act. Equally, the Parks and Reserves Act 1895 applies only to land reserved under the Land Administration Act or previous land Acts, such as the Land Act 1933 and the Land Act 1898. It came to the notice of the former Department of Land Administration that from time to time reserves are discovered that are found not to have been created under the Land Administration Act or preceding Land Acts. I understand, from discussions with an officer from the department, that this is usually due to a deficiency in the wording of the reserves Act that created the particular reserve without also deeming such a reserve to have been created under the Land Act in force at the time. The Crown Solicitor's Office has confirmed that the only way a reserve not subject to the Land Administration Act or previous Land Acts can be amended is by a further reserves Act being introduced into the Parliament to deal with that particular anomalous reserve. The department is therefore seeking a general provision to be inserted into the Land Administration Act to bring under the provisions of that Act any reserve not currently the subject of that Act or some other specific Act. Clearly, this will prevent the need for separate reserves Bills to be introduced into the Parliament to deal with these anomalous situations. The Bill before the House ensures that the Parliament's intention is met, and that the Land Administration Act applies to all crown land and reserves that are not the subject of a specific Act, including these anomalous reserves.

It is intended to insert a new section 51A, to resolve the issues I have just raised. The new section is entitled "Certain lands to be regarded as having been reserved under s. 41". Section 41 of the Land Administration Act 1997, which is headed "Minister may reserve Crown land" and is in part 4 of the Act, which is headed "Reserves", states -

> Subject to section 45(6), the Minister may by order reserve Crown land to the Crown for one or more purposes in the public interest.

Therefore, it is qualified by section 45(6), which deals with land in the management area of the Swan River Trust within the meaning of the Swan River Trust Act 1988. I do not think there is any need to go any further into that area.

Those are the proposed amendments to the Land Administration Act. Part 3 of the Bill seeks to amend the Parks and Reserves Act 1895. Members will be aware that the Parks and Reserves Act makes special arrangements for the management of reserves. That Act in fact preceded the first Land Act in 1898, and it continues to operate in conjunction with the Land Administration Act. The Parks and Reserves Act provides for boards of management to be appointed in respect of reserves, and it deals with the powers and duties of such boards. The Bill before the House proposes that instead of the creation of individual boards, a management order be able to be issued under the Land Administration Act to enable the function of the boards to be carried out directly by the Department of Sport and Recreation. I understand that the Crown Solicitor's Office has advised that there is currently no provision in the Parks and Reserves Act for the revocation of boards created under the Parks and Reserves Act.

Having regard to the foregoing, part 3 of the Bill provides for the ability to dissolve boards created under the Parks and Reserves Act, and the vesting of the property and associated rights of such boards and subsequent vesting in a nominated minister or other body. The vesting minister or body will be empowered to sell or otherwise deal in board property; credit any money of such boards to a public account; and continue any agreement entered into by the boards, or legal proceedings commenced by, or against, such boards, by the vesting minister or body that is replacing the board. Part 3 also provides that the vesting minister or body replacing the board shall provide a final report of the proceedings of the former board, and that report shall be tabled in the Parliament.

I am loath to say that this is a relatively simple Bill, because that often attracts some criticism. However, I can say that the Bill deals in large part with mechanical issues that need to be resolved, and that will provide greater efficiency by alleviating the need to introduce specific reserves Bills when anomalous parcels of land not the subject of a specific Act are brought to the attention of the department. The Opposition supports the Bill.

HON JIM SCOTT (South Metropolitan) [11.03 am]: The Greens will be supporting the Acts Amendment (Reserves and Reserve Boards) Bill. As far as we can see, the purpose of the Bill is simply to correct a number of anomalies that have arisen over time when reserves that have been created under reserves Bills have not been linked into the Land Administration Act or preceding Land Acts, thereby causing extra work for the Parliament by having to put more reserves Bills through the Parliament than would otherwise be necessary. We also support the provision in part 3 of the Bill to dissolve the Recreation Camps and Reserve Board and transfer its functions to the Department of Sport and Recreation. That is also appropriate, and we have no problem with that.

HON KEN TRAVERS (North Metropolitan - Parliamentary Secretary) [11.04 am]: I thank members for their support of the Bill and commend the Bill to the House.

Question put and passed.

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

FISH RESOURCES MANAGEMENT AMENDMENT REGULATIONS (NO. 8) 2003

Motion for Disallowance

Pursuant to Standing Order No 152(b), the following motion by Hon Murray Criddle was moved pro forma on 11 November -

> That the Fish Resources Management Amendment Regulations (No. 8) 2003 published in the *Gazette* on 1 October 2003 and tabled in the Legislative Council on 21 October 2003 under the Fish Resources Management Act 1994, be and are hereby disallowed.

I have moved this disallowance motion because of some concerns initially about filleting at sea, which is outlined in regulation 8 of the Fish Resources Management Regulations; the possession limit, which is outlined in division 3 and regulations 16D, 16E, 16F and 16G; and labelling, which is outlined in regulation 22. Since I moved the disallowance motion, I have had a number of approaches from the Australian Anglers Association, RecFishWest and the Charter Boat Owners Association, which have some concerns about the consultation process that has been in place and some difficulties in getting some finalisation of their views on the new regulations. I intend to outline their concerns, as outlined in correspondence to me. I want to say from the outset that the National Party has no problem with the bag limit reductions, and the increases in size limits for fish in some categories. I want to make it clear to the minister that the reason I moved this disallowance motion is not about those issues. It is more about getting the regulations in line with giving people the opportunity to handle the fish that they have caught in the best possible way so that they get a top quality product back to their residence and onto their table. In other words, it is more about the management of fish once they have been caught.

The correspondence that I have received from the Charter Boat Owners Association outlines the issues that the association would like to be dealt with; namely, with regard to the possession limits, to allow clients on extended charters to take home an additional two to three whole fish or an extra 10 to 15 kilograms of fillets; that the ownership of consigned fish for transport be allocated to the consignee, not the licensee, who may be shipping the fish for his

clients; and to consider changing the stipulation of "possession outside a person's permanent place of residence", because if this could include licensed tour vessels and houseboats used for accommodating charter clients while at sea, the issue would be eliminated for licensed fishing tour clients. The other issues are to remove the 30 centimetre fillet rule for filleting on board a licensed fishing tour vessel to meet client requirements and preferences; to allow skinning, sealing and packaging of fish on licensed fishing tours to meet client preferences; and to remove the rule that two pieces of fish equals one fish, as this does not allow for cutlets or filleting larger fish into meal sizes. Those issues were raised by the Charter Boat Owners Association of WA. The Australian Anglers Association has worked very closely with RecFishWest, and its thoughts on the process are very much the same. The people to whom I have spoken have raised issues such as the filleting exemptions for large fish by size not species, which is in current regulation 15, the heading and tailing of large fish without a 24-hour time limit, the cutting of large fish into two pieces and the three options in the possession limits for trips on boats. I have already mentioned the three issues that I am concerned about.

Since moving this disallowance motion I have received good cooperation from both the minister and the department, so the process has been sped up. I hope that if I raise some of these issues, the minister will be able to clarify them. The minister has written to me and to the other organisations explaining the situation. I know that decisions have been made up until the last moment. Perhaps the minister can clarify these issues, and that would not exclude further communication by the minister with these organisations. This will be an ongoing issue of resolution. As I have said, the quality of the fish to the table once they are caught is an issue. I am also concerned about throwing back fish once they are caught and the number of species that can be caught. However, that is an issue for another day; it needs a great deal of research and analysis to determine whether it is of any interest to the overall industry to throw back fish that are caught at different depths.

Another issue is communication with the local groups, and we must ensure that that communication is maintained. There is also the issue of the impact these rules and regulations will have on commercial fishermen. Perhaps the minister will outline the process he will go through in dealing with the commercial fishery. People talk about the integrated management of the fishery, and this is a prime example of what should happen. We are trying to achieve consistency in the handling of fish and the preservation of fish stocks into the future. They are the main issues that need to be addressed.

I will work my way through the 14 proposed management arrangements that we have agreed to make some progress on. There is a fifteenth, which I may well cover when I get to it. The first recommendation is to allow recreational fishers to land filleted fish with a minimum fillet length of 30 centimetres after 24 hours at sea. I cannot see the need for that time limit, and I ask the minister to clarify that. The second recommendation is to allow recreational fishers to land trunked fish with a minimum trunk length of 30 centimetres after 24 hours at sea, and species with a slot limit - that is, barramundi, Shark Bay pink snapper and tailor - should not be included. I ask the minister to outline that recommendation. The third recommendation is to exempt category 3 low-risk species from the prohibition on filleting at sea regulations; that is, species such as herring, sand whiting and garfish, which are virtually everyday fish. Even I can catch one of those fish! The fourth recommendation is to allow recreational fishers to be in possession of filleted fish at sea, regardless of the duration of the trip. A general prohibition would still exist on the landing of filleted fish on trips of less than 24 hours duration. This will enable filleted fish to be taken to sea as bait or processed at sea for bait, but not landed unless in whole form. Can the minister outline that recommendation? The fifth recommendation is to exempt from the 30-centimetre minimum fillet length requirement fish that have been landed on an island during an overnight trip. Again I ask the minister for his comments on that issue.

Hon Kim Chance: You are down to the sixth.

Hon MURRAY CRIDDLE: Yes; I am looking at some of the comments I have received from other groups about these issues. Recommendation 6 is to rescind the regulation prescribing two pieces of fish to be taken as one fish. Recommendation 7 is to rescind the regulation deeming all fillets to be category 1 fish. Recommendation 8 is to create a prescribed value in the regulations for any fillet of fish. I am interested to hear whether there has been some move towards charging different categories of fish at different rates. Obviously some of them are well-recognised prize fish. Recommendation 9 is to include a defence to sections 50 and 51(1) of the Fish Resources Management Act to allow the landing of up to two days bag limit of whole fish or an accumulated quantity of filleted fish up to 20 kilograms per person. Recommendation 10 is to allow fillets of any size to be transported back from the islands that involved an overnight stay. Recommendation 11 is to prohibit the transportation of filleted fish on the waters of the inner gulfs of Shark Bay. There is an issue with Shark Bay, but I note that the minister -

Hon Kim Chance: I think the issue is dealt with in recommendation 10 rather than 11, because the islands off Shark Bay were the issue.

Hon MURRAY CRIDDLE: There is an issue with transporting fish over the water. If the fish are transported over the water, there will be a problem. That recommendation militates against the people who do that. If they catch fish on the island, they cannot transport the fish from the island to the shore over the water.

Recommendation 12 is to permit the possession of up to two days bag limit of whole fish when a person has been at sea for at least 24 hours. Recommendation 13 is to exempt fishers from labelling requirements while on trips at sea for

fewer than 24 hours. Recommendation 14 is to allow fishers to transport fish in any container or package provided the container is labelled. That is pretty well self-explanatory.

Regulation 15, which relates to the filleting of mackerel and tuna while at sea, is also of concern. If that is based on species and not the size of the fillet length of the fish, it does not give equivalent catch care for other large species - there is a range of large species - despite the stated intention of the exemption from the maximum catch care, balanced against any possible compliance issues. I ask that that exemption apply to fish based on their size rather than on the limit of a specific species. There is also an issue with the definition of "24 hours". For example, if people fish the night before, go to sleep and then fish the next day, is that a 24-hour period? People could fish in daylight hours; in other words, a normal day. Does it mean a 24-hour period from, say, lunchtime one day to lunchtime the next day? In that case there would be two fishing days in 24 hours. That issue needs some clarification.

The whole exercise has been to make it a more acceptable and simpler system so that people can understand the issues. Some clear brochures will need to be released, outlining exactly what the Government intends to do from this point on, because these changes will have an impact on fishing. We are moving into the holiday season and people need to know exactly what they can do. I have raised these issues through the disallowance process because it has been made clear to me that these are real issues for the industry. I consider this to be the mechanism by which the process can be applied, since we are very close to putting the regulations in place as outlined and the fishing industry has some difficulties with them. I will listen with interest to the Minister for Agriculture, Forestry and Fisheries' explanation. I understand that we are getting very close to agreement, if we have not yet reached agreement. I thank the minister for his indulgence.

HON GIZ WATSON (North Metropolitan) [11.20 am]: The Greens (WA) will not support the disallowance motion. However, in a similar vein, I would like to make some brief comments on the amendments to the regulations themselves. I acknowledge the efforts of the Department of Fisheries to put the recreational and commercial fishing industries on a more sustainable basis. I took the time, particularly as a result of this disallowance motion, to go through the amendments to the regulations in more detail and received a briefing from departmental officers yesterday, which was very useful. I put on the record that the Greens are supportive of this direction. It is probably very timely. It is an issue that I have some concerns with in terms of the sustainability of fishing in Western Australia full stop. An interesting part of fisheries terminology is the categorisation of a species as being fully exploited. My alarm bells tend to ring when I hear that, because there are many cases and examples around the world that show that what is assumed to be fully exploited or sustainable ultimately turns out not to be. There should be ongoing vigilance and caution in terms of the amount of fish resources that are taken out of the ocean.

I recognise that this amendment to the regulations has arisen not just as a result of the increased fishing effort. I believe that the recreational fishing effort has doubled in the past 10 years, which will obviously present a challenge in managing the sustainability of the industry. There is an ongoing debate about resource sharing between the commercial and recreational fishing sectors. Both in my current role and in my previous occupation as a Marine and Coastal Community Network regional coordinator for Western Australia, members of the recreational fishing sector have often spoken to me about issues such as the share of the catch they receive and the impact of commercial operators. It is an ongoing issue in places such as Shark Bay. Comet Bay just out of Mandurah was a classic example. Scallop trawling was strongly believed by the recreational fishing sector to be impacting on its catch in that area. Interestingly, trawling is a high impact method of taking fish, in the broad sense of the definition of fish. It has a high impact on marine biota and the biocatch and inevitably modifies the local ecosystem. Scallop trawling is particularly disruptive. This will be an ongoing debate. It is one in which the conservation sector probably needs to take an even more active role to put forward the argument for maintaining marine ecosystems. It also needs to help break down the argument that this is merely about the ability to continue to catch fish and who will get what proportion of the catch.

I was pleased to note that some attention will be given to commercial wetlining in the near future. That will address some of the criticisms of the recreational fishing sector. It is obvious that placing further restrictions on bag and possession limits and having the ability to make regional variations in bag limits is the right move. The increase in fishing pressure has been a result of not just an increase in population but also an increase in the popularity of fishing and a rapid increase in the quality of technology available to the people who choose to catch fish, such as global positioning systems, improved tackle and ecosounders. The impact of this on reef systems in the more populated areas of the Western Australian coastline has been profound. Added to that is that more people are now able to access remote areas in four-wheel-drive vehicles and have better boats and better navigation equipment.

There has been a steady increase in the pressure on fish stock. It is fair to say that this pressure has at the very least led to a reduction in the availability of fish in many areas, if not to local extinctions. The assessment of those matters is fraught in the marine environment because it is a liquid environment and things move around. It is an ongoing debate. In terms of residential fish species, it is clear from information provided by such people as recreational divers who regularly visit the same place, and have done so over many years, that the structure and number of species and indeed the size of fish have modified. In the immediate metropolitan waters, that change has been quite significant. The argument about sustainability must also include sustainability at that level. If a fish species is heavily exploited, more fish will be caught but they will be significantly smaller. The Greens are starting a campaign to save old-growth fish! We will suggest to the Department of Fisheries that more attention must be paid and perhaps more research conducted

on this issue. Size limits are imposed to ensure that people do not catch juvenile fish. However, there is significant science that recognises that mature fish are needed, particularly among residential species, to provide the genetic material for the continuity of those fish. That is not the case so much for pelagic fish but it certainly is for residential species.

In the context of this debate the Greens raise the need for management tools over and above bag, catch and possession limits and restrictions on the use of specific gear. It is interesting to note in these regulations that some restrictions are being placed on lines, for example. I refer to proposed section 64C on page 4304 of the Fish Resources Management Amendment Regulations (No. 8), as it appears in the *Government Gazette*, which states that people who fish using a line must attend that line. That means that people should not set out all their lines and then go down the pub. I do not oppose that regulation. It is a good regulation; however, it might strike recreational fishers to be somewhat ironic when long-lines, which have hundreds of hooks, are set for sharks. I understand that this has had a significant impact, to the point that a number of school shark species are in serious trouble and the biocatch of other predatory fish is quite significant. It is a very indiscriminate way of catching fish. In the future, the use of multiple lines will be phased out, if not disappear altogether, because of the impact on other species. A classic example is the use of long-lines and their effect on larger predatory fish and albatrosses, which have a high mortality rate because they chase the lines as they are set off the back of the boat. I realise it is more of an issue for the southern ocean fisheries, but I raise the point of the balance between what is allowable in a commercial fishery, which results in a significant bycatch, and the fact that recreational fishers are being asked to attend their lines at all times.

Regulation 64H states that a person must not in any water draw a fishing net onshore or on board a boat in such a manner that any protected fish in the net are, or may be, killed. The intention of the regulation is good, but I am unclear how such a use of a net could be checked. It seems to me a pretty tricky thing to do. When a net is gathered up certain things get crushed. I do not know how it could be done in such a way that any protected fish in the net would not be killed. For example, sea snakes are often crushed in nets, certainly in the commercial fishing sector, and they are a protected species. The practicalities of taking fish often mean that some of these objectives of protecting certain species but wanting to catch others are very difficult. For example, turtle exclusion devices are designed to ensure that turtles, dolphins and other large marine animals are not caught in prawn trawls, but it is a bit fraught. There is still a significant bycatch of other biota resulting in a mortality rate in many cases of 100 per cent.

I encourage the Minister for Fisheries and the Department of Fisheries to look at other management tools, which I believe will inevitably be required as part of the tool kit for managing the impact of fishing in Western Australia. Western Australia has a very long coastline but it does not have, certainly in the southern waters, a very productive system. There are not enormous numbers of fish. We might look at other methods of conservation, such as seasonal closures. That is already being used in areas such as Shark Bay where fish stocks are under threat and subject to the pressure of continual heavy fishing.

We might look at permanent spatial closures. I refer, of course, to no-take areas, which in other parts of the world are proving to be very useful fisheries management tools. I specifically make the point because they have a role in conservation and monitoring impact. They provide a reference area for measuring the impact of fishing and other marine activities. They also have an important role in maintaining and ensuring fish stocks; indeed, in some parts of the world people are talking about significant areas in which no fishing occurs. I believe that on the west coast of the United States it involves up to 30 per cent of the near shore coastal environment. Members have heard me speak about it before in this place, but I urge again that the Department of Fisheries continue to be open to the idea of the use of no-take areas to maintain the level of fish stocks for the future. There are of course additional advantages with no-take areas, such as the ease of monitoring and policing.

One of the challenges I discussed with Department of Fisheries people yesterday was that we might bring in these new regulations that seek a closer control on the fishing effort and take but, unless there is effective policing and monitoring of the new regulations, we will not have moved much further forward. We need regulations that are relatively easy to maintain and monitor. Hon Murray Criddle has made some important points. The changes are complicated and there will need to be some adjustment until everything has settled down. However, I have had some feedback, particularly from RecFishWest which supports these changes and acknowledges the amount of lead time and consultation involved in these amendments to the regulations. RecFishWest urged me to support the amendments.

I congratulate the department and the minister for moving to put the fishing effort of Western Australians on a more sustainable basis. I encourage ongoing effort, particularly with some of the commercial fishing sectors. I believe that we could do more in the areas of trawling and long-lining where much work is still needed to put fisheries on a more sustainable footing to ensure that there will be fish for the future and the marine environment will be maintained in a healthy and diverse state.

