

CALM, PROSECUTION OF LANDHOLDERS

1. Mr C.J. BARNETT to the Minister for the Environment.

I refer the minister to her statement on ABC Radio this morning that she cannot stop the prosecution of farmers by the Department of Conservation and Land Management for trivial offences, such as the prosecution of an 82-year-old farmer for driving on a CALM reserve while investigating salinity.

- (1) Can the minister confirm that, contrary to her statement this morning, under section 33 of the Conservation and Land Management Act 1984 she is able to direct the department?
- (2) If so, will the minister now direct the department to place a moratorium on trivial prosecutions until such time as the current review of CALM's prosecution guidelines is completed in March next year?
- (3) When will the minister take responsibility for her department and stop hiding behind bureaucrats?

Point of Order

Mr M. McGOWAN: Mr Speaker, under Standing Order No 77, there is a requirement that questions not be asked seeking a legal opinion. The Leader of the Opposition directly asked the minister about a section of an Act and whether that would permit a prosecution. That is asking for an opinion under the law, and I ask you to rule that out of order.

The SPEAKER: Order! I thank the member for that point of order. However, I think it is a question as to the minister's powers rather than a legal opinion.

Questions without Notice Resumed

Dr J.M. EDWARDS replied:

- (1)-(3) Thank you for that, Mr Speaker. What the member is really asking me is why, as minister, I do not interfere politically in a case that is before the courts. What the member is saying is that when members opposite were in government they did that, so why do we not do that. I believe the minister who sat in this seat before me probably had exactly that behaviour.

Mr M.G. House: Rubbish! That is not true! At least get your facts right!

Dr J.M. EDWARDS: The former minister is very defensive! Why does he protest so loudly, one wonders.

Several members interjected.

The SPEAKER: Order!

Dr J.M. EDWARDS: It is funny that my department has a different view from that. This is really interesting.

Mr M.G. House: You are totally out of control because your department is totally out of control.

The SPEAKER: Order!

Dr J.M. EDWARDS: I have certainly hit a raw nerve!

CALM has potential offences reported to it. It does what any department should do: it follows through on those potential offences and investigates them and collects evidence, and when it believes it has a case, it takes it to the Crown Solicitor. Therefore, there is an internal checking system, and there is also a checking system from the Crown Solicitor. In the particular cases that are before the courts at