HON BRUCE DONALDSON (Agricultural) [11.39 am]: The Opposition does not support the disallowance motion. I do not know whether Hon Murray Criddle will continue to support it. That is up to him. It was indicated quite clearly to my colleagues and me that the package is supported by the Australian Anglers Association and RecFishWest, except for the anomalies. When there is a broad-brush approach to regulations, there is always an area that does not meet the objectives being sought. The minister indicated to me some time ago that he recognised some of the changes that

needed to occur. I think that is reflected in the number of amendments to the regulations, which I think pick up most of the concerns of recreational groups and individual fishermen. A number of individual fishermen approached me, and I think they were confused about the disallowance motion and the process involved in it. They felt that they could keep the body of the regulations, which they totally support, and merely amend parts of it. I then explained the process.

There is, and will continue to be, a huge amount of pressure on the available fish stocks, and technology has played a big part of that. That is why I think the recreational groups have taken a very responsible attitude towards ensuring that people will be able to continue to fish in the future. One of the anomalies brought to my attention was that a person could fish on the beach and fillet the fish. However, a person who caught a fish from a dinghy 50 metres offshore could not bring ashore the filleted fish. The fishing lines of the fisherman on the beach and the fisherman in the dinghy could almost be caught up together. The debate in the other House showed up those types of anomalies.

I was pleased to get an understanding from the minister that he and the Department of Fisheries are considering some of the amendments. The 14 amendments that the minister has approved will, I hope, go a long way towards satisfying the recreational fishermen. I have appreciated the Department of Fisheries' briefings, which have been very good. I appreciate the submissions made by recreational fishing groups and individual fishermen - or fishers, as they are supposed to be called these days. Disallowance motions always put pressure on ministers. That happened on many occasions when we were in government and it continues now that we are in opposition. Disallowance motions sometimes pick up anomalies in legislation. The issues they raise can be satisfied if the people involved reach a compromise.

The minister might clarify this, but I understand that under the new regulations more cautions rather than infringement notices will be issued over the summer, which is very important.

Hon Kim Chance: A full six months.

Hon BRUCE DONALDSON: I was very pleased to hear that. Some months ago when there was talk about the bag limits, I sent some people details of the proposed changes. They told me that they did not understand what would happen. Because of the number of changes that will be made, the minister has taken a very positive step in allowing people to be cautioned rather than issued with an infringement notice. People will not be used to the new regulations, and they will appreciate being only cautioned over the summer.

The resource allocation is always a big issue. I presume that the ongoing debate between the commercial and recreational fishermen will always continue. There are two ways to look at it. Many people buy fish and they expect the commercial sector to catch fish to supply the domestic needs of Western Australians. Surveys have shown that there has been a rapid escalation of boat owners in Western Australia.

Hon Murray Criddle: Western Australia has 60 000 boat owners.

Hon BRUCE DONALDSON: Western Australia has the highest boat ownership per capita in Australia. That figure is expected to reach 100 000 or 120 000. The results of the survey showed that the prime reason for owning a boat is not to catch fish. Boat owners' expectations of catching fish are based on the premise that they have had a good day's fishing. Many years ago it was not uncommon to have a good day's fishing and get a good catch. At other times recreational fishermen would spend hours floating around the ocean in a boat and return disappointed. Although the increasing number of boat owners will place additional pressure on fish stocks in the future, I wonder how much pressure that will place on them in the long term. Today, recreational fishermen have the advantage of using a global positioning system, which gives them an almost professional ability to catch their bag limits.

Another issue I have raised with the Department of Fisheries is that a public education campaign must be undertaken on the best ways to return to the ocean those fish that have been caught. All members will have seen Rex Hunt on television kiss the fish he catches, which seems to bring them back to life, before he returns them to the ocean. I do not know whether that is the kiss of life or what. Often it is very difficult to return to the ocean some bottom species of fish, for example, jewfish and snapper. A degree of value adding occurs. All people must be educated on the best ways to achieve a greater survival rate of the fish that are returned to the ocean. I hope the Department of Fisheries will look at that and try to implement an educational program to assist that.

As I said, the sensible amendments that have been put into place will, to some degree, help address the concerns that many people in the fishing industry had. I was interested to learn about the inquiries that have been made of boat owners regarding the high percentage of people who bring home whole fish. I was given a figure that I thought was a bit rubbery, so I will not quote it. I could not believe that high percentage.

Hon Murray Criddle interjected.

Hon BRUCE DONALDSON: I did not want to say it. I think that they are rubbery figures. I might stand corrected, and Hon Murray Criddle and I might be in trouble for doubting it. However, I doubt those figures.

A few years ago a number of farmers and neighbours I know from Koorda went fishing every year at Carnarvon and Shark Bay. We caught our bag limit, which was 10 snapper at that stage. We took our fish whole to the Department of Fisheries. The people from the department got to know us. We told them that three of us had caught 30 snapper and

that we would like to fillet them offshore rather than bring them onshore. We said that they could count them whole if they wished, rather than count the fillets. We were told that was not a problem. Once in that fortnight - we went there every year - they had a look and some years they did not bother. They knew that we were not trying to catch more fish than the bag limit. I was surprised at the number of fish and chip shop owners in Nanga who caught a lot of snapper. I often thought about the fish that went to the retail trade even though the owners were not licensed. I talked about it at the time and was not surprised that before too long Nanga was fished out. The bay had been pillaged of fish at the time.

I will not say much more because Hon Murray Criddle has clearly spelt out the issues. I welcome the changes that have been made. Following a briefing with the Department of Fisheries with my colleagues, we felt more comfortable about the proposed changes. I appreciate Hon Murray Criddle applying pressure to get something done about this issue. There has been very good liaison with the different recreational groups. Some of the issues have been resolved. We will not support the disallowance if Hon Murray Criddle goes ahead with it. However, at the end of the day, that is his decision.

HON KIM CHANCE (Agricultural - Minister for Agriculture, Forestry and Fisheries) [11.49 am]: I thank honourable members for their contribution and their indication either for or against the disallowance. I appreciate the way in which the National Party has handled this disallowance and has been ready to work very closely with us to frame what we think is an appropriate response. I refer to the National Party and not specifically Hon Murray Criddle, although he has played an important role. These issues were discussed in the other place, and it was the disallowance motion in the other place that gave us an early indication of the direction that was sought. For the sake of other members who have not been closely involved in the process, it is necessary for me to briefly run through the purpose of the regulations. The regulations are the result of reviews that were initiated in response to a significant growth in recreational fishing over the past 10 years and the expected increase over the next five. Hon Giz Watson spoke about that. It has also been mentioned that the use of modern technology has made fishers far more efficient and effective in targeting particular stocks of fish, in particular reef fish, which are under the most pressure. Managing for this increase in recreational fishing pressure and angler efficiency is absolutely essential for the long-term sustainability of fin-fish stocks. Hon Giz Watson also referred to commercial fishing, which I will touch on soon. The reviews were conducted and undertaken by community-based working groups appointed by the previous Minister for Fisheries, Hon Monty House, with technical and logistical support from the Department of Fisheries. It was a very extensive process, as these things must be. It involved widespread community consultation that included - I list just some of the things that occurred - the release of no fewer than six management papers for public information and discussion over the past four years, a total of 14 public meetings in the west coast region and another four in the Gascoyne region to ensure that the community had every opportunity to comment, and two public comment periods for each of the west coast and Gascoyne regions. Over 3 000 public submissions were considered during the public comment period. It has been a very extensive process.

The new changes include some quite considerable shifts in the general paradigm of management. A new three-tiered bag limit has been established based on a risk assessment of the vulnerability of each group of species to overfishing. Briefly, the new bag limit structure consists of a mixed bag limit of seven for category 1 fish, which are the most prized fish, with some individual species limits; a mixed bag limit of 16 for category 2 fish, with some individual species limits; and a mixed bag limit of 40 for category 3 fish. Overlying that are slot limits, which apply to a particular size of fish. There are limits within particular slots. What is not mentioned is in effect a category 4 fish. That was debated in the other place to some extent. Category 4 fish are not named in the regulations and are basically feral fish for which there is no limit at all. A number of minimum size limits have been increased to provide additional protection for juvenile fish. The change to the minimum size limits applies to recreational and commercial fishers. Some key changes to size limits are tailor increased to 30 centimetres from 25 centimetres; wahoo increased to 90 centimetres from 75; and the size limit for break sea cod is 30 centimetres. As daily bag limits can be accumulated, and there is no constraint on the recreational effort, bag and size limits need to be used in conjunction with possession limits if stocks are to be managed sustainably.

The introduction of the possession limits is the most effective and most controversial of the changes. Individual possession limits are a key conservation measure in the new regulations. They put a ceiling on the amount of fish a person can be in possession of outside his or her permanent place of residence. It is not entirely new. Possession limits have applied at Ningaloo for some time, but its applications statewide is new. Possession limits apply to fin fish outside a person's place of permanent residence. This is 25 kilograms of fillet or 10 kilograms of fillet plus one whole day's bag limit or two days' bag limit of whole fish. People adopting the second and third of those descriptions - that is, substituting a day's bag limit for fillets - is designed specifically for people targeting very large fish in that one fish could exceed the total number of fillets. The possession limit for one person of 20 kilogram of fillets will provide 100 serves of fish at 200 grams per serve, or a meal of fish a week for six months for a family of four. It is a very generous possession limit. The new fin fish possession limit is similar to the previous possession limit of 17 kilograms of fillets applying in the Ningaloo Marine Park. That limit has been in place at Ningaloo for 11 years and received widespread community support.

The argument concerning equity with travelling fishers from the rural community on once-a-year trips was raised quite prominently in debate in the other place. That issue needs be to be balanced against the sustainability needs of fish

stock. The 20 kilogram limit applies on a per person not a per trip basis. It is generous in practice. A family of four will still be able to transport 80 kilograms or 400 serves on return from a family fishing holiday, which is a substantial amount of fish. I am sensitive to that argument because that is the kind of fishing I used to do. I was a frequent once-a-year visitor to Kalbarri, and we probably took more than our fair share of fish home. Trying to analyse what that volume of fish meant, I can think of only a handful of years when I probably exceeded those volumes of fish on a per person basis. The argument needs to be listened to. People in the wheatbelt, goldfields or inland in the north west do not have frequent opportunities to fish by comparison to a person who lives on or near the coast. They would seem relatively disadvantaged by a possession limit, which is regrettable. However, it needs also to be understood that their pitch in a sense was countered by people who took massive freezers with them which they filled with fillets. Sadly, many of them were not amateurs, but shamateurs, and took the fish for the purposes of sale. That cannot be tolerated any more.

The other somewhat controversial issue has been filleting at sea. The effective enforcement of recreational fishing regulations involves bag and size limits and seasonal closures. Both require that fish landed must be readily identifiable and in a form that can be measured to determine whether they meet the minimum size limits - whether they are over or under the legal size. The requirement to land fish in whole form has attracted some considerable concern from stakeholder groups who have indicated that they wish to fillet their catch at sea. Again, I am sensitive to that because that is exactly what I used to do. It always seemed to be more sensible to fillet at sea and to return the frame, head, tail, guts and gills of the fish to the water where it can add to the food chain. I am told, somewhat surprisingly, that I was in a distinct minority in that regard and that some 98 per cent of people prefer to fillet onshore. That could be because of vessel size or rough water making filleting at sea either uncomfortable or dangerous or both. However, the process of filleting at sea is not as widespread as I thought it was and 98 per cent of recreational fishers prefer to fillet their fish at home.

However, following recent discussion with the key stakeholder groups referred to by Hon Murray Criddle - the Charter Boat Owners Association, RecFishWest, and particularly the Australian Anglers Association Inc - I have agreed to a number of changes that simplify and make the regulations somewhat more workable without compromising the ability of fisheries officers to enforce the new rules. Clearly, it is a challenge to a fisheries officer to determine once a fish has been filleted - even if that filleting is only the basic slab off the side of the fish, a one piece fillet off each side - what species of fish it is and whether it was over or undersized. This has also been a matter of some considerable interest to the Parliament. As a result of consideration of the issues raised by the stakeholder groups aforementioned and the matters raised in Parliament, I have approved a number of changes. The first of those relates to filleting at sea. As the regulations currently stand, fish can only be filleted at sea on extended trips longer than 48 hours and the fillet length must be greater than 30 centimetres. The alteration I propose to introduce will allow recreational fishers to land filleted fish with a maximum fillet length of 30 centimetres. We cannot compromise on that because of the evidentiary difficulties in establishing the size of the fish from which the fillet came. However, we are prepared to change the 48-hour requirement to a 24-hour requirement. That will apply only to fish in categories 1 and 2. It will be possible to fillet category 3 fish at sea. The Australian Anglers Association was concerned about this issue in relation to trunking, which is a process of heading and tailing fish and finning sharks. Previously, trunking was permitted only on extended trips of longer than 48 hours when a trunk had a minimum length of 30 centimetres. I propose to introduce regulations to allow recreational fishers to land trunked fish on a fishing trip of any duration. That is particularly what the AAA was looking for. The qualification is that the trunk length be greater than the minimum size for that species. Species that have a slot limit, such as Barramundi, some of the pods, Shark Bay pink snapper and tailor, will not be included in that trunking provision. However, this will enable trunking to occur on trips of any duration. As I said, category 3, the low-risk species of fish, is exempted from the prohibition on filleting at sea. They include herring, sand whiting and garfish, which can be filleted or trunked without restriction on day trips. All unlisted species in the bag-limit tables will be classified as category 3 fish and have a default combined bag-limit of 40. That is another change. Presently under the regulations all unclassified fish have a bag limit of 16. The feral fish to which I referred earlier, including telapia, carp and redfin are all unrestricted and are not subject to a bag limit.

The regulations presently provide prohibition on the possession of fillets on trips at sea that have a duration of less than 48 hours. This created a difficulty with strip baiting, particularly mullet bait, which, by its very nature, is a fillet; therefore people were unable to take mullet bait on a trip shorter than 48 hours. That was an unintended consequence of the provision. I anticipate introducing regulations to allow recreational fishers to be in possession of filleted fish at sea, regardless of the duration of the trip. In other words, the requirement for a trip to be of 48-hours duration to enable the possession of filleted fish will not apply. A general prohibition will still apply to the landing of filleted fish on trips shorter than 24 hours, other than category 3 fish. That change will enable filleted fish to be taken to sea as bait, or processed at sea for bait, but not landed unless in whole form. The other issue that arose in debate was fishing trips that include a stay on an island. Presently, fishers can transport only fillets from islands or at sea when a trip is longer than 48 hours and the fillets are longer than 30 centimetres. We are proposing to exempt from the 30-centimetre minimum fillet length requirement fish that have been landed on an island during an overnight trip. That change will allow fishers who are staying overnight at, for example, Rottnest, to bring back fillets of any size. The filleting regulations will effectively be enforced at the place of landing - in that instance, Rottnest - and fishers will be subject to the possession limit when they return to the mainland.

Another issue raised during debate was that two pieces of fish are deemed to be one fish. That obviously creates problems for the bait issue I mentioned. Those regulations will be rescinded and two pieces of fish will not now be taken as one fish. It is a consequential change to allow fish cut into smaller pieces, particularly on an overnight stay, to be included in the possession limit. Presently, under an evidentiary requirement, all fillets are deemed to be category 1 fish - if a fisheries officer wants to determine the type of fish, the regulations provide that the fish are category 1 fish for evidentiary purposes. Those regulations will be rescinded. That amendment is consequential to the amendment allowing category 3 fish to be filleted. That gets over a considerable problem. Currently no value is specified in the regulations for fillets of fish, and the new regulations create a prescribed value for any fillet of fish of $15 a kilogram. Again this relates to the evidentiary provisions by creating a statutory value for the purpose of determining a penalty.

As the regulations currently stand, section 50 of the Fish Resources Management Act states that fishers can land only one day's bag limit, regardless of the time they are at sea. The new regulations will include a defence to sections 50 and 51(1) of the Act to allow the landing of up to two days bag limit of whole fish, or 10 kilograms of fillets, plus one day's bag limit of whole fish, or an accumulated quantity of filleted fish up to 20 kilograms per person; that is the prescription of the possession limit. That defence would apply when a person had been at sea or stayed on an island for more than one day. The regulations currently provide that all fillets must be 30 centimetres in length. It is proposed to allow fillets of any size to be transported back from islands involving an overnight stay. Fish can currently be filleted on an extended trip longer than 48 hours provided the fillet length is more than 30 centimetres. It is proposed to prohibit the transportation of filleted fish on the waters of the inner gulfs of Shark Bay. This matter was referred to by Hon Murray Criddle. Given the special conservation status of Shark Bay, this amendment will add to the ability to enforce the rules in that location. It would have created enormous difficulties for compliance officers if people were coming to Denham - or anywhere in Shark Bay for that matter, but usually to Denham - with fillets, which they claimed to be the result of catches resulting from overnight stays on the islands surrounding Shark Bay. The special conservation status of Shark Bay means that the evidentiary difficulties that would be involved if that were the case would be extremely difficult to overcome. By removing the minimum fillet length for fish transported from islands, it is unfortunately necessary to prohibit filleting at sea in Shark Bay to protect snapper stocks.

A person can currently accumulate a second bag limit only if he has been at sea for 48 hours. Again this is proposed to be changed in the new regulations to permit the possession of up to two days bag limit of whole fish when a person has been at sea for at least 24 hours. One of the other issues that was raised during debate was the requirement that all fish must be labelled when being transported. It is proposed to exempt fishers from the labelling requirements while on trips to sea of less than 24 hours, which effectively takes away the labelling requirement. It is not critical, as the minimum fillet length applies to categories 1 and 2 fish on trips of less than 24 hours. It will ensure that there is some control over categories 1 and 2 fish, but also allow that amount of freedom in category 3 fish. Currently all fish must be labelled, unless it is packaged and the package is labelled. We are proposing to allow the transport of fish in any container or package, provided the container is labelled, other than category 3 fish, where those rules will not apply at all. I appreciate that that is complex, but I hope members will appreciate that major changes are necessary in the management of recreational fisheries. The Government has done its best in the circumstances to accommodate the issues that caused the greatest concern. The changes do not answer all of the requests we have had, although most of the main issues have been dealt with, particularly those around trunking.

People will take some time to adjust to these changes. As Hon Bruce Donaldson indicated, we will be going through a process of education rather than prosecution over the next six months - effectively over the whole of the summer period. I have been asked when these new changes will be introduced. We are hopeful that the new variations to the regulations will be introduced by February. That will give us a bit of time between now and then to get people comfortable with a change immediately after another change. The changes will greatly enhance the acceptance by the recreational community of the new management arrangement. The regional reviews of recreational fishing will complement the new management arrangements for the charter industry, and also provide the necessary framework for recreational fishing to be incorporated into the greater scheme of things, which is represented by the policy for an integrated management framework covering the recreational, commercial, charter and Aboriginal fishing sectors. Complementing the regional recreational fishing strategies is a corresponding review of the unmanaged components of the commercial fin fish sector, which is being referred to as the wet line sector. That is planned to ensure the effective management of the commercial catch, and is currently under way. A discussion paper outlining the proposed management arrangements for the commercial wet line fishery will be released early next year. Substantial progress has been made towards it.

There has been some angst amongst the recreational sector that, as of 1 October, when these new recreational fishing arrangement for the west coast and the Gascoyne were introduced, they were in isolation from the changes to the commercial sector. I ask members who may come under pressure from the recreational sector as a result of that angst to bear in mind that the commercial fishing sector is, in many aspects, already subject to management. The most recent measure was the introduction of the Spanish mackerel arrangements. The commercial sector is tightly managed in some areas. I concede that we are not managing our fin fish resources to anywhere near the same extent that we are managing our other fishing resources. This is a historical matter, but will be addressed through the wet line review, the introduction of the Gascoyne and west coast recreational arrangements, and then later the Kimberley-Pilbara and south

west arrangement. I do not know why, historically, fin fish have been left out of the very tight management arrangements, except that there is a general presumption by Governments of either colour that the licensing of salt water wet line fishing amongst amateurs is not a politically popular thing to do, even though RecFishWest has urged us to do that.

In the absence of a willingness to manage the recreational sector in that way, and, so far, the absence of tighter controls over commercial fishing, although they are currently under way, we have been left in a bit of a vacuum. We have been able to survive that vacuum because of the strength of our fish stocks, and because of the relatively light pressure that the 1.8 million people in this State - although one-third of them are recreational fishers - apply on those stocks. However, we would be fooling ourselves if we thought that situation could continue. We need to address the increasing pressure that we are collectively placing on our fish stocks. Regardless of whether we are recreational fishers or not, we all place pressure on our fish stocks. I know that there is general support, and I am appreciative of the expressions of that general support, for a higher level of management.

I have covered three of the five issues to which Hon Murray Criddle referred; namely, commercial fishing controls, the timing of the introduction of the changes, and the educative components up until the introduction of the changes. Hon Murray Criddle covered two other issues, both of which concern me a bit. Those issues are actually related to each other. Although Hon Murray Criddle did not use the term, he talked about what is known as high grading, which is a practice whereby people who have achieved their bag limit but want to go on fishing dump back into the sea the fish that is in their bag but that is less attractive for one reason or another - size being the most common - than the fish that they think they may be able to catch later. That practice is indicative of the fact that we cannot legislate against irresponsibility. All we can do is educate people against irresponsibility. It is an irresponsible action and should not take place, but it is very difficult, if not impossible, to legislate against.

Hon Bruce Donaldson: That was also an issue that I raised, but you were out of the Chamber at the time. Because of that practice and because of the tighter bag limits, has the department considered providing some helpful advice to the recreational fishing industry about the best way to return those fish to the ocean?

Hon KIM CHANCE: Yes, very much so. In fact, the member had started to say that before I left the Chamber, and I apologise for having to go outside, but my advisers are outside and I had to check another fact. Education is all important. The issue that the member has raised goes to something that I noted Hon Murray Criddle also raised; that is, the ability of a fish to survive depends on the depth of the water that the fish is caught in. This is a real difficulty and one that we have addressed, most particularly in terms of the commercial and recreational size limits for pink snapper in the oceanic Shark Bay region; namely, the 41-centimetre and 45-centimetre rules. Because of the number of predators in the water, if a fish that is caught at considerable depth is not hauled to the surface quickly, all that the fisher may get is a fish head. However, when a fish is hauled to the surface very quickly, the depth-control bladder, which exists inside all fish, particularly reef fish, and is their mechanism for balancing their weight against the depth and pressure of the water, is placed under huge pressure; in fact, it blows out like an airbag in a car. If that fish is released without any attention being paid to its blowing the bag, which is the term that is used, that fish will simply flop around on the surface, because it cannot the deflate the bag itself, and die. There are means of deflating the bag and, although it does not guarantee survival of the fish, it does decrease more than somewhat the mortality.

Hon Paddy Embry: You said that it is a quick procedure

Hon KIM CHANCE: Yes, it is quick and painless. The device is simply a fishhook without a barb and it is usually set into a lead handpiece, so that the handpiece is held rather like a toothbrush and the barbless hook is inserted into the bag to release the pressure. If the fish is put back into the water and is helped to swim a bit to get its gills moving, its chances of survival are greatly increased.

Hon Paddy Embry: It sounds like the old treatment for cows.

Hon KIM CHANCE: It is not unlike a ruminant with bloat. It is very similar.

Hon Frank Hough: However, realistically, fishermen will not do that.

Hon KIM CHANCE: They will.

Hon Frank Hough: You can legislate for it, but human nature will overtake that at the end of the day. If the fish are running and biting, they won't muck around and do that.

Hon KIM CHANCE: This goes to the issue of education and legislation.

Hon Paddy Embry: Fishermen on the Southern Ocean would.

Hon KIM CHANCE: I will not engage in that particular debate. This goes to the question of education versus legislation. No, we cannot legislate to make people do that, but when fishermen genuinely want to return fish to the water - many do want to return fish to the water - it is in their interests to ensure that the fish are returned to the water in a manner that will enhance the capacity of the fish to survive. The take-up of these bladder-deflating devices is quite extensive. Indeed, if the member wants to speak to recreational fishing experts about the degree of take-up, they are just outside the Chamber and would welcome the opportunity to discuss the matter with him. There is a great deal of

interest among recreational fishers in fishing for the future and returning to the water in good shape those fish that, for whatever reason, they do not want to take onshore. I recognise that fishing organisations, such as RecFishWest, the Australian Anglers Association and the Charter Boat Owners Association of WA, are all very active in the promotion of this form of education in handling fish to ensure that we do not give them herpes from kissing them, or whatever it is that people do on television programs. That is probably best left alone.

Hon Nick Griffiths: I am not going to have fish and chips tonight! I've heard enough!

Hon Ed Dermer: How does a perforated bladder return to normal function?

Hon KIM CHANCE: It does. If the member would like to speak to my experts outside the Chamber, they could tell him with great precision how it is done.

Hon John Fischer: One of the problems in Shark Bay, which is in the Gascoyne area to which you referred, is that once you put the fish back overboard - I have seen it on many occasions - if the fish can't get off quickly, it is taken by a shark.

Hon KIM CHANCE: That is true, but that is part of returning to the food chain as well. That is not unlike the question of bycatch in prawn trawling. As much as we can say that bycatch is a terrible thing, the ecology of the region has adapted somewhat to using that bycatch as part of its normal food chain. It is not natural, but has it become normal with the effluxion of time? That bycatch goes back into the food chain, just as the odd fish that is not in good health will end up back in the food chain as well. Suffice to say, people want to be able to return fish in good order, and when they are able to do that, we should certainly encourage it.

Finally, I reiterate my thanks to honourable members for their contributions. Clearly, the Government would prefer the disallowance motion not to be carried; however, I am grateful for the opportunity that has been provided to make some amendments to the regulations, which will go some considerable way towards meeting the expectations of the various stakeholders.

HON MURRAY CRIDDLE (Agricultural) [12.29 pm]: I thank all members who have made a contribution to this debate. Hon Giz Watson spoke of her concern about fish stocks, which I think we are all concerned about. She spoke about the Department of Fisheries being open to ideas of no-take areas and monitoring, as I am sure it would be, and to looking at the commercial fishing industry and the use of long-lines. She has a very astute understanding of the fishing industry.

Hon Bruce Donaldson pointed out that there were a number of anomalies in the regulations. That was the whole idea behind the disallowance motion that I moved. There is some confusion about filleting and the like. I think he said he was happy with the 14 changes, which is very good, and spoke about concerns with the commercial use of fish taken for recreational purposes. I think we are all concerned about that. He indicated that the Opposition would not support the disallowance.

I thank the minister for the way in which he has handled these changes since the disallowance motion was moved. We now have a far more workable and simpler approach to the regulations. I also thank the department for allowing us to communicate with it. If I were allowed, I would move to withdraw the disallowance motion. That is not acceptable, so we will put it to a vote.

Question put and negatived.

LOAN BILL 2003

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Nick Griffiths (Minister for Housing and Works), read a first time.

Second Reading

HON NICK GRIFFITHS (East Metropolitan - Minister for Housing and Works) [12.33 pm]: I move -

That the Bill be now read a second time.

The Loan Bill seeks the necessary authority for the raising of loans for public purposes. Borrowing for general public purposes, as distinct from borrowing by statutory authorities with borrowing powers in their enabling Acts, must be authorised by Loan Acts. The capital works program has been funded in recent years largely from revenue - including the proceeds of asset sales - and the previous Loan Act authorisation for public purpose borrowings, which was obtained in 1993, has been used up only very slowly. It is estimated that around $214 million of unused authorisation will remain at 30 June 2003. This remaining authorisation will be used up during 2003-04, so a Loan Bill is required as part of the budget to support the capital works program. In accordance with clause 4 of the Bill, the proceeds of all loans raised under this authority must be paid into the consolidated fund. The moneys are then advanced to agencies by appropriations in the budget. Details of the capital works program are laid out in the budget papers already tabled in this House. The budget anticipates that $320.4 million will need to be borrowed for general public purposes in 2003-

04 - against a total capital works program of $3.5 billion - and $131.3 million in 2004-05. This Bill seeks a new Loan Act authorisation of $250 million - sufficient to meet the planned general government purposes borrowing requirements for 2003-04 and 2004-05. In addition to seeking the authority for loan raisings, the Bill also permanently appropriates moneys from the consolidated fund to meet principal repayments, interest and other expenses of borrowings under this authority. I commend the Bill to the House.

Debate adjourned, pursuant to standing orders.

STATE FORESTS NOS 7, 14, 16, 28, 32, 33 AND 58

Partial Revocation of Dedication - Assembly's Resolution

Message from the Assembly requesting concurrence in the partial revocation of state forests Nos 7, 14, 16, 28, 32, 33 and 58 now considered.

Motion

HON KIM CHANCE (Agricultural - Leader of the House) [12.35 pm]: On behalf of the Minister for Local Government and Regional Development, I move without notice -

> That the proposal for the partial revocation of state forests Nos 7, 14, 16, 28, 32, 33 and 58, laid on the Table of the Legislative Council on 3 December 2003, by command of His Excellency the Governor be carried out.

The state forests revocation motion that has been tabled proposes to partially revoke the dedication of seven state forests. There are nine distinct proposals, which have a combined area of about 81 hectares.

I would like to briefly outline the background to this motion. For several decades, from the formation of the Forests Department in 1918 through to its amalgamation into the Department of Conservation and Land Management in 1985 and beyond, the procedure for taking land out of state forests solely for road purposes did not involve parliamentary approval. However, the situation changed with the proclamation of the Land Administration Act. Shortly after the proclamation of that Act in 1998, the former Department of Land Administration advised that the longstanding practice of resuming roads from state forests, which was an administrative process using the provisions of the Public Works Act or the Local Government Act, could no longer occur and that parliamentary approval would henceforth be required to excise a proposed road from state forests.

Most of the nine proposals in this motion relate to requests from the relevant local authority for the formal realigning or widening of existing roads. The excision of such roads will not involve any further clearing. It will simply regularise the situation that already exists on the ground. There are many examples of roads having been built in state forests outside the formal survey provided for them. The reasons for this vary but often the formal survey may not be the most practical alignment when it comes to building a road.

Contingent upon the proposed excisions, several unconstructed roads will be closed and added to the forest estate. The entire area in that regard is approximately 24 hectares. Area 1 involves approximately 62.23 hectares of state forest No 7. The excision has been requested by Main Roads Western Australia to provide for the upgrading of approximately 12 kilometres of Great Eastern Highway between Old Sawyers Road and Great Southern Highway, also known as The Lakes turn-off. Main Roads wants to carry out a number of small realignments, as well as reconstruction works on the current alignment to provide for a four-lane dual carriageway, that will significantly improve road safety on this section of the highway. The proposal is likely to involve approximately 70 hectares of clearing, depending on the number of gravel pits requiring access throughout the roadworks.

The proposal received an informal level of assessment when it was referred to the Environmental Protection Authority in 1997. Since 1996 the project has been the subject of numerous preliminary design and background studies, including flora, vegetation and fauna studies as well as dieback surveys and cultural heritage assessment and consultation. Main Roads is seeking urgent consideration of this proposal due to timing issues relating to the availability of federal funds, the advertising of tender documents and completion objectives. CALM is satisfied that the project is justifiable on safety grounds and that sufficient survey and assessment work has been carried out to determine that likely environmental impacts are acceptable. Main Roads has prepared an environmental impact assessment and management plan for the project. The document identifies the environmental impacts, factors requiring management, broad principles directing how those factors are to be managed and strategies to be utilised by the construction contractor. The environmental impact assessment and management plan will form part of the information for tenderers and will ultimately guide the preparation of a construction management plan to be prepared by the successful tenderer.

The major impact of the proposal is the clearing of native vegetation, with about 70 hectares identified for removal. The vegetation in the western end of the project area is forest and woodland of jarrah and marri to 20 metres tall, and it changes to wandoo woodland to the eastern end. These vegetation communities have been determined, and it has been found that none of them is unusual or restricted to the region. To partly offset the loss of land from the forest estate, about four hectares of existing road reserves are to be closed and added to state forest No 7. Main Roads has also offered compensation for the loss of vegetation associated with this project. Based on advice from the Valuer General's Office, $5 000 per hectare has been offered. Such compensation is consistent with offset packages negotiated for other major infrastructure projects. It will be used to acquire replacement land.

Area 2 concerns 2.169 hectares of state forest No 14 situated about two kilometres north east of Dwellingup. There is already a formed gravel road within this area that provides access to Dwellingup lots 253, 254, 703 and 704. The proposed excision will allow that road to become a dedicated road under the control, care and management of the Shire of Murray. Linked to this proposal, a proportion of uncleared road reserve nearby, having an area of 6 457 square metres, is to be closed and added to state forest No 14.

Area 3 relates to 1.4265 hectares of state forest No 14 situated about nine kilometres south east of Waroona. This proposal will formally realign and widen some sections of Bancell Road. The actual roadworks were completed several years ago. Clearing was limited to poor quality marri and was kept to a minimum by using an existing track for the realignment and areas that had been mined for the widening. Associated with this proposal, two small portions of the present survey for Bancell Road are to be closed and added to state forest No 14.

Area 4 is 4.7061 hectares of state forest No 14 situated about seven kilometres east of Waroona. The excision of this area will enable the Shire of Waroona to formally accept responsibility for the care, control and management of portions of Invarell and Scarp Roads. Invarell Road has been used as public access to the Waroona Dam for approximately 40 years. It has a bitumen seal from Scarp Road to the western side of the dam wall, and changes to a gravel surface on the eastern side of the dam wall until it again intersects Scarp Road. The short section of Scarp Road proposed for dedication will formalise existing access to a portion of Murray location 27, on which there is planned development for eight holiday accommodation units.

Area 5 is 2.3671 hectares of state forest No 14 situated about 22 kilometres south west of Boddington. The Shire of Boddington has requested the excision of this area to allow the dedication of a section of the Harvey-Quindanning Road and part of Little Road. Both roads have been constructed for many years and are used by local landowners to gain access to their properties.

Area 6 concerns 6 036 square metres of state forest No 16 situated about 11 kilometres west of Harvey. The excision of this small area has been requested by the Shire of Harvey to formally widen Myalup Beach Road. The proposed excision will ensure that the road survey for Myalup Beach Road coincides with the formed road, as constructed some 20 years ago.

Area 7 is 2.1134 hectares of state forest No 28 situated about four kilometres west of Nannup. This proposal will allow the dedication of Barrabup Road, which was constructed some years ago. The dedication of Barrabup Road will formalise the present access to Nelson locations 853 and 2895. Contingent upon this proposal, about 3.86 hectares of closed road in the same locality is to be added to state forest No 28.

Area 8 is 7 952 square metres of state forest No 33 situated about two kilometres south west of Nannup. The Shire of Nannup has requested the excision of this area so that it can extend Thomas Road due west to link up with Rinns Road. The idea is to provide dedicated access to Nelson locations 8268 and 8387 and, in so doing, to rectify an anachronism whereby these two properties have had no formal access. Associated with this proposal, 10.0531 hectares of an unused road survey, situated about nine kilometres north east of Nannup, is to be closed and added to the adjoining state forests Nos 17 and 32.

Area 9 relates to portions of state forests Nos 32, 33 and 58 situated about 15 kilometres south west of Nannup. The total area proposed to be excised from these state forests is 5.007 hectares. Most of this area is required to formally realign Jalbarragup Road so that the road survey coincides with the actual position of the road on the ground. The balance of the proposed excision is required to formalise existing access to Nelson location 804 from the realigned Jalbarragup Road. The unused portions of the present survey for Jalbarragup Road will be closed and added, as appropriate, to state forests Nos 33 and 58. The Conservation Commission of Western Australia, the vesting body for state forests, has endorsed all nine of these proposed revocations. The Minister for the Environment recommends this revocation proposal to the House and asks members to support it.

Debate adjourned, on motion by Hon Bruce Donaldson.

SESSIONAL ORDERS SUSPENSION

Motion

On motion without notice by Hon Kim Chance (Leader of the House), resolved with an absolute majority -

That sessional orders be suspended so far as will enable the House to proceed to orders of the day at 2.00 pm in a sequence determined by the Leader of the House.

STATE FORESTS NOS 15, 39 AND 64

Partial Revocation of Dedication - Assembly's Resolution

Message from the Assembly requesting concurrence in the partial revocation of state forests Nos 15, 39 and 64 now considered.

Motion

HON KIM CHANCE (Agricultural - Leader of the House) [12.53 pm]: On behalf of the Minister for Local Government and Regional Development, I move without notice -

That the proposal for the partial revocation of state forests Nos 15, 39 and 64, laid on the Table of the Legislative Council on 3 December 2003, by command of His Excellency the Governor be carried out.

The state forest revocation resolution that has just been tabled affects state forests Nos 15, 39 and 64. The total area proposed to be revoked from these state forests is about 56 hectares. Several parcels of land, having an aggregate area of 43.5812 hectares, stand to be gained by the State through land exchanges contingent upon two of the proposed revocations. Further land suitable for inclusion into the conservation estate will be acquired using the proceeds from the sale of the other area in this revocation motion.

Area 1 comprises two adjoining properties of state forest No 15 situated about four kilometres north east of Harvey. The total area proposed for excision is 18.6549 hectares. This area is required by the Water Corporation in connection with the Stirling-Harvey redevelopment scheme. Most of the area is already inundated following an increase in the capacity of the Harvey Dam. As indicated by its odd shape, the boundaries of the proposed revocation follow the edge of the revised water body.

The Water Corporation has bought two properties and offered them to the Conservation Commission of Western Australia in exchange for the portion of state forest No 15 involved. The two properties on offer are Wellington location 5322, comprising 4.9068 hectares near Yarloop, and lot 105, comprising 36.6383 hectares just to the east of the proposed revocation. The conservation values of these two properties are high. Wellington location 5322 is classified as Forrestfield vegetation complex, while lot 105 is classified as Lowden vegetation complex. The acquisition of Wellington location 5322 is considered important from a regional perspective because large sections of Forrestfield vegetation complex have been cleared for agriculture or urbanisation. Wellington location 5322 is relatively undisturbed and contains she-oak, marri and banksia communities. Lot 105 is one of the few uncleared properties in the Harvey valley to have Lowden vegetation complex in good condition. It has a low risk of dieback infestation and other disturbance due to a lack of access tracks. In the 2002 draft forest management plan produced by the Conservation Commission of WA, a tract of state forest to the north of lot 105 is earmarked to be added to the nearby Falls Brook Nature Reserve. It is therefore intended that lot 105 become part of the same expanded nature reserve. The proposed revocation and associated exchange has been considered by the Forest Products Commission, the Department for Planning and Infrastructure, the Shire of Harvey, the Department of Environment, the Water and Rivers Commission and the Department of Industry and Resources. However, the Department of Industry and Resources objected to Wellington location 5322 being converted to an A-class nature reserve because it falls within a mining retention licence. It is highly doubtful whether mining would ever be permitted on Wellington location 5322. The Department of Environment has advised that, in recognition of the high conservation significance of the vegetation communities on the property, it would be unlikely to ever recommend disturbance of the area for mining or other purposes. After much discussion between the Water Corporation, the Department of Environment, the Department of Industry and Resources and the Department of Conservation and Land Management, it has been agreed that for the time being Wellington location 5322 should be left as freehold land, but be transferred from the Water Corporation to the control of CALM. Under this arrangement, the proposed land exchange can proceed. Wellington location 5322 will continue to have a high level of protection from mining and CALM can hold further discussions with the Department of Industry and Resources in an attempt to secure its support for the formal inclusion of Wellington location 5322 in the conservation estate. The previous freehold tenure of the portions of state forest No 15 has extinguished native title.

Area 2 concerns a land exchange proposal from the Shire of Manjimup. The shire has requested the excision of an area of 1.4752 hectares from state forest No 39. This area is situated approximately three kilometres south west of Pemberton. It is currently used by the shire as a waste transfer station serving the Pemberton district. The shire has a lease over the area for that purpose from CALM. The portion of state forest No 39 proposed for excision adjoins the former Pemberton rubbish tip on reserve No 24003. That area is no longer used for refuse disposal. Prior to the cessation of landfill operations, the shire examined the possibility of establishing a waste transfer station on reserve No 24003. However, such a move was found to be cost prohibitive because it would require substantial earthworks, involving either the removal of old refuse and replacement with clean compact fill or an engineer design solution. Members may be interested to note that reserve No 24003 is now in the process of being rehabilitated by the shire. As it is next to the former landfill site, weed infestation and littering have had a significant impact on the portion of state forest under consideration. Under the existing lease arrangement, it has been parkland cleared. What remains of the vegetation is a karri-marri forest in pole structure up to 50 metres high.

If the proposed revocation is approved, it is the shire's intention that the area be added to the adjacent reserve No 24003. By way of exchange, council has offered reserve No 16396 for inclusion in the adjoining Gloucester National Park. Reserve No 16396 was vested in the Shire of Manjimup for the purpose of "sanitary site" in 1916. It is an area of 2.0361 hectares. Reserve No 16396 was used for domestic rubbish and sewage disposal until 1954 when reserve No 24003 began operating. Reserve No 16396 has a karri-marri pole stand of similar height to the portion of state forest. There is little understorey because of past disturbance from the burying of waste. It is heavily infested with blue periwinkle weed. The shire has agreed to monitor and spray the weed annually. The shire has also undertaken to rectify any pollution that may occur as a result of the use of reserve No 16396. On this basis, the inclusion of reserve No 16396 in the adjoining Gloucester National Park is deemed advantageous in that it would improve the park

boundary and facilitate fire protection. The proposed excision and associated exchange has the support of the waste management division of the Department of Environment, the Water and Rivers Commission, the Department of Industry and Resources and the Department for Planning and Infrastructure. The native title claimants and their legal representatives were invited to comment on the proposal and did not raise any objections.

Area 3 involves approximately 36 hectares of state forest No 64 situated approximately five kilometres north east of Denmark. The Shire of Denmark wants to develop a light industrial site in this area. Council is keen to secure the area to relocate some existing light industries currently operating on less appropriate land on the Denmark town site. In December 1999 environmental consultants engaged to evaluate potential sites that could accommodate a future light industrial estate near Denmark identified the area in question as the most suitable site. The portion of state forest sought by the shire is a narrow protrusion between freehold land and the Denmark-Mt Barker Road. It is divided almost in half by Kernutts Road. The shire has earmarked 16 hectares north of Kernutts Road for stage 1 of its planned industry development, while 20 hectares south of the road is to be stage 2. The portion of state forest contains evidence of past disturbance in the form of old gravel pits and illegal removal of firewood. No threatened flora or fauna were observed during an inspection by an ecologist. The forest is predominantly jarrah of moderate quality. Records indicate that the entire area was logged in the 1960s. The proposed industrial site falls within the Walpole wilderness area-proposed Mt Lindesay National Park. A stakeholder reference group, set up to finalise indicative boundaries for the Walpole wilderness area, has recommended that the 36 hectares be excluded from the proposed national park.

The Shire of Denmark has initiated action to rezone the land for light industrial use in amendment No 71 of its town planning scheme. There has been some local opposition to this rezoning proposal. The concerns raised primarily relate to planning issues that council will need to address. The shire has asked LandCorp to take on development of the site by including it in its town site development program. LandCorp is looking at the project for inclusion in its future budget program. Council has also approached and received support from the Great Southern Development Commission for the project to be run by LandCorp.

Other government agencies that may have an interest in the matter were invited to comment on the proposed excision of the 36 hectares for light industry purposes. There were no objections from the Department of Industry and Resources and the Department for Planning and Infrastructure. The Department of Agriculture, the Department of Environment and the Water and Rivers Commission supported the proposal but also offered their respective advice on future management of the site in relation to issues such as drainage and nutrient management, the removal of all industrial waste and retention of vegetated buffers. The advice received from these agencies has been conveyed to the shire. The Department for Planning and Infrastructure has advised that native title has been extinguished because the area was once freehold land. The department has also advised that, if the proposal goes ahead, the area north of Kernutts Road is to be sold to the developer at the unimproved market value. Until it is required, the area south of Kernutts Road is to be reserved for the purpose of "proposed industrial site", with a management order to the Shire of Denmark. The Department of Conservation and Land Management will approach Treasury to recoup the proceeds from any land sales so that the funds can be used in CALM's land acquisition program.

The Conservation Commission of Western Australia, the vesting body for state forests, has endorsed all three proposed revocations. The Minister for the Environment recommends this revocation proposal to the House and asks that members support it.

Debate adjourned, on motion by Hon Bruce Donaldson.

Sitting suspended from 1.00 to 2.00 pm

GENETICALLY MODIFIED CROPS FREE AREAS BILL 2003

Second Reading

Resumed from 4 December.

HON LOUISE PRATT (East Metropolitan) [2.00 pm]: Yesterday I spoke about the moratorium and said that the federal regulator had announced that genetically modified canola is okay on health and environmental grounds, which are part of the compelling reason for requiring this legislation to prevent the introduction of canola into this State. I have been reflecting on the committee's deliberations. One of the significant issues discussed by the committee was the mechanism that would be used to let these crops into the State. The committee advocated a gatekeeping approach whereby a blanket moratorium would exclude all GM crops, and individual decisions would need to be made to let crops in. The Bill as it stands, although I understand it is to be amended and I am very pleased that is the case, would allow crops to be introduced, once approved by the regulator, unless provision had been made for specific crops not to be introduced. In the current Bill there is no provision to exclude a crop, unless a decision has been made to that effect. My understanding of the amendment, which will pick up the committee's approach, is that it will have the capacity to not let any GM crops in, and the State will be able to make a decision on a case-by-case basis.

The committee was concerned about a possible time lapse between the approval of the crop by the national regulator and full and proper state consideration of the marketing implications. At the moment there is rapid movement in the technology but there is not huge acceptance of it, although there is a demand for canola. and perhaps there will be a

demand for wheat some time in the future. We are looking at those on a case-by-case basis. In the future, with the diversity of research going on in this area, our capacity to stay up to date with these issues on a case-by-case basis will be challenged. Therefore, the position that maintains a gatekeeper approach is very important. We were also concerned about how non-food crops would be assessed. This legislation was originally written to apply to food crops, and the committee expressed some concerns about pharmaceutical crops and whether they are food crops. I hope amendments dealing with that area will be successful, so that all commercial crops fall under the definitions in this legislation. A number of agricultural innovations, such as transgenic animals, could be introduced in the future, and we should also be looking at what mechanisms we will have in the future to protect our clean, green image if such things are approved by the federal regulator.

In my deliberations yesterday, I reflected on how we have the basics in this legislation to prevent the unwanted introduction of GMOs. That will not really be enough for us to rely on alone. There is ongoing community discussion about these issues. I note, for example, the current community concern about livestock being fed GM food - a great many people in the community are very unhappy about that. It will be interesting to see how that translates into consumer trends once there is a greater demand for labelling. Currently, animals fed GM products do not need to be labelled as such. Greenpeace has a significant campaign at the moment on chickenfeed. Caution must be exercised in the introduction of animal feed that that feed is viable seed, and able to become an introduced species. Seed that was never intended to be used for cropping could be grown inappropriately in this State, and I am quite concerned about that. This Bill gives us the legislative tools, but it will require the State to make an ongoing commitment to market analysis, monitoring consumer confidence in this technology, and being on top of consumer perceptions about environmental risks. We will need to strongly critique the federal regulations and the way they are implemented. We are rightfully cautious in looking at GM crops, and I am therefore a very big supporter of the moratorium. I personally do not feel that all my concerns about health and environmental risks associated with GM technology have been addressed, and the demand for a moratorium is a reflection of that. In particular, we need the capacity to segregate, should we choose to introduce GM crops in a limited sense or to use the provisions of this Bill other than to just apply a blanket ban across the whole State. The capacity to segregate, in creating GM-free areas, is a highly complex matter, as I have learned from cases such as that of canola. When a GM-free area is created, will there be a requirement for an 800-metre buffer, will GM crops be confined to particular areas of the State, or will we accept what Monsanto says about a five-metre buffer being good enough? When utilising the provisions of this legislation in the future, we will need to be very careful about those issues.

With regard to segregation, I noted when we were in Canada that the Canadian Wheat Board is doing a great deal of research that involves highly complex scientific techniques for looking at the gene structure of wheat to try to identify whether GM contamination has occurred. If we were to introduce GM crops in this State, we would need to develop the State's capacity to identify GM contamination.

I also have concerns about liability and compensation. We can use the provisions in this Bill to try to protect the interests of farmers. However, if, for example, segregation is not possible and we therefore decide that it is not possible to have two canola farms next to each other, one GM and one non-GM, will we be able to use the provisions of this Bill to assist in determining which farmers will have the right to farm which crop? The buffer zones will vary from crop to crop because of the pollen flow, and that will also be a very complex issue for the State.

It was a real privilege to learn so much about this issue through my participation in the Standing Committee on Environment and Public Affairs. This is a very interesting area of science.

Hon Bruce Donaldson: The ability to travel and see it first-hand was a help too, I am sure.

Hon LOUISE PRATT: It was very fulfilling. It certainly enhanced my capacity to understand this issue to see how the people in Canada and America are dealing with it, which in some instances is very well and in other instances is extraordinarily badly. Their wheat farmers are not able to say to their regulator that their markets do not want these products and they are very concerned about them. They are appealing to their regulator on health and environmental grounds, when these products have already been approved on health and environmental grounds, and they are asking for help to protect their markets. That is of great concern. It was very interesting to talk to those producers.

I have strong concerns about the risks associated with this technology. People like Hon Jim Scott are quite across the possibilities of gene transfer, which I think deserves more attention, and we need to make sure that our federal regulator is on top of that issue. I know that this does not come under the State's jurisdiction. However, the demand to reject the entry of GM crops into the State is based on the community's continued concern, and our international markets' continued concern, about the health and environmental risks of GM crops. Therefore, although we can say that they are not connected, the use of the marketing provisions in this legislation still requires us to have an in-depth understanding of those issues. That means that the agricultural authorities, the environmental protection authorities and the consumer protection bodies in this State will need to maintain a commitment to stay on top of these issues and do research, assess markets, and look at our capacity to segregate. Irrespective of the period for which we want to reject GM products, we will need to keep that debate going so that we can maintain the intellectual capacity to deal with these issues as they arise.

HON MURRAY CRIDDLE (Agricultural) [2.13 pm]: I was unable to continue yesterday with the remarks that I was making on the Genetically Modified Crops Free Areas Bill, and I thank members for giving me that opportunity today. I had been discussing the grain handling chain and how difficult it can be to keep grains separate. My colleagues and I certainly will not support the commercial release of GM crops until the market and environmental impacts have been evaluated. This is a very important issue, which I spoke about earlier. Containing the product and the risk of contamination of non-GM crops are major issues. I am pleased that the Bill allows an order to be made that specifies individual GM food crops to be revoked and excludes field trials and laboratory research from prosecution. That will give us the opportunity to develop the technology in the future.

The agricultural community has concerns about crops such as GM canola, due to the potential for crosspollination to occur in non-GM crops if it is grown in the field. The Bill attempts to shore up the Government's moratorium, but it raises more questions about the way that will happen. In his second reading speech the minister said that, in determining the need to make orders under the Act, he will consider evidence relating to the proven effectiveness of industry protocols, market assessments and advice from industry and the marketers of agricultural products. What evidence did the minister have in making that decision? Can the minister explain how he came to that decision and how he will go about that? I would certainly appreciate that information. There is a need to consider the evidence, as GM crops such as canola are not grown. From where will we get that evidence? Will it come from overseas and the like, as well as perhaps from trials that are conducted in Western Australia? Can the minister clarify that issue as well?

As the Bill stands, the minister can make an order designating an area of the State GM-free without consulting anybody. The National Party has an amendment on the supplementary notice paper, which the minister has probably seen, that seeks to have a more open process and a little more accountability, particularly for stakeholders. We will discuss that amendment at the committee stage.

There are also no provisions for notifying the landholder when an order is made for the destruction of a crop. A provision such as that would be well and truly appreciated. The legislation gives an authorised officer the power to enter land, and, if necessary, the premises upon the land, to seize and destroy the crop. However, there is no mention in the Bill of notifying the landholder. Can the minister outline how he intends to deal with that issue? The National Party is of the opinion that that impinges on the basic rights of people. Officers who enter land should notify the owner.

For a very simplistic piece of legislation, this Bill gives immense powers to the department to enter properties, destroy crops and impose fines. The ramifications of policing that role are potentially enormous. I will seek to delete the provision in clause 16 for a review of the Act after five years and, instead, propose that the Act cease to operate. I have had discussions with other members of the Chamber, who have suggested that that may not be the way to go and that some legislation needs to be in place. There would always be the opportunity to put in place new legislation after a review of the Act. Obviously, there will be some discussion on that amendment at the committee stage. New issues will unfold as we move forward. We do not know where technology will lead us in this area. As I said, this is an area of uncertainty and changes will come forward very quickly from time to time. The application of gene technology is certainly evident in the field of medicine through the production of therapeutic goods. That could be of enormous value in the future. I would not like the opportunity to be missed to develop mechanisms that would be of benefit. We need to make sure that there is an opportunity for further research.

There have been some advances in agriculture. That has already happened with Bt cotton. Reference was made to the fact that more spraying has occurred since that was introduced. However, evidence from Kununurra and places like that is that it has been of enormous benefit. I have visited those sites. I am not convinced that the people who say there are some downsides to this technology are right, at this stage anyway. The developments in that area have been quite exciting in terms of reduced spraying, certainly of cotton, which is well known as a crop on which an enormous amount of chemicals is used. There are enormous opportunities in the agricultural field, which I know best, such as with the cropping of wheat. I wonder how many advances we can make in the area of drought-tolerant wheats. Last year we grew crops with only about five inches of rain, which was an extraordinary result. One wonders whether further advancements can be made through technology such as this. If further advancement does occur in this area, obviously all the pain that was experienced in the wheatbelt over the past year or so would be alleviated. It would be of enormous advantage in terms of social and economic impacts. Anybody who knows people who have been in difficult situations caused by drought would understand that it is about the last thing that anyone would want to go through. Frost resistance is another area in which there could be some advancement, as well as with rust. Rust seems to be creeping into Western Australia in different forms, such as stripe rust and stem rust, and so it goes on. They are becoming more difficult to handle. Although sprays are available to overcome those problems, I would like opportunities to be available to reduce the use of not only horticultural sprays but also pesticides. Everybody would be very happy if the use of sprays was reduced.

I do not intend to say a lot more on this Bill. The challenge will be for the State to maintain the designated areas and have sufficient buffer zones, so that pollen and the like cannot spread and damage the reputation of GM-free zones. That will be an enormous task, from what I understand. Guarantees will be very difficult to give. More than 80 per cent of farmers have some reservations about GM technology. However, we must always remember that if at the end of the day the health of people is not infringed, there could be great benefits from the use of GMOs. We need to be able to

advance technology. In more recent years, since I have been in agriculture, I have come to understand the enormous advantages that can be gained through the use of new technologies. Agriculture has made enormous strides. If anybody had told me just 15 years ago that we would be growing, as a rule, two-tonne, 10-bag crops with our level of rainfall, which on average is 12 inches of rain a year - last year we had six inches of rain and this year we had nine inches - I would not have believed it. Last year we harvested 1.1 tonnes to the hectare, which is nearly six bags, and this year we have averaged around two tonnes, which is 10 bags. If anybody had told me a few years ago that we would achieve those sorts of results, I would never have believed it. Technology has taken us there as a result of better management techniques, better varieties of grain and the better use of chemicals - in fact, in some cases less use of chemicals. Minimum till has also been of enormous benefit and rainwater is put to far better use. Anything that can help farming without damaging our environment and health in the long run can be of enormous value and we should always bear it in mind.

HON DEE MARGETTS (Agricultural) [2.26 pm]: Some time ago I informed the Chamber of research that our office had commissioned. We commissioned Roy Morgan Research to look at attitudes towards genetically modified crops in rural Western Australian communities. The report was published on 7 July 2002. We commissioned that research because at the time it appeared that the Government may not have been fully aware of the community's views. It also appeared that the Department of Agriculture was moving in a specific direction. I was concerned because at the meetings I attended growers in the agricultural region expressed considerable concern. We bit the bullet and tried to ascertain people's views.

During that process we asked a range of questions. I will not go over all of them because I have mentioned them before in the Chamber. People were asked about their opposition to or support for a state government ban on genetically modified crops in Western Australia. I remind the Chamber that the science of genetics has been around for as long as agriculture. In her presentations, Julie Newman often raises the point that farmers use and need genetic science, which is about better outcomes and finding crops that grow best in particular conditions.

Transgenic engineering is the taking of genes from one species and inserting them into the seed of another species via a virus or some other vector. It is not necessarily the primary method in new genetic science. In some people's view many other aspects of genetic science have surpassed genetic engineering and transgenic breeding. A number of people in the industry have pointed out that by being obsessed with particular aspects of genetic science, we are not allowing ourselves the opportunity to look at a whole range of other issues, not only for the breeding of plants but also for other methods of dealing with salinity, yield and so on. In a number of forums I attended, scientists held out genetically modified crops as a potential silver bullet for salinity, whereas other scientists were certainly not saying that was the case. They were saying that there were many other methods of salinity management, including breeding by other means and better soil science. It appeared at that stage that the Department of Agriculture was putting too many eggs in one basket.

Having asked people if they supported or opposed the Western Australian Government's approach to genetically modified crops in Western Australia, we found that more people in Western Australia supported a statewide ban of genetically modified crops. I must admit that the results across the State were close. Cropping was not as much of a concern for people who live in urban areas because crops are not grown in those areas. The level of opposition to growing GM crops was strongest in areas where crops were grown. It can be assumed that the level of knowledge people had of genetic engineering issues was stronger in those areas. The survey showed that 48 per cent of people from the agricultural region, the south west region and the Kimberley - where the issue of GM crops is current - would support a statewide ban on the growing of genetically modified crops.

Yesterday the Government tabled the results of a community attitude survey that it undertook in August 2002. Interestingly, the results of the government survey of all the respondents across the State indicate that there was a slightly higher level of support for a statewide ban on GM crops than was shown in the Roy Morgan poll. However, regionally, the percentage was 48 per cent, which was the same percentage as the Roy Morgan poll. Over time, Hon Bill Stretch and I have exchanged our opinions on these issues. The Government survey of 600 people across Western Australia showed that 48 per cent of the people surveyed in regional Western Australia supported the State Government banning the growing of GM crops.

It is not often that farmers and people in regional Western Australia support banning certain activities of this nature on farmland. There is a strong view among farmers that, within reason, they should be allowed to grow what they like on their property. There is a range of opinions on that. The fact that 48 per cent of regional Western Australians who were polled support a ban on growing GM crops indicates that there is a strong view on the matter in regional Western Australia. To give a fulsome account of the Western Australian Government's commissioned surveys, I should say that 41 per cent of regional Western Australians said that they would not support a statewide ban on growing GM crops. Forty-eight per cent is a significant number, and Parliament must take that into consideration.

The majority of farmers have significant concerns about their ability to separate GM grains from non-GM grains, the impact that growing GM crops will have on the markets, pollen flows, and the ability to prevent the long yellow paddock from spreading across the State. In addition, an unknown number of species are not currently on the market. Significantly, people mistrust the motives of some of the corporations that have largely been pushing this technology in

Australia and overseas. They are the significant issues that have been brought to the fore in a number of forums, certainly at the forums that I have attended across Western Australia. This may be an occasion when, even though the voices who have been standing up to those within the Department of Agriculture for the past however many years have had it tough, in the end, those voices represent the majority.

It is an unusual situation within the agricultural sector. I am extremely pleased that, after that long process, the National Party in Western Australia has come out in support of a moratorium. I realise that must have been -

Hon Murray Criddle: It was an interesting debate.

Hon DEE MARGETTS: Yes. I am pleased that it has made that decision. I would like organisations such as the Pastoralists and Graziers Association to think very carefully about their positions. I know it has also been difficult for WAFarmers. There is a range of opinions. I am of the view that the majority of members of those organisations have views that are similar to those expressed in the Roy Morgan Research poll and the Government's polling of August 2002.

The changes in this legislation do not encompass everything that the Greens (WA) would have liked. We have expressed our deep disappointment with the way the federal legislation was set up. We have expressed our deep concern about the conflicts of interest that clearly exist within the advisory bodies to the Office of the Gene Technology Regulator. That is no secret. Members can check the web sites containing the stated conflicts of interest. The research of Professor Stephen Powles was funded by a range of the commercial interests associated with gene technology. The last time I looked, that was not listed as a conflict or perceived conflict of interest. This situation is not unique to Australia or this part of the world. Some people really want Australia to be locked into this technology for the purpose of everybody else's market ability. They would like there to be no alternative market for the increasing number of people around the world who are expressing the view, for a range of reasons, that they would like the option to purchase and consume food that is not genetically modified.

It is my firm belief that the smartest thing that Western Australia can do is give to the farmers the breathing space they are asking for so that they can ensure they are not being pushed in a direction from which they will not be able to easily retreat. It is still a slow process and there is still a long way to go. I am pleased that we are taking at least this step. I am extremely indebted to the work of the Standing Committee on Environment and Public Affairs. It made a great effort. It travelled to the major markets and the main areas where genetically modified crops are grown and talked to as many groups as it could to get the picture behind the picture. Its work resulted in an extremely well and carefully thought-out report. I am pleased to join with my colleagues in supporting this initiative and the Government's proposed amendments to the Bill. It will give Western Australia the ability to make the smartest decision in the face of the potential marketing problems associated with the introduction of genetically modified crops in Western Australia.

HON BILL STRETCH (South West) [2.38 pm]: I am pleased to support this legislation, perhaps much to some people's surprise. In response to Hon Dee Margetts' comments, my concern was the blanket opposition to research that was originally mooted. Such a position worried me greatly.

I find the legislation to be very balanced and well presented. It does not give everybody what they want, but it leaves the door open for all industries to advance sensibly within the reasonable limits of safety. I am always aware in dealing with such legislation of my grandfather's well-known saying: it is very dangerous to be alive. People who look for 100 per cent guarantees are guaranteed of one result - the world will not go anywhere. A frontier must be approached, but it must be approached carefully. In my judgment, this legislation does so.

Since the change of Government, I and several others on this side of the Chamber have been very critical of the second reading speeches delivered. They are usually full of platitudes and other less complimentary terms. I am pleased to say that this second reading speech and its explanatory notes get to the real issues involved in the legislation. It puts them clearly. The debate has been summarised in fewer than three or four pages. One would not think that summation was possible listening to some of the long speeches made during this debate. Nevertheless, the minister will be pleased to know that mine will not be a long speech. The second reading speech was not a treatise on the pros and cons of genetically modified product, but a focused and direct statement on how Western Australian science and industry can go forward hand in hand with reasonable certainty and safety. The important part of that speech was towards the end of its second page; namely, that the legislation will not prohibit field trials of GM crops, but they will be subject to stringent licensing conditions and extensive monitoring. That is how it should be. As Hon Murray Criddle said, it is the only way that we will effectively test the impact of these products in our own environment. Farmers are fairly cautious people, and are always aware of economics; they watch these developments closely. Despite the glossy advertising in our mailboxes, farmers have not clamoured for the new products promoted. That is proper, also. It is still tough out there, and it takes more than one good season to make farmers willing to take risks. Currently, there is no reasonably assured promise of greater profit from the new products. That is not to say it will not happen in future. As Hon Murray Criddle said, we are contemplating, expecting and budgeting on yields that we would not have dreamt of 10 year ago. There seems to be a fixation on canola, which is proper - it is a pretty exciting product. In many ways, it sets the standard for profitability in a lot of the wheatbelt. An interesting sideline of the canola expansion is that people are looking at their approach with other crops. Canola had to be grown under strict rules of weed control fertiliser

application and nitrogen etc. Farmers are looking at how they grow their other crops. I am closely aware of a young farmer who is now applying similar technology to his wheat crop and obtaining higher returns per hectare of noodle quality wheat than he has been obtaining from canola, and with a lot less hassle. In a way, it has lifted the benchmark across the farming industry. Although the focus is on canola, it is also spreading into other crops and products in horticulture. A while ago my colleague on this side of the House mentioned in my ear that we would have to look very hard to find a vegetable or fruit product that is not the result of the genetic modification of a species of fruit or vegetable. There is nothing very new about the technology but somehow the canola fields seem to have got people a bit excited because, of course, they are very visible.

In closing, I was extremely interested in the comments of Hon Louise Pratt. I may be doing the lady an injustice but about three or four years ago she probably was not aware of canola and the genetic modification of crop species. However, by virtue of committee work and travel, she is now able to give a very detailed and informed commentary on this subject. That underlines the value of travel and committee work in which this House indulges. It has come under a lot of stick lately, particularly from the media, that travel should be curtailed and that people should get their information off the Internet. That is very dear to some people but the reality is that there is nothing to substitute for talking to the people who do these things, looking at the them working at the coalface in the field, the bins and at the receival points, and, in this case, understanding the complexities of the industry. I urge Governments and Premiers and those who would denigrate the travel of parliamentary committees to take a good hard look at what they are doing to the effectiveness of Parliament. I mention that in closing because it is a point that should be well made, particularly by ministers in this House to our colleagues in the other House whose committees do not seem to have the same limitation on travel and financial stringencies that this House's committees do. Our members would also benefit greatly from that exposure to the rest of the world.

I express my strong support of this legislation because it puts reasonable strictures on the expansion of the industry, but it allows us to keep an environment in which our scientists can work forward and retain their place in the world, which is pretty close to the top in many cases. It would have been a tragedy if a moratorium on research had come in, as was mooted earlier. That would have meant an accelerated brain drain and people leaving Western Australia to continue their valuable work elsewhere. As a person with a diabetic affliction, I am grateful to genetically modified medical research and progress, which is very valuable if it keeps me alive a little longer. That might not be the opinion of the House - I have to declare a vested interest - but when we consider the impact of that research across a wide field of scientific endeavours, we would have made a big mistake if we had earlier gone down the extreme path of closing it off. I welcome the balance contained in this legislation.

HON CHRISTINE SHARP (South West) [2.50 pm]: Like other members who have spoken in the debate on this legislation, I support the passage of the Bill. I will raise some issues that have arisen from my understanding of this issue through the Standing Committee on Environment and Public Affairs inquiry and discuss the approach that the committee took in its report on the Bill. We are dealing with a fairly simple and small Bill. In the overall scheme of things and, compared with the main legislation - the Gene Technology Bill that implements the national regulatory scheme in Western Australia - perhaps it is not such an important Bill. However, I suggest that this little Bill is an extremely important Bill. The Minister for Agriculture, Forestry and Fisheries is to be commended for introducing the Bill. It is critical that this Bill supplement the powers of the main, formal uniform legislation, the Gene Technology Bill.

The relationship between these two pieces of legislation is very interesting. In fact, this Bill is using virtually the entire residual power that remains to the States under the national scheme for the regulation of gene technology. In fact, the national scheme - we will be enacting our part of that in the Gene Technology Bill - leaves very little power to the State of Western Australia. The remaining power is in clause 21 of that Bill, which refers to the ability of States to designate specific areas for the purpose of growing crops as GM or GM-free, based on marketing purposes. That is all that is left to Western Australia through the implementation of the national scheme. That in itself raises issues such as the need for States to have flexibility and whether uniform legislation is always a good thing. However, without even discussing those major issues, the most important question that arises from so little power being left to the State Government and the minister is how good is the national scheme given its effect on Western Australia.

The committee considered in depth the national regulatory scheme. Although the committee found the national system was very thorough in many aspects, it was concerned that there were some fairly serious omissions and inadequacies in it. Fundamentally, although the national scheme contains many very complex requirements, they work only until the point of crop release. Once GM crops are being grown, the national scheme provides absolutely nothing by way of regulatory powers. The system becomes self-regulating. This is a very serious concern in the context of the many very complex environmental issues that must be managed in the implementation of gene technology, such as the segregation of areas between GM crops and non-GM crops. A raft of other matters also require considerable scientific input and management systems to ensure there are no slip-ups. The outcome of a slip-up could be very serious indeed, in serious environmental, public health or economic repercussions. Yet, under the national scheme this system will be self-regulatory. In its report at chapter 7, page 104, the committee touched on what it considered to be the omissions and inadequacies of the national scheme. It stated -

7.14 The Committee is of the view that there are important matters not addressed or that are not adequately addressed by the Australian national regulatory scheme:

i) The GTA states that the scheme should provide an efficient and effective regulatory system for the application of gene technologies, however, the regulatory scheme does not provide for, or outline, how GMOs and dealings with GMOs or GM products are to be managed once approved release occurs. Industry is left to self-regulate and determine its own requirements, for example, for identity preservation. Further, it appears that the current attempts by industry to set protocols are deficient.

In that paragraph the committee touches on why we need the Bill before us today. Why does it matter that under the national scheme the adoption of GM crops is self-regulating? Why does it matter that now the first crops have been approved by the federal regulator, the door is open for their planting and adoption in Western Australia? The committee touched on many very significant reasons for that, and I will summarise some of those issues that the committee dealt with in its final chapter, chapter 11 - findings and recommendations. It states -

11.3 The Committee finds that WA is not adequately prepared for the commercial release of GM crops at this time. There are a number of significant issues that need to be satisfactorily resolved before the State can confidently decide upon the commercial release of GM crops in WA. These include:

- the marketability of GM crops in comparison with non-GM crops;
- consumer concerns about the long-term impact of GMOs on health and the environment;
- what level of tolerance of GM contamination . . . in WA food crops is acceptable;
- how to effectively segregate crops in order to preserve the identity of GM and non-GM crops;
- the allocation of additional costs caused by identity preservation and supply chain management systems; and
- liability and insurance issues raised by dealings with GMOs.

11.4 Most importantly, the Committee is of the view that the market impact of commercial GM crop plantings needs to be carefully understood and addressed by industry and the State prior to the commercial release of GM crops. It is also highly important that appropriate identity preservation and supply chain management systems are established to meet the demand for non-GM or identity preserved crops, should that be what WA markets continue to require. Significant industry and government investment will be required to establish and sustain the infrastructure to support this.

11.5 The Committee finds that the co-existence of GM and GM-free crops, without cross-contamination, will be very difficult and may not be possible.

11.6 Based on the Canadian experience it would seem unlikely that the co-existence of GM and non-GM can occur without contamination of seed varieties.

. . .

11.8 The Committee is of the view that the WA Government has a responsibility to protect the existing rights and interests of non-GM growers. Non-GM growers should not unfairly shoulder the financial responsibility for any identity preservation and supply chain management systems, if approval is given to the growing of commercial GM crops.

11.9 The key to successfully dealing with market implications and market acceptance of GM crops and food revolves around the question of timing. If GM foods are not associated with new health or environmental concerns, then market resistance may fade over time. However, if any health or environmental problems emerge, as some scientists contend, then there may be further market rejection.

11.10 The Committee is of the view that, at the current time, the balance of evidence suggests that the potential benefits from the commercialisation of GM crops are not sufficient to weigh against the risks.

11.11 There may be significant benefits from pursuing a market strategy relating to ‘clean and green’ non-GM agriculture and horticulture and the development of associated technologies.

11.12 The Committee considers that the introduction of a single GM crop may tarnish WA’s overall reputation as being a ‘clean and green’ non-GM producer, and thus have implications for the marketability of other WA agricultural products.

11.13 The Committee recommends that WA maintain its moratorium before allowing the commercial release of GM crops. This moratorium should remain in place until at least 2006.

The synopsis I have given of some of the main findings of the committee inquiry is the result of an intensive inquiry that took place over 12 months. The findings were adopted unanimously by the seven members of the committee. The last paragraph is what the Bill before the House is about - giving the State Government the ability to impose a moratorium. The committee made some suggestions about what we should be doing during the period of the moratorium. Paragraph 11.16 reads -

> During the moratorium, the Committee considers that the WA Government and industry should undertake the following actions:
>
> - establish a State body to consult with WA stakeholders on marketing issues;
> - conduct a market analysis of a scenario whereby WA remains GM-free into the long-term thereby exploiting WA's competitive market advantage of being one of the very few areas of the world that is sufficiently isolated geographically to maintain its non-GM status. This comprehensive cost benefit appraisal should establish whether WA's geographic isolation enables greater benefits to be gained from remaining GM-free or otherwise, and how this benefit may be enhanced through marketing, research into other areas of biotechnology acceptable to the market and new export products such as GM-free seed for agriculture;
> - monitor, on an on-going basis, national and international experience of the coexistence of GM and non-GM crops to establish whether:
>
> a) segregation and GM-free areas are workable and economically feasible;
>
> b) the GM crop buffer distances being applied are effective for WA markets;
>
> - establish a comprehensive segregated storage and transport system prior to commercial planting of GM crops; and
> - clearly establish and communicate the costs of a comprehensive segregated storage and transport system, and who is to pay for it, prior to commercial planting of GM crops.

I anticipate that, when the minister speaks on the Bill, he will not necessarily comment on all those proposals from the committee but will give an indication of whether the provisions that we will pass this afternoon will be used in the first place to establish a statewide moratorium until 2006, because that goes to the very heart of what this Bill - which I like to call the little Bill - is all about.

The committee, in recommending that government should maintain its moratorium policy for all those very important reasons that I have just outlined, made further recommendations to government. I think it is fair to say that given that this Bill was introduced into the other place about five weeks before the committee was due to report on the national regulatory scheme in the gene technology Bills, we were concerned that our advice to the Parliament should take into account the provisions of not only those Bills but also the Bill before us today, because it was pretty obvious to the committee that the real power left to the State to demand good management of this issue was not to be found in the national scheme but had to be found within the provisions of the Bill before us, which was introduced before the committee reported. Therefore, I say on behalf of the committee that we are very pleased, now that we are finalising the passage of the Bill, that the minister has taken account of the recommendations that the committee has made not only towards the moratorium generally and the national scheme but also towards the provisions of this little Bill. We are also very pleased that the minister has tabled amendments in the House that will, if successful, allow more of the protections that the committee recommended the minister needed to have at his disposal to be merged into the provisions of the original Bill to have adequate instruments for dealing with this matter.

The committee recommended what we decided to call a gatekeeper approach. It was committee member Hon Louise Pratt who coined that term for the general approach that we suggested was appropriate for the minister to consider. We decided to adopt those words because we believed that in implementing a moratorium, the minister was closing the gate. Clearly, at the moment the gates of the States are open, and genetically modified crops are approved for commercial release Australia-wide. Because very serious questions about this issue remain, it was critical for our gates to be closed. We also suggested that, in adopting a gatekeeper approach, the original construct of the Genetically Modified Crops Free Areas Bill did not necessarily provide the best way of implementing a gatekeeper approach. The committee's comments on the Bill as it was introduced, and not as we hope it will be amended, state -

- The GMCFA Bill does not necessarily provide an initial GM-free protected status for WA, from which individual crop introductions into approved areas may follow in due course, allowing the opening of the gate for specific crops into designated areas only after an evaluation of market impacts.
- The GMCFA Bill could be used in the above way, but there is no guarantee that this will be the case. The Committee requests that the Minister consider whether, in the light of the findings of the Committee's inquiry regarding the lack of preparedness and uncertain market evaluation of the impact of GM crops, it may be appropriate to firstly protect the entire State from the introduction of GM crops with legislation that is

recognized by a policy principle under clause 21(1)(aa) of the Main Bill and s21(1)(aa) of the Commonwealth Act.

- The Committee is concerned that, depending on the way that the provisions of the GMCFA Bill are used, it is possible for there to be a time-lapse between the approval by the national Regulator of a crop, and the full and proper State consideration of the marketing implications of that same crop for the WA economy, or indeed, the impacts on another crop, the market for which may also be secondarily affected by the initial GM crop's introduction.

Later - I am sure the minister thinks as soon as possible - we will debate amendments that will give the minister the power to do that. I hope that when he responds to the second reading debate, he will give the House some indication of how he intends to implement the powers that will be enacted.

The committee was also very concerned with the minister's closing the gate as a whole, and not crop by crop. Our concern was that the way the Bill was drafted originally meant that it required vigilance on the part of government to do something for every crop authorisation by the national regulator. Under the current provisions in the Bill, the minister will be able to designate areas or, indeed, the entire State free of GM crops. The minister is not obliged to do anything crop by crop, and that is a very significant assistance to the Government in maintaining a gatekeeper approach.

I conclude by thanking the minister for his response to our inquiry and, indeed, his overall support for the inquiry. I feel that the House has worked in the way we would like it to work all the time. Members of all parties on the committee have cooperated and collaborated, and the Government also has collaborated on the committee work. As a result, particularly when we move to amend the Bill, we will have in place instruments available to this Government, and to future Governments, that will at least provide some mechanisms that will be needed in the future as State Governments grapple with this very complex and contentious issue.

HON PADDY EMBRY (South West) [3.14 pm]: I realise that the minister is understandably impatient to bring this debate to a conclusion; however, it is on a very serious subject.

Hon Nick Griffiths: The minister is a man of great patience.

Hon PADDY EMBRY: He would have to be. After Hon Jim Scott gave his speech I told him that if he bothered to either be here to listen to what I had to say or read my speech, he should not take it as an application from me to join the Greens (WA), because it is not.

Hon Nick Griffiths: I don't want to ask you about the applications you have made so far to other parties.

Hon PADDY EMBRY: It is no secret, minister. I am sure the other minister in the House does not want to try his leader's patience further.

I want to bring a message of great warning about this matter. I support the Bill in as much as it will stop open slather. However, I firmly believe that, in practice, it will not shut the gate. I have not read or seen anything that has convinced me that, at this stage, the gate should not be firmly closed. I will provide some reasons. I very much appreciated what Hon Bill Stretch had to say in this debate. I support the sciences and the progress that mankind has made over the years. I remember my father telling me that in the early days of flying, people wrote articles saying that the human frame could not withstand travel at more than 25 miles an hour. They have been proved wrong. When I was first at school here in Perth, Herb Elliott ran a great succession of sub four-minute miles. There were tremendous articles that said that this should not be allowed because he would die early. He is well into his 60s now and he ran several more sub four-minute miles in a given period. Humanity has always been concerned about change.

One of the real problems I have is that this issue has been driven by the scientific world and megabucks. Companies lose sight of what is responsible action when megabucks are in front of them.

Hon Bruce Donaldson: I thought you said you were very supportive of science.

Hon PADDY EMBRY: Yes, but that does not mean that I would give the scientific world a total blank cheque. I said that I would give my reasons. That is the first suspicion I have. I will provide a little example. A story seems to have been put out that if Western Australia does not join in this research and participate, it will go down the proverbial gurgler. That is arrant nonsense. Tremendous research has been conducted in this country for many years in an effort to improve crop and other yields. That has not involved GMO research. A farmers and scientists conference was held in Perth every year during the 1960s. I well remember a brilliant speaker - he was probably from the Commonwealth Scientific and Industrial Research Organisation, but I cannot claim that my memory is so good that I would remember that - who was excited, as were other people, about an experiment that was being conducted in Australia. For those who do not know, wheat has traditionally been grown as one head of wheat on each stem. There was great excitement because people were saying how much the research would benefit India. The minister may have been to that conference. It would enable Indian farmers to grow five or six heads of wheat on one stem. The wheat was a dwarf variety which meant that the stalk would be able to hold the extra heads. I remember being quite unpopular at the time when I said that it seemed extraordinary to me that Australian farmers were paying levies to the Commonwealth Scientific and Industrial Research Organisation or whichever body to make India self-sufficient in wheat. Australia

used to export huge tonnages of wheat to India. I said that what would happen is that India would become an exporter of wheat, and it has. India exports wheat to countries that we used to export wheat to.

It is nonsense to say that if we do not go down this track of experimentation, the increased yields and all the other things will not happen. We have been force-fed a very narrow version of the story from only one side of the page. We are moving into areas of tremendous uncertainty. History shows what can happen. I take members back to the days of thalidomide. I am not suggesting for one moment that something as horrific would come from genetically modified crops. My point is that a lot of experimentation was carried out on that drug before it was released for mankind. People were driven by the dollar of course, but they had carried out years of experimentation. When the appropriate scientific bodies felt that it was safe to be released, it was. We all know the disastrous results. We are now moving into a field of much greater uncertainty.

Hon Bruce Donaldson: You have not joined the Greens just lately, have you?

Hon PADDY EMBRY: I think I covered that when I began my speech. I ask members to listen because I am not a fruitcake, much as some people might think so.

There is only one complete safeguard; that is, that we do not get involved in the first place because in that way we will be secure. We should shut the gate, because there is nothing to stop us from sitting back and waiting to see what happens. Most of the genetically modified organism work that has been done, according to my reading, has involved Monsanto and glyphosate; in other words, producing a crop that is resistant to glyphosate. I spoke to the minister, perhaps a little longer than two weeks ago. I told him that my wife had seen an article on the Internet on the country of Denmark and glyphosate. I agreed with the minister when he said that all sorts of articles get posted on the Internet. However, I asked my wife to research the subject with the Danish consulate or embassy, and she did so. I remind farmers in the Chamber that, when glyphosate first came onto the market, we were told that it was so safe that we could drink it. The article reads -

> Denmark has imposed a ban on the spraying of glyphosates as of 15 September 2003 following the release of data which found that glyphosate, the active ingredient in Monsanto's Roundup herbicide (RR) has been contaminating the drinking water resources of the country.
>
> The chemical has, against all expectations sieving down through the soil and polluting the ground water at a rate of five times more than the allowed level for drinking water . . .

This is the chemical we were told we could drink in the neat form. I can assure members that I have not availed myself of it. I found that the water bag was quite adequate.

The article mentions some figures. It came from Penang in Malaysia from people who, I suggest, are of Chinese origin, so I will not try to pronounce their names. However, when my wife approached the Danish Embassy, the first difficulty she had was that the people at the embassy could not translate the word glyphosate. There was no word in the Danish language for that. However, the problem was overcome. She has received some correspondence. As I suspected, it was nowhere near as bad as the original article. The article states that the Government of Denmark has -

> . . . imposed a ban on the spraying of glyphosates as of 15 September 2003 following the release of data which found that glyphosate . . . has been contaminating the drinking water resources of the country.

Hon Bruce Donaldson: Do you know that glyphosate Roundup is non-residual in the soil?

Hon PADDY EMBRY: That is what we were told.

Hon Bruce Donaldson: I am afraid that it is true.

Hon PADDY EMBRY: We were all told that. I have a cousin who was the youngest person ever to hold the Chair of Theoretical Chemistry at Cambridge University, which is the top academic chemistry appointment in the world. His son is the publicity man for Monsanto in Melbourne. It is funny how the circle goes. Ten or 12 years ago I asked him if it would be possible, and he said words to the effect that he could not comment on the specifics but chemically it would be impossible. Professor Bayliss said that my cousin is the most renowned scientific chemist for the past 200 years. It is his job to check on any new research work in chemistry. I will not go down that track any further.

The article says that the glyphosate was not five times above the danger levels for drinking water. The Danish Government has banned the use of glyphosate during periods of heavy rain, which commences on 15 September. The first article gave the impression there was a total ban on it from here until kingdom come. That is not so. It has been banned during the period of heavy rain because water levels several metres down have been affected as a result of the glyphosate leaching through the soil and contaminating the drinking water.

Hon Alan Cadby: Does the article give details of damage to human beings or animals?

Hon PADDY EMBRY: Not the article I have read. However, the level is in excess of the level that is recognised as a safe level. However, there is always another side of the coin. It would be okay in the sandy soils of Denmark. Fortunately, the soil in Western Australia is sandy. The scientific community has told us for years that we can drink this chemical. However, recent research has shown that that is definitely not the case. So far, genetic engineering has

largely been done with corn and canola to produce a plant that is resistant to glyphosate. An article in the *Farm Weekly* on 13 November states -

> GMO export market risk
>
> THE US stands to lose up to half its export market if it introduces genetically modified hard red spring wheat in the next two to six years.
>
> A new study released in the US . . . painted a bleak picture for the US wheat industry if it took the GM path with wheat, . . .

Durum wheat is referred to. That is interesting. There is a lot of uncertainty. I repeat that the only way we can be certain is to firmly shut the gate for a lot longer than we are proposing to at this stage. Something is either contaminated or it is not. It cannot be half-contaminated. Do we want to be mad or do we want to be half-mad? It is a similar situation.

I give the example of the debate about the live foot-and-mouth virus. The scientists believe that they should be able to keep the live virus in their laboratory for experimentation, and the other side of the argument is that there could be security threats in the form of terrorists or a nut case. It was decided to not make the virus available to scientists. Although this may not be quite as dramatic as foot-and-mouth disease, the same argument applies.

I repeat that I support the Bill. However, the safeguards have not been laid down. We were originally told that there would be a buffer of five metres.

Hon Kim Chance: No.

Hon PADDY EMBRY: I read articles that mentioned five metres, and there was then talk of the roadside.

Hon Kim Chance: They were opinions and views.

Hon PADDY EMBRY: Exactly. That is the point: they are opinions. We do not know what will happen. That is where the uncertainty lies, as well as the possibility that we will be half-mad - although, I am sure, not totally mad.

These sorts of experiments are taking place in other parts of the world. I am a firm believer that it is those in the scientific world - the researchers whose livelihoods depend on this because it is how they earn their living - who are telling us that if we do not get on the bandwagon now, we will be so many years behind that we will never catch up. That is nonsense. We have not conducted research to try to produce glyphosate here. We imported it from America, and now we import it from China. It is nonsense to say that if we do not catch this train, it will leave the station and there will not be another one. That is arrant nonsense. I support the Bill in as much as it will prevent an open-slather situation, but I firmly believe it is going only halfway.

HON JOHN FISCHER (Mining and Pastoral) [3.33 pm]: I want to put our party's point of view. I welcome the chance to comment on this legislation. I take the opportunity to compliment Hon Bill Stretch on his speech. I thought it was extremely sensible and straightforward, as speeches from that quarter usually are. I compliment the Minister for Agriculture, Forestry and Fisheries on his excellent second reading speech. As Hon Bill Stretch said, it was extremely sensible. The Government has said that it has no wish to deny Western Australian farmers the opportunity to assess technologies with the potential to enhance their international competitiveness and contribute to sustainable agricultural production in this State. It has also said that this is not the time to close off options one way or the other; and nor is it the time to commit Western Australian agriculture to a direction that may endanger our access to sensitive markets, including the domestic market in Western Australia.

That succinctly sums up the intent of this legislation. I am pleased to say that One Nation supports the legislation's designating areas in which GM crops may not be grown. I support the idea that GM crops will be able to be experimented with in certain areas of the State. The Western Australian agricultural area is huge compared with agricultural areas in Europe and other parts of the world. Many areas outside our State's agricultural area could be utilised for technology assessment. It should be left open. Sensibly, this legislation will ensure the safety of our clean reputation. The Government must be complimented for that outcome. However, we must not fall prey to the doom and gloom proposals put forward against commonsense advances. I briefly quote from a book called *the skeptical environmentalist*. Quoting this book in the presence of the Greens is similar to the clergy pointing a crucifix at someone possessed by the devil. It reads -

> "The battle to feed humanity is over. In the course of the 1970s the world will experience starvation of tragic proportions - hundreds of millions of people will starve to death." This was the introduction to one of the most influential books on hunger, Paul Ehrlich's *The Population Bomb* published in 1968. More than 3 million copies of the book have been sold.
>
> . . .
>
> From the same quarter Lester Brown, who later became president of the Worldwatch Institute, wrote in 1965 that "the food problem emerging in the less-developing regions may be one of the most nearly insoluble problems facing man over the next few decades."

> They were both mistaken. Although there are now twice as many of us as they were in 1961, each of us has *more* to eat, in both developed and developing countries. Fewer people are starving. Food is far cheaper these days and food-wise the world is quite simply a better place for far more people.
>
> . . .
>
> Globally, the proportion of people starving has fallen from 35 percent to 18 percent and is expected to fall further to 12 percent in 2010 . . .

I read that excerpt because it reminds me of the red flag that was carried in front of the first motor vehicles. We must never close the door to scientific advancement; otherwise, our farmers would be put behind the eight ball. Agriculture is too important in this State to allow that to happen. I fully support this sensible legislation.

HON KIM CHANCE (Agricultural - Minister for Agriculture, Forestry and Fisheries) [3.38 pm]: I will cover what I can in the limited time I have to respond. This Bill will require a committee stage so I will respond in detail on amendments in committee. I thank Hon John Fischer for extending me the courtesy of splitting the remaining time between us.

I remind members that the State's role in genetically engineered regulation is limited to the issue defined within the scope of "market purposes" within section 21(1)(aa) of the commonwealth Gene Technology Act 2000. The health and environmental issues that have dominated this debate so far are regulated within the commonwealth legislation. The House will deal with the State's version of that commonwealth legislation next year; indeed, those two Bills are on the Notice Paper now. Much of the debate on this Bill is more relevant to those Bills.

The legislation before the House will provide a mechanism to deliver the moratorium that the Government has introduced on genetically modified crops. The broader views of genetic engineering or biotechnology relate to the other Bills. However, I congratulate the committee for the report that it provided to the House. I am on record as saying that this is the best committee report that I have ever seen come out of this House - that might be a biased view because I have a particular interest in this issue. However, the way in which diverse views were brought together - it has been played out in this debate - in the committee report and the way in which a unanimous report has come to the House in such clear and intellectually rigorous terms, is an excellent example of what this place can do and a great testament to the committee system.

I essentially agree with the comments made by Hon Bill Stretch on Hon Louise Pratt's contribution. In many cases, the report is an indication of what is achievable through the processes of this place involving, but not entirely depending upon, the capacity of committees to travel. I appreciate that it was an expensive inquiry that cost around $80 000 to $100 000. However, that cost, which seems significant to us, when viewed against the importance of this issue to our economy, is infinitesimal compared with the benefit it will bring. Had that report not been as good, had we been divided on this issue or had we not brought down what we collectively think is the right way to handle this issue - we might yet be wrong but at least we are collectively wrong - that would have put our economy at grave risk, at least in terms of the agricultural component. I am grateful for the quality of the report. I am sorry I do not have time to respond to all the issues that were raised. However, the particular issue raised by the chairperson of the committee, Hon Christine Sharp, needs a response.

She asked whether it is my intention to introduce effectively a statewide closed gate. It is my intention to do that and the expression of that can be found in the amendment to clause 5, which will effectively carry out that role. I want to be quite clear about that. In the debate between the committee and me over the term of the committees deliberations about the gatekeeper role, I had difficulty in understanding what it was that people were trying to tell me about the gatekeeper role. I had always believed that that is what we were doing and it was hard for people to tell me that we had to do something that I thought we had already set out to do. I always saw our role as the gatekeeper. To be told that I needed to do this and that I needed to change the Bill to do it, I found difficult not to accept, but to understand. When I did understand it - when I could see other people's points of view - that meant we could go ahead and make the amendments that members now see before them.

Question put and passed.

Bill read a second time.

Sitting suspended from 3.45 to 4.00 pm

QUESTIONS WITHOUT NOTICE

WATER SUPPLIES, ADDITIONAL SUPPLY PROMISE

1623. Hon NORMAN MOORE to the Minister For Government Enterprises:

I refer the minister to his answer to question without notice 1608 and to the press statement issued by the Premier on 9 April 2002 informing us that the Government will deliver 15 gigalitres extra water through a $37 million development.

(1) Will the minister explain why the community is not benefiting fully from the extra water supply promised from the new bores developed last year?

(2) Given that the Water and Rivers Commission has the task under the law to determine the level of ground water extraction, why is the Water Corporation usurping the commission's role by not even applying for a higher volume ground water licence?

(3) Why does the minister support the Water Corporation's reluctance to seek extra water that could be used to ease the level of water restrictions?

Hon NICK GRIFFITHS replied:

I thank the member for some notice of this question.

(1) The community should fully benefit from the three new Yarragadee bores and the new west Mirrabooka ground water scheme constructed in 2002-03 because abstraction from these additional bores for 2003-04 should be as planned.

(2) The 167 gigalitres of ground water requested from the Water and Rivers Commission for 2003-04 is considered to be the maximum abstraction for a reasonable balance between environmental issues and water supply requirements.

(3) The Water Corporation's request for 167 gigalitres was consistent with the maximum ground water extraction previously agreed with the Water and Rivers Commission under current conditions.

WATER SUPPLIES, ADDITIONAL SUPPLY PROMISE

1624. Hon NORMAN MOORE to the Minister for Government Enterprises:

Since the Water Corporation has sufficient dam storage supplies and licensed, yet unused, ground water capacity to deliver an extra 15 gigalitres to allow the community an extra day's watering, will the minister explain the Government's persistence in denying the community this additional water?

Hon NICK GRIFFITHS replied:

I thank the member for some notice of this question.

The dams and ground water systems that supply the metropolitan area, a significant part of the agricultural region and the goldfields are still recovering from the 2001-02 and 2002-03 drought, which was the worst on record. While the system is recovering it is important for the current two day a week sprinkler regime to continue to assist this recovery.

STUDENT FUNDING

1625. Hon ALAN CADBY to the parliamentary secretary representing the Minister for Education and Training:

What was the average per student funding in the years 2002 and 2003 and what will it be in 2004 for the State Government for -

(a) government school primary students,

(b) government school secondary students,

(c) non-government school primary students, and

(d) non-government school secondary students?

Hon GRAHAM GIFFARD replied:

I thank the member for some notice of this question.

The answer provided by the minister is as follows -

(a)-(b) the average per student funding for government schools is calculated to be -

		Primary	Secondary
		$	$
	2002	8 280	10 705
	2003	8 738	11 378
	2004	9 032	11 858
(c)	2002	$1 326	
	2003	$1 377	
	2004	$1 442	
(d)	2002	$2 022	
	2003	$2 121	
	2004	$2 212	

STATIONERY SUPPLIES, PUBLIC SECTOR

1626. Hon DEE MARGETTS to the minister representing the Treasurer:

For various reasons, this question has not been received by the minister, but I will ask it anyway and hope that, because it was not our fault, we might get an answer by next week.

During the tender process for tender No 12603 for the supply of copy paper, envelopes and office stationery for the entire Western Australian public sector, the majority of applicants expressed opposition to the tender being awarded to only one stationery supplier. Despite this opposition, however, the Department of Treasury and Finance recently awarded the tender for the provision of paper and envelopes to the overseas-owned Corporate Express, and the tender for the provision of stationery supplies to the US-owned Boise Cascade. I ask -

(1) Can the Treasurer explain how this Government can urge Western Australians to support local businesses in its buy local campaign on the one hand, whilst the Government itself turns its back on local businesses by awarding these contracts to two overseas-owned companies?

(2) Can the Treasurer explain why one company only was awarded the tender for the provision of stationery supplies to WA government departments?

(3) Can the Treasurer confirm that Boise Cascade has quoted fixed prices for only 1 700 items - from a market of around 100 000 or so stationery products - in this contract?

(4) How will the Treasurer ensure that Boise Cascade will provide all the products that have not been quoted in the contract at a fair and reasonable price?

(5) Will the minister table DTF's contracts with both Boise Cascade and Corporate Express?

Hon NICK GRIFFITHS replied:

I thank the member for some notice of this question, of which I have received no notice. I am a representative minister. I note that the honourable member was referring to paper product manufacturers. I am not aware of a manufacturer of paper products in Western Australia, but perhaps the honourable member can give that matter further consideration if she is to ask the question again.

MR JOHN BARTLE, OIL MALLEE

1627. Hon JIM SCOTT to the minister representing the Minister for the Environment:

Further to my question without notice of yesterday -

(1) Does Mr John Bartle from the Department of Conservation and Land Management have an interest of any kind in the Oil Mallee Company of Australia Ltd and/or Oil Mallee Association of Western Australia Ltd; and, if so, what is the nature of this interest?

(2) Would this constitute a conflict of interest in relation to the allocation of oil mallee seeds?

(3) Is it correct that Mr Bartle has not divested himself of his Oil Mallee Company shares but has instead placed them in the hands of a nominee - Oil Mallee Association - and is Mr Bartle still the beneficiary of the shares?

Hon KIM CHANCE replied:

I thank the member for some notice of this question.

(1)-(3) The matters raised by the member will require formal investigation by the Department of Conservation and Land Management and may require referral to other bodies. The member will be provided with a written response to his question following the investigation.

PARKINSON'S NURSE SPECIALISTS, FUNDING

1628. Hon MURRAY CRIDDLE to the parliamentary secretary representing the Minister for Health:

I refer to speculation that the minister proposes to cut funding to the State's only two Parkinson's nurse specialists, despite the fact that Parkinson's disease is the second largest neurological disorder after Alzheimer's disease, and ask -

(1) How many Parkinson's disease sufferers did the two Parkinson's nurse specialists attend to in the past 12 months?

(2) How many of these people lived outside the Perth metropolitan area?

(3) Is the minister aware that the nurse specialists are the only specialist services available to Parkinson's disease sufferers in many parts of regional Western Australia because neurologists do not visit many country areas?

(4) In the absence of the two Parkinson's nurse specialists, what alternative neurological service will the minister offer to people living in regional WA?

(5) Given the heavy reliance on the two Parkinson's nurse specialists around the State, will the minister commit to retain their services?

Hon SUE ELLERY replied:

I thank the member for some notice of this question.

(1)-(5) The Minister for Health does not respond to idle speculation.

WEST KIMBERLEY POWER PROJECT

1629. Hon GEORGE CASH to the minister representing the Minister for Energy:

I refer the minister to the recent announcement of the tender for the West Kimberley power project.

(1) Will the minister table -

(a) the probity auditor's report;

(b) the reference group's report; and

(c) the evaluation team's report?

If not, why not?

(2) Can the minister confirm that the successful bidder was permitted to make changes to the initial bid before the final assessments were made and the nature of the changes?

(3) Was the unsuccessful bidder given the same opportunity to present a revised bid and, if not, why not?

(4) Why were the two tender bids not opened at the same time and in the presence of the probity auditor?

Hon KIM CHANCE replied:

(1) (a) As the tender process is still under way the probity auditor's report is not yet available.

(b) There is no such report.

(c) As the tender process is still under way it is not appropriate to release the evaluation report.

(2) Yes. Non-material changes were permitted.

(3) Yes. Non-material changes were permitted.

(4) The tender process required that the final tender bids be submitted by the deadline. The tender process did not require the probity auditor to be present.

JOONDALUP CHILD DEVELOPMENT CENTRE, WAITING LIST FOR THERAPY

1630. Hon BARBARA SCOTT to the parliamentary secretary representing the Minister for Health:

(1) How long would a young child - say, a four-year-old - referred to the Joondalup Child Development Centre have to wait to see a paediatrician to be assessed for therapy?

(2) Will the minister provide the Parliament with accurate and recent wait times for therapy to commence for early intervention services at the Joondalup Child Development Centre, in particular for speech therapy and occupational therapy, after the initial assessment?

(3) Will the minister table the recent report prepared on the issue of wait times?

Hon SUE ELLERY replied:

Unfortunately, I do not have the question in my file, so I am unable to provide the answer.

LESBIAN AND GAY LAW REFORM, MINISTERIAL COMMITTEE

1631. Hon GIZ WATSON to the minister representing the Attorney General:

Further to question without notice 1554 of 20 November -

(1) Does the Attorney General's commitment to lesbian and gay law reform include providing adequate resources to implement the recommendations of the ministerial committee, published in June 2001?

(2) If not, how will he ensure that lesbian and gay law reform is comprehensively and effectively implemented?

(3) Does the Attorney General stand by recommendation 19?

(4) If yes to (3), will he instruct the Commissioner for Equal Opportunity to coordinate a community education antivilification strategy?

(5) If no to (3), why not?

Hon NICK GRIFFITHS replied:

I thank the member for some notice of this question. The Attorney General has provided the following response -

(1) I am committed to lesbian and gay law reform. The Government broadly supported most of the recommendations of the Ministerial Committee on Gay and Lesbian Law Reform made in "Lesbian and Gay Law Reform - Report of the Ministerial Committee" of June 2001, and subsequently introduced legislation into Parliament to remove discrimination against gays and lesbians. Subject to budget and government priorities, I am committed to providing adequate resources to implement some of the recommendations in the report.

(2) Not applicable.

(3) Recommendation 19 states -

> That the Commissioner for Equal Opportunity coordinate a community education anti-vilification strategy developed in consultation with representatives of relevant Government and non-government agencies. The strategy should be specifically focused on the unacceptable nature of homophobic verbal and physical violence.

A decision was made by government to defer consideration of recommendation 19 until the Commissioner for Equal Opportunity concluded her consultations on racial vilification. Public consultation on legislation to address racial and religious vilification is currently being coordinated by the Equal Opportunity Commission and the Office of Multicultural Interests, in accordance with decisions of the Anti-Racism Steering committee.

(4) Government has yet to make a decision about the introduction of antivilification with regard to gays and lesbians.

(5) To date, Government has kept its election promise and has successfully introduced gay and lesbian reform. There was no formal commitment by Government to introduce antivilification with regard to gays and lesbians.

ROCKINGHAM MARINA

1632. Hon SIMON O'BRIEN to the Parliamentary Secretary representing the Minister for Planning and Infrastructure:

I understand that there may have been some progress on this matter since I gave notice of it.

(1) In view of the strong public support achieved by the Rockingham Marina Action Group for a marina at Rockingham, does the Government support the development of such a facility?

(2) If yes, what steps is the Government taking to help achieve this, and when will progress be made?

(3) If not, why not?

Hon KEN TRAVERS replied:

I do not think I have a signed answer from the minister as yet. I hope I will receive one before the conclusion of question time. If I do, I will provide an answer at that time.

DRUGS, BUPRENORPHINE, PRESCRIPTION PROCEDURES

1633. Hon SIMON O'BRIEN to the Parliamentary Secretary representing the Minister for Health:

I refer to the answer to Legislative Council questions on notice 1276 and 1311.

(1) Are patients on daily buprenorphine who miss two doses required to consult their doctor before getting another dose from their pharmacist?

(2) If so, why is this the case, given that the national guidelines state that patients who miss five days must be reviewed by their prescriber?

(3) Given the reported shortage of buprenorphine prescribers, is it the case that some patients find difficulty in accessing their doctor and resort instead to illicit dealers for heroin, morphine or oxycontin?

Hon SUE ELLERY replied:

I thank the member for some notice of this question.

(1) Yes.

(2) The national guidelines refer to the number of days, and the state guidelines refer to the number of doses missed. There is a difference between the two, as buprenorphine patients may be dosed every second or third day. Therefore, missed days do not equate to missed doses.

(3) The Department of Health is currently reviewing the patient numbers policy to ensure that patients have timely access to their prescriber. Patients who have difficulty accessing their prescriber can contact the patient advisory service. This service provides 24-hour support and medical advice for all pharmacotherapy patients.

WATER SUPPLIES, ADDITIONAL SUPPLY PROMISE

1634. Hon NORMAN MOORE to the Minister for Government Enterprises:

This afternoon, in answer to question without notice 1623 that I asked of the minister, the minister said -

> The 167 gigalitres of ground water requested from the Water and Rivers Commission for 2003-04 is considered to be maximum extraction for a reasonable balance between environmental issues and water supply requirements.

Who, or which organisation, considered that amount of water to be a reasonable balance? Was it the Water and Rivers Commission, the Water Corporation, or the minister?

Hon NICK GRIFFITHS replied:

I have read to the House the advice provided to me by the Water Corporation.

WATER CORPORATION, ANSWERS TO QUESTIONS

1635. Hon NORMAN MOORE to the Minister for Government Enterprises:

Will the minister explain to the House how he sees his role in answering questions about what the Water Corporation does or does not do, bearing in mind that the minister provides answers on the basis of "the advice provided to me by the Water Corporation", but when I, or another member, ask the minister a direct question, he says that we have to rely on the advice that he provides?

Hon NICK GRIFFITHS replied:

I note that there are only 11 minutes of question time remaining. My job is to answer the questions truthfully and as fully as I can. The Leader of the Opposition asked me a question and I answered the question.

LESBIAN AND GAY LAW REFORM, COMMUNITY EDUCATION

1636. Hon GIZ WATSON to the minister representing the Attorney General:

Further to question without notice 1554 of 20 November 2003 about the progress of lesbian and gay law reform, I ask -

(1) What community education initiatives to inform the wider community that discrimination on the ground of sexual orientation is unlawful has the Commissioner for Equal Opportunity undertaken; and can the minister please table copies?

(2) With regard to training sessions on unlawful discrimination on the ground of sexual orientation provided by the Commissioner for Equal Opportunity -

  (a) who received this training;

  (b) when were these training sessions held; and

  (c) are more training sessions scheduled; and, if so, when and for whom?

(3) Further to the answer to part (4), which government departments or agencies have not yet produced an action plan and when will they be required to do so?

(4) Can the minister please table the action plans already produced?

Hon NICK GRIFFITHS replied:

I have an answer from the Attorney General that is very lengthy, and it would occupy all of question time and more if I were to attempt to read it out. I seek leave of the House to have the content incorporated in *Hansard*.

Leave granted.

The following material was incorporated -

I thank the Hon Member for some notice of this question.

1) The Equal Opportunity Commission has undertaken the following community education initiatives to inform the wider community that discrimination on the ground of sexual orientation is unlawful:

- designed and marketed specially developed community education courses for the public sector, community sector and private sector through planned courses, courses delivered upon request and other presentations made upon request;
- developed special education materials for the Commission's website;
- incorporated information on sexual orientation in all new publications and in articles in newsletters; and
- incorporated information on sexual orientation in all other community education courses.

1a) A copy of the Equal Opportunity Commission's Registration Form for July-December 2002, Calendar of Courses for January-June 2003 and July-December 2003 is attached.

2a) To date, 283 participants from the following departments, agencies, community sector organisations and private companies received this training: Department of Community Development, Education Department, TAFE South East Metropolitan College, Disability Services Commission, Mineral and Petroleum Resources, Office of Equal Employment Opportunity, Office for Women's Policy, Queer Unionists in Tertiary Education, Activ Foundation, Association of Independent Schools of WA, Australian Red Cross Blood Service, Ballajura Community College, BankWest, Burswood International Resort Casino, City of Armadale, Department of Agriculture WA, Department of Conservation and Land Management, Department of Culture and the Arts, Department of Defence, Department of Fisheries, Department of Housing and Works, Department of Justice, Department of Land Administration, Department of the Premier and Cabinet, Department of Training, Department of Transport, East Pilbara TAFE, Edith Cowan University, Shenton College, Equal Opportunity Commission, Fire and Emergency Services Authority, Government Employees Superannuation Board, Great Southern TAFE, HBF of WA, Insurance Commission of WA, LandCorp, Midland College of TAFE, Office of Energy, Office of the Auditor General, Perth Zoo, Phillips Fox, Rangeview Remand Centre, South West Regional College, State School Teachers Union, Swan Christian College, Swan Christian Education Association, TAB, Town of Bassendean, Town of Victoria Park, University of Western Australia, WA Police Service, WA Treasury Corporation, West Coast College of TAFE, Western Australian Electoral Commission, Westrac Equipment, and Willetton Senior High School.

2b) The Registration Form and Calendar of Courses (enclosed) provided details of planned courses offered commencing 29 July 2002 and continuing until 25 November 2003.

Training courses conducted are as follows:

- 2002: 13 August, 15 August, 20 August, 29 August, 9 September, 2 October, 3 October, 4 October, 9 October, 25 October, 6 November (two courses), 8 November, 11 November, 19 November, 28 November, 5 December, 9 December, 18 December;
- 2003: 20 February, 17 June and 24 July.

2c) The Equal Opportunity Commission is currently planning its Calender of Courses for January to June 2004.

3) To date, the following government departments/agencies have indicated that they have prepared an action plan and/or sent correspondence indicating that other strategies to comply with the amendments in the *Equal Opportunity Act 1984* in relation to sexual orientation and gender history:

- Animal Resource Centre
- Anti Corruption Commission
- Auditor General (Office of)
- Bunbury Port Authority
- Busselton Water
- Community Development (Department of)
- Conservation and Land Management (Department of)
- Consumer and Employment Protection (Department of)
- Disability Services Commission
- Eastern Pilbara College of TAFE
- Education (Department of)
- Energy (Office of)
- Fire and Emergency Services of WA
- Gas Access Regulation (Office of)
- Gold Corporation
- Great Southern Development Commission
- Healthway

- Health (Department of)
- Information Commissioner (Office of)
- Inspector of Custodial Services (Office of)
- Insurance Commission of WA
- Justice (Department of)
- Midland Redevelopment Authority
- Mineral and Petroleum Resources (Department of)
- Nurses Board of WA
- Office of the Public Sector Standards Commissioner
- Perth Market Authority
- Potato Marketing Corporation of WA
- TAB
- West Pilbara College of TAFE
- Western Australian Electoral Commission
- Western Australian Police Service (two responses)

In addition, the following local government agencies have indicated that they have prepared an action plan and/or sent correspondence indicating that other strategies to comply with the amendments in the *Equal Opportunity Act 1984* in relation to sexual orientation and gender history:

- Albany (City of)
- Ashburton (Shire of)
- Bassendean (Town of)
- Boddington (Shire of) (two responses)
- Boyup Brook (Shire of)
- Bridgetown-Greenbushes (Shire of)
- Busselton (Shire of)
- Cambridge (Town of)
- Canning (City of)
- Capel (Shire of)
- Chittering (Shire of)
- Claremont (Town of)
- Corrigin (Shire of)
- Cuballing (Shire of)
- Dardanup (Shire of)
- Denmark (Shire of)
- Derby/West Kimberley (Shire of)
- Dumbleyung (Shire of)
- Dundus (Shire of)
- East Fremantle (Town of)
- Gingin (Shire of)

- Gnowangerup (Shire of)
- Harvey (Shire of)
- Irwin (Shire of)
- Kent (Shire of)
- Kojonup (Shire of)
- Kondinin (Shire of)
- Koorda (Shire of)
- Kulin (Shire of)
- Kwinana (Town of)
- Lake Grace (Shire of)
- Manjimup (Shire of)
- Melville (City of)
- Menzies (Shire of)
- Moora (Shire of)
- Mount Magnet (Shire of)
- Mundaring (Shire of)
- Nannup (Shire of)
- Narrogin (Town of)
- Northam (Shire of) (2 responses)
- Northampton (Shire of)
- Peppermint Grove (Shire of)
- Perth (City of)
- Pingelly (Shire of)
- Rockingham (City of)
- Serpentine-Jarrahdale (Shire of)
- South Perth (City of)
- Stirling (City of)
- Tambellup (Shire of)
- Upper Gascoyne (Shire of)
- Victoria Park (Town of)
- Wagin (Shire of)
- Wandering (Shire of)
- Wanneroo (City of)
- Waroona (Shire of)
- West Arthur (Shire of)
- Wickepin (Shire of)
- Williams (Shire of)
- Wongan-Balidu (Shire of)
- Woodanilling (Shire of)
- York (Shire of)

July - December 2003

CALENDAR OF COURSES

				NEW	NEW
Equal Opportunity Law An Introduction	Contact Officer Role	Equity - Complaint Handling	Sexual Orientation and Gender History	Contact Grievance Officer Network	Staff Recruitment and Selection
Tuesday 22 July Half day	Thursday 11 September Full day	Wednesday 6 / Thursday 7 August 2 days	Tuesday 9 September (9.00am - 12 noon)	Tuesday 19 August (9.00am - 12 noon)	Thursday 23 October Half day
Thursday 28 August Half day	Tuesday 14 October Full day	Tuesday 18/ Wed. 19 November 2 days	Tuesday 25 November (9.00am - 12 noon)	Thursday 13 November (9.00am - 12 noon)	
Tuesday 23 September Half day	The Equal Opportunity Commission recommends that organisations provide ongoing education and training for their Contact/Grievance Officers. Our Education team are available to provide on-site programs and conduct refresher training. See also Contact/Grievance Officer Network.			PLEASE BOOK EARLY AS NUMBERS ARE LIMITED	
Training At your Workplace			CANCELLATIONS:	Additional Courses	
For more than seven employees it will be more cost effective for us to come to you or you may use the Commission's fully equipped training room at no additional charge. We can deliver any of our standard training programs (see course content page), or customise programs to suit your particular needs. Country Training. Additional charges apply to cover any travel and accommodation.			If you are unable to attend a course, another representative from your organisation is welcome to attend in your place. A full refund will be given provided you notify us two (2) weeks prior to the course date. A fifty (50%) percent refund is provided with one week's notice. No refund is possible if you provide less than seven (7) day's notice.	The following courses will be offered based on demand. • Contact Officer Refresher • Complaint Handling Refresher • Training for Trainers If you would like to attend please ring Yvette Elliott on 9216 3927 to register your interest. Dates will be scheduled when there are sufficient numbers.	

January - June 2003

CALENDAR OF COURSES

Equal Opportunity Law An Introduction	Contact Officer Role	Equity - Complaint Handling	Sexual Orientation and Gender History
Thursday 13 February Half day	Tuesday 11 March Full day	Wednesday 7/Thursday 8 May 2 days	Thursday 20 February 3 hours (9.00am - 12 noon)
Tuesday 1 April Half day	Thursday 5 June Full day		Thursday 13 March 3 hours (9.00 am - 12 noon)
Tuesday 27 May Half day			Tuesday 15 April 3 hours (9.00am - 12 noon)
Thursday 26 JuneHalf day			Tuesday 13 May3 hours (9.00am - 12 noon)
			Tuesday 17 June3 hours (9.00am - 12 noon)
PLEASE BOOK EARLY AS NUMBERS ARE LIMITED	Training At your Workplace. For more than seven employees it will be more cost effective for us to come to you or you may use the Commission's fully equipped training room at no additional charge. We can deliver any of our standard training programs (see course content page) or customise programs to suit your particular needs. Country Training Additional charges apply to cover any travel and accommodation.	CANCELLATIONS: If you are unable to attend a course, another representative from your organisation is welcome to attend in your place. A full refund will be given provided you notify us two (2) weeks prior to the course date. A fifty (50%) percent refund is provided with one week's notice. No refund is possible if you provide less than seven (7) day's notice.	Additional Courses The following courses will be offered based on demand. • Contact Officer Refresher • Complaint Handling Refresher • Training for Trainers If you would like to attend please ring June Clark on 9216 3927 to register your interest. Dates will be scheduled when there are sufficient numbers.

[For Registration Form see page 14622.]

CLEARING PROVISIONS, REGULATIONS

1637. Hon CHRISTINE SHARP to the minister representing the Minister for the Environment:

I refer to the introduction of the clearing provisions in the amended Environmental Protection Act.

(1) By what date will the regulations relating to the clearing provisions be finalised?

(2) What is the proposed process of finalising those regulations within that time frame?

(3) Will threatened ecological communities be protected under the environmentally sensitive areas provisions?

(4) If not, why not?

Hon KIM CHANCE replied:

I thank Hon Dr Chrissy Sharp for some notice of the question.

(1) It is anticipated that the regulations will be introduced into Parliament in the autumn 2004 session. Under section 2(3) of the Environmental Protection Amendment Act 2003, part 9 cannot be proclaimed until the regulations are laid before the Legislative Assembly.

(2) Draft regulations are currently being prepared. It is proposed that consultation with identified stakeholders will occur until early February 2004. The draft regulations will be used as the basis for consultation to provide a level of certainty for stakeholders about the proposed provisions. The consultation process will include opportunities for briefings and discussions, as well as an invitation to submit written responses. Following further consultation, the regulations will be redrafted by parliamentary counsel prior to tabling in Parliament.

(3) No decision has been made. The Government has clearly indicated that the primary protection for threatened ecological communities should be within the proposed biodiversity conservation Act.

(4) Not applicable.

WATER CATCHMENT AREAS, MUNDARING WEIR AND CANNING DAM

1638. Hon BRUCE DONALDSON to the Minister for Government Enterprises:

(1) Can the minister inform the House whether the research being undertaken to try to improve the run-off from the water catchment areas into Mundaring Weir and Canning Dam has been completed?

(2) If not, is the minister aware when the study will be completed?

(3) Is the minister aware of any preliminary findings that have shown that the build-up of the forest floor and small pine plantations in the catchment areas has reduced the run-off over the past decade?

Hon NICK GRIFFITHS replied:

(1)-(3) I am aware of views to that effect. I do not think that the research has been absolutely finalised, but I will make an inquiry and inform the member of the current state of affairs.

YARRAGADEE BORES

1639. Hon NORMAN MOORE to the Minister for Government Enterprises:

I again refer the minister to the answer he gave to a question I asked earlier this afternoon on how the community would benefit from the extra water supply from the three new bores in the Yarragadee. The answer I received was that the community should fully benefit because extraction from these additional bores for 2003-04 should be as planned.

Will the minister explain to the House what is meant by the words "as planned", bearing in mind that the request by the Water Corporation to the Water and Rivers Commission for 2003-04 is exactly the same as the request it made last year, before these bores were even put in the ground?

Hon NICK GRIFFITHS replied:

The Leader of the Opposition may recall that he asked me a question, I think on Wednesday, on this issue. The Leader of the Opposition has asked me a number of questions this week on matters relating to this issue. A question was asked yesterday, but I was not in the House and an answer was given on my behalf. I think the Leader of the Opposition asked me a question on Wednesday about the difference between the amount of allocation granted and the abstraction. In that answer I pointed out that there were a number of reasons for the difference, including equipment failure, delay - which I understand was not of great duration with respect to the bores being in operation - and closure of a treatment plant. Those factors may occur. That is why the answer was crafted to read "should".

GERALDTON REGIONAL HOSPITAL, BROAD CONSTRUCTION SERVICES PTY LTD

1640. Hon GEORGE CASH to the Minister for Housing and Works:

I refer to the question without notice I asked yesterday on Broad Construction Services Pty Ltd's involvement with the Geraldton Regional Hospital. Will the minister ascertain whether it is the intention of Broad Construction Services to

have the two nominated persons act in the positions referred to yesterday should Broad Construction Services be successful in its tender for the Geraldton Regional Hospital?

Hon NICK GRIFFITHS replied:

The honourable member has requested that I do something in the event that something occurs. In the event that something does occur, I will cause that inquiry to be made.

WESTERN POWER, KWINANA, INDUSTRIAL DISPUTE

1641. Hon GEORGE CASH to the minister representing the Minister for Energy:

Not only will I look forward to the response of the Minister for Housing and Works to my last question in due course, but also I will make further inquiries to ensure that further questions are asked on that matter, so that the minister will perhaps take it more seriously.

However, this question without notice is to the minister representing the Minister for Energy.

I refer the minister to his answer to question without notice 1503 on 14 November, in which he confirmed that he was aware that striking unionists at Western Power, Kwinana had been in breach of an Industrial Relations Commission order since 3 November 2003, and as a result there was a continuing threat of blackouts across the community.

(1) What action is the Government taking to ensure that a lawful order issued by the commission is obeyed?

(2) If no action is being taken, why not?

Hon KIM CHANCE replied:

I thank the member for some notice of this question.

(1) The Government has no role in enforcing this federal commission order, which is a matter for federal processes and for the parties before the commission.

(2) This is a matter between Skilled Engineering and its work force. The Government expects all parties to behave in accordance with the relevant law, which in this case is the commonwealth Workplace Relations Act 1996. The Government is monitoring the situation and is encouraging all parties to seek a mediated outcome.

MEMBERS' STATEMENTS

Water Resources

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [4.30 pm]: I want to talk about water resources again. Getting answers from the Minister for Government Enterprises about the Water Corporation is extraordinarily difficult, especially if one does not give some notice. However, it is difficult even when some notice is given, because the answers are so brief, and often bear no relation to the question, that one is left with more questions after receiving the answer than when the question was asked.

The Water and Rivers Commission was established by the previous Government to manage the State's water resources. The Water Corporation was set up as a government trading enterprise to sell water, because it was seen as a conflict of interest to have the organisation that made decisions about environmental issues and the water that should be used, at the same time, selling it and making money for the Government. It was decided that it would be better to separate the two roles, and that is what happened. I might add that the Government is currently disbanding the Water and Rivers Commission to put it into the Department of Environment, but that is another issue for another day. It seems to me that with the Water and Rivers Commission being given the role of licensing the Water Corporation to allow it to extract the water it seeks, the decisions about the environmental consequences of the quantity of water used should be made by the Water and Rivers Commission.

Last year the Water Corporation had a capacity of 185 gigalitres of ground water. In the past 12 months it has spent $37 million getting itself another 15 gigalitres of capacity, which would take it to 206 gigalitres of capacity from ground water supplies. Last year it had a licence to extract 167 gigalitres but extracted 158 gigalitres - nine gigalitres less than its licence permitted. We are told by the minister that that is because of breakdowns in the system. I remind members that nine gigalitres is a very significant amount of water; it is more than half the water needed to give people in the metropolitan area one extra watering day, which equates to 15 gigalitres per annum.

We have this crazy scenario of the Water Corporation spending $37 million to get extra ground water capacity. The Water Corporation this year has made a submission for the same amount of water as last year - that is, 167 gigalitres - even though it has an extra 15 gigalitres from the new bores. I asked the minister today how the community will benefit from the extra 15 gigalitres of water, as the Premier described it, when in fact there is no extra water. The Water Corporation has applied for 167 gigalitres for the coming year, the same as it was licensed for last year, even though it has this extra capacity. I asked the minister a supplementary question this afternoon, about who makes the decision in respect of the application by the Water Corporation for a licence and who in the Water Corporation determines how much water it will apply for, bearing in mind -

Hon Nick Griffiths: Those were not the words you used.

Hon NORMAN MOORE: The minister was not even prepared -

Hon Nick Griffiths: You are changing your words.

Hon NORMAN MOORE: The minister can answer when I have finished. He can then make a speech.

Hon Nick Griffiths: You keep changing your words.

The PRESIDENT: Order!

Hon NORMAN MOORE: Let me make it as clear as I can for the minister, so that he is able to answer after I have sat down. The Government told us by way of press release in 2002 that it would spend $37 million for an extra 15 gigalitres. I asked how it would benefit the community. I will paraphrase the answer. The minister said that the community should benefit because extraction from the additional bores for 2003-04 should be as planned. I asked him what he meant by "as planned" and, if it were planned that there would be the extra 15 gigalitres from the new bores to replace 15 gigalitres from somewhere else because the Water Corporation is not asking for any more water, would the minister tell us what the planning is. I do not know whether I am making myself clear, but the fact of the matter is that the Water Corporation has an extra 15 gigalitres and the minister is telling people that it will be used as planned, yet the Water Corporation has applied for only the same number of gigalitres as it was licensed for before the bores were put in the ground. What planning is going on? What is the planning involved in the decision not to apply for the extra 15 gigalitres? How does the Water and Rivers Commission decide how much to apply for?

Hon Nick Griffiths: The Water Corporation applies to the Water and Rivers Commission.

Hon NORMAN MOORE: Forgive me. How does the Water Corporation decide how much water it will apply for? What the minister has told me in answers to questions over the past couple of days is that it has worked out the right balance between the amount of consumption and the environment. Who in the Water Corporation decides that? I thought that was the role of the Water and Rivers Commission. I would have thought that the Water Corporation would say that it needs X amount of water to deliver a proper water service to the citizens of Western Australia, and apply for it. Then if the Water and Rivers Commission said that the amount was too high because of environmental reasons, it would reduce the amount on the licence. This is an almost unholy alliance whereby the Water Corporation makes a submission to the Water and Rivers Commission for exactly the same amount of water it had last year because the Water Corporation believes it is the right balance. I do not think it is the Water Corporation's job to decide what the right balance is; it is the Water and Rivers Commission's job to decide that. Would the minister please tell me whether the Water Corporation makes its application based on a directive from the Government? That was the question I asked before. Does it make its decision based on its own assessment of what it thinks the community wants?

Hon Nick Griffiths: That was not quite the question you asked me.

Hon NORMAN MOORE: I am giving the minister another chance to answer it.

Hon Nick Griffiths: The difficulty is that you keep changing the words of the point you are trying to make.

Hon NORMAN MOORE: With respect, I am doing my very best to make it as clear as I can because the answers the minister has given me are very difficult. Can the minister tell me how the Water Corporation decides how much water to apply for? Why does the minister give me answers on behalf of the Water Corporation that it has taken into account the balance between the needs of the consumers and the environment when it is not the job of the Water Corporation to determine that balance; it is the job of the Water and Rivers Commission? How does the Water Corporation decide how much water to apply for, and how does it decide how much everybody will get? Is it bound by a rule that the minister has applied that water restrictions will apply to everybody and that is what will be provided? Is that a direction to the Water Corporation, or is it a government policy that it is supposed to implement?

Hon George Cash: He is absolutely bored with the portfolio, and that is why he does not take an interest in it.

Hon NORMAN MOORE: He does not take an interest in it, because he does not seem to know what the Water Corporation does. I am very interested in this. For 15 miserable little gigalitres, which is available now and which will evaporate over summer, everybody could water their gardens on an extra day. The same applies to the 15 gigalitres taken out of the ground, which the Government says will be used as planned but which is not part of the forward usage plans of the Water Corporation. Can the minister understand why I am confused? I do not understand what is going on. Perhaps the minister can tell me what is going on. I am happy to sit down and for the minister to respond.

HON NICK GRIFFITHS (East Metropolitan - Minister for Housing and Works) [4.37 pm]: I do not have the answers in front of me that I provided to the Leader of the Opposition.

Hon Norman Moore: I have them and can provide them to you now.

Hon NICK GRIFFITHS: The member asked me a supplementary question that related to question (2), which was -

> Given that the Water and Rivers Commission has given the task under the law to determine the level of ground water extraction, -

Which is true -

> why is the Water Corporation usurping the commission's role by not even applying for a higher volume ground water licence?

I answered -

> The 167 gigalitres of ground water requested from the Water and Rivers Commission for 2003-04 is considered to be the maximum abstraction for a reasonable balance between environmental issues and water supply requirements.

The point the member put to me, as I understand it, is that the job of water allocation is that of the Water and Rivers Commission; the job of the Water Corporation is to supply water, and environmental matters are the role of the Water and Rivers Commission to run a ruler across and, therefore, why on earth is the Water Corporation getting involved in these environmental considerations?

Hon Norman Moore: I am sorry it has taken such a long time to get to this point, but now we understand each other. How does it decide how much to ask for?

Hon NICK GRIFFITHS: The kernel of the question is: was it the Water Corporation that took into account these environmental issues and water supply requirements? The proposition the member has put is that, following the separation of functions that occurred in 1995, that is the job not of the Water Corporation, but of the Water and Rivers Commission. I am advised by the Water Corporation that it took into account environmental issues and water supply requirements before making its request for the allocation from the Water and Rivers Commission. It did so because it was of the view that there was no point asking for an allocation that might be unrealistic. The allocation was sought on the basis of past experience. The honourable member will be aware that there are constant discussions at an officer level between the Water and Rivers Commission and the Water Corporation about what each is thinking.

Hon Norman Moore: Why are there two organisations?

Hon NICK GRIFFITHS: That is an interesting question.

Hon Norman Moore: If they are sitting down having a nice tete-a-tete about how much the Water Corporation can be allocated -

Hon NICK GRIFFITHS: I do not think it is a nice tete-a-tete. The job of the Water Corporation is as the member has described it. I have explained why the Water Corporation took on board the environmental matter. There is no point in the Water Corporation asking for as much as it can get. It should take on board what has happened in the past.

Hon Norman Moore: Has it been directed about the two-day-a-week water restrictions?

Hon NICK GRIFFITHS: There has been only one direction in Water Corporation history, and that was about the south west irrigators.

Hon Norman Moore: Who made the decision?

The PRESIDENT: Order! Questions can be asked outside.

His Majesty's Theatre

HON BARBARA SCOTT (South Metropolitan) [4.41 pm]: Mr President, I want to raise two issues this evening. First, many members will be aware, and others will be interested to know, that His Majesty's Theatre will next year celebrate its centennial birthday. I have been sent a draft of the first chapter of a book that is being written by Dr David Hough. He has been commissioned by His Majesty's Theatre Foundation to write the centennial history of the theatre, which will be published next year as part of the centennial celebrations. From time to time we read in the "Can You Help?" section of Monday's *The West Australian* paragraphs relating to the centennial history of His Majesty's Theatre. The most recent one asked for help on the visit to Perth of the Sistine Chapel choir in 1922. It stated -

> The Sistine Choir gave one concert at The Maj on July 7, 1922. The conductor, Monsignor Rella, predicted: "I would not be surprised if some of my boys came back to Australia to live, work, and die here." Does anyone know if any of them did?

I too wonder whether any of those boys returned to settle in Western Australia. Does anyone in the House know whether they might have done? David Hough is a well-known Perth theatre critic and arts commentator. He was responsible for managing the establishment of the Western Australian Academy of Performing Arts in 1980-81 and was a university colleague of mine. He is well qualified to write this history. I have read the chapter David has written, which deals with the campaign in the mid 1970s to save His Majesty's Theatre. He has interviewed all the major players and put together a riveting story. I hope that members on both sides of the House get behind this project to ensure that it is a publishing success. It could become an envied coffee-table book on the cultural history of Western Australia.

In the meantime, I congratulate the His Majesty's Theatre Foundation for its choice of writer.

In addition, I inform the House that the first chapter of this book makes reference to Sir Charles Court, who perhaps could not have anticipated at that early stage of the story that he would, as Premier of Western Australia, be instrumental 50 years later in saving His Majesty's Theatre from demolition. Credit must go to Sir Charles Court. People in the arts are aware that Sir Charles is not only a musician - a cornet player - but also a great supporter and advocate of the arts in Western Australia. I look forward to that book.

Early Development Index

Hon BARBARA SCOTT: I also refer briefly to a significant study in the North Metropolitan region of Western Australia by the Department of Health's North Metropolitan Health Service. This was launched by Professor Fiona Stanley last week. I attended the launch. The survey raised a question: how well are we raising our children in the north metropolitan area? The North Metropolitan Health Service conducted a survey using an instrument that is not familiar to Western Australia known as EDI, or the early development index. This was trialed in Canada and devised to ascertain how different populations of children have developed in the first crucial five years of their lives. It was conducted by preprimary teachers, and funding was put aside by the Department of Health to bring in relief teachers to enable it to be done. Following the delivery of the finding, and prior to the launch, *The West Australian* of Wednesday, 26 November carried a headline "Dire warning for the future of WA children". I am not able to comment on the integrity of the instrument adapted from Canada for use here. Nevertheless, the warnings in the findings in the North Metropolitan region for children under the age of five years was a very sobering warning for the future for our children. The article reads -

> Professor Stanley said that the results of the ground-breaking report were frightened and showed that by the time some children started school, they were already on the way to lifelong social and educational problems, including crime and mental ill-health.

More people are acknowledging that the first year eight years of a child's life are crucial for later outcomes. Competencies can be measured at a very early age. I am not in a position to make a proper judgment on the research instrument used - maybe it is not entirely accurate. The article further reads -

> Using for the first time in Australia a Canadian assessment system known as Early Development Index, it found that WA children had lower average scores that Canadian children across all five developmental areas studied.

I do not have time to expand on this subject today, other than to say that the test was financed from the North Metropolitan Health Service's budget. I asked the Minister for Health three days in a row this week what it cost the North Metropolitan Health Service to conduct that survey. I do not have those figures yet. I am deeply disappointed that the minister has not been able to provide to Parliament the cost of this tight and tidy survey. We should know what it cost the health service. We know that $57 615 was paid to the Department of Education and Training for teacher relief. In addition, approximately $3 000 was paid to Elders Market Research for data entry. If this is such a significant and valid instrument and the findings are considered to be important to identify nodes of population that may need extra services, I call on the Government and the Minister for Health to find the additional money in the other three major health regions of this State to make sure that the use of this test is expanded across the State. If, as we are led to believe, this is an instrument of integrity to measure the competence of children under five years of age, we should be using it right across the State. However, this is enough of a wake-up call to say we need to be better resourcing services in the early childhood area. My question this afternoon, which conveniently was not answered by the Minister for Health - although we were not informed that he was not able to answer it - indicates that he is either avoiding answering my questions or not willing to do so. I have information that indicates that the wait times for therapy in the north metropolitan region have reached crisis point. The minister could not provide me with the answers but I am told that once a child is referred to Joondalup Child Development Centre, there is a wait of four to five months to see a paediatrician. After that assessment, there is a wait of seven to eight months for speech therapy and six months for occupational therapy. Once the initial assessment is performed, there is a wait of a further 10 months for speech therapy and four months to two years for occupational therapy. That is unacceptable.

House adjourned at 4.50 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

VACSWIM PROGRAM, COST

1396. Hon Alan Cadby to the Parliamentary Secretary representing the Minister for Education and Training

(1) What was the total cost to the Department of Education of running the VacSwim program in the following financial years -

(a) 1999-2000;
(b) 2000-2001;
(c) 2001-2002 (including the cost of corporate services); and
(d) 2002-2003 (including the cost of corporate services)?

(2) How many students enrolled in the VacSwim program in the following financial years -

(a) 1999-2000;
(b) 2000-2001;
(c) 2001-2002; and
(d) 2002-2003?

Hon GRAHAM GIFFARD replied:

(1) a) 1999-2000 $434,000 (Contracted Cost, No GST)

b) 2000-2001 $479,000 (Contracted Cost, No GST)

c) 2001-2002 $540,000 (Including GST (approximately $100,000) and the cost of corporate/administrative services)

d) 2002-2003 $725,000 (Including GST $110,000), the cost of corporate/administrative services and a one-off allocation of $135,000 for the development of an electronic management system)

(2) a) 1999-2000 57,100 (Negotiated figure based on estimate provided by contractor)

b) 2000-2001 53,520 (Negotiated figure based on estimate provided by contractor)

c) 2001-2002 52,300 (Actual number of applicants processed)

d) 2002-2003 50,512 (Actual number of applicants processed)

ALCO, YORNUP AND THORNTON FOREST BLOCKS, POST-LOGGING AUDIT

1399. Hon Christine Sharp to the Minister for Local Government and Regional Development representing the Minister for the Environment

(1) Did CALM officers recently conduct a post-logging audit of operations in any of Alco, Yornup and Thornton forest block?

(2) If yes, who conducted the audit, and what logging coupes were audited?

(3) Were any breaches of logging regulations, prescription or specifications, or Ministerial Conditions, identified?

(4) If yes, has any action been taken against the FPC or any contractor for any breaches?

(5) If yes, in what form?

(6) If not, why not?

(7) Who were the contractors who carried out the roading and logging in these forest blocks?

(8) Will the Minister table a copy of the audit report?

(9) Has any action been taken by CALM or the Conservation Commission for any breaches of any logging regulations, prescriptions or specifications in the past three years?

(10) If yes, please specify?

Hon TOM STEPHENS replied:

The Minister for the Environment provided the following response?

(1) An inspection of Forest Products Commission (FPC) logging operations in Yornup and Thornton blocks was conducted on 3 July 2003.

(2) The inspection was conducted by CALM's environmental auditor Kevin Helyar. Coupes in Yornup 5 and one coupe in Thornton 3 were inspected.

(3) Breaches of specifications were identified.

(4)-(6) CALM is in the process of initiating a new system of Works Improvement Notices and Management Letters for non-compliant forest operations. Notices relating to the non-compliant works identified in this inspection will be issued in the near future.

(7) The FPC's contractor in Yornup 5 and Thornton 3 was Palcon. The road clearing contractor was Waugh and the road formation contractor was Dronow.

(8) The Member has previously been provided with a copy of the report.

(9) CALM has provided copies of all of its audit reports to the Conservation Commission of WA and the FPC, and has regularly raised compliance issues with the FPC at meetings and in correspondence. CALM and Conservation Commission staff have recently agreed on the approach of formalising compliance requirements through Works Improvement Notices and Management Letters.

CANCER-RELATED ILLNESSES, STATISTICAL DATA ON PATIENTS

1531. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Health

With regard to statistics of records of Cancer related illnesses -

(1) Does the Department keep records of Cancer related illness?

(2) If yes to (1), what are the parameters of the data kept?

(3) Is a work history of the patients kept?

(4) Are the former residential addresses of Cancer patients kept?

(5) Is any analysis of this data extrapolated to shown high incidences of similarity in nature of work or historic residential location?

(6) Is any statistical data available and if so will the Minister tale such data?

Hon SUE ELLERY replied:

With regard to statistics of records of Cancer related illnesses -

(1) Yes.

(2) The data collected are specified in the Health (Notification of Cancer) Regulations 1981 and include a person's names, sex, birth date and address, and details of the cancer including location, type and date and method of diagnosis.

(3) Some work history is kept for mesothelioma patients but not for patients with other cancer types.

(4) Residential address at time of first or subsequent notification and at death is kept.

(5) Data is analysed by residential address at diagnosis.

(6) A copy of the most recent Cancer Incidence and Mortality in Western Australia 2001 report is attached. [See paper No 1797.]

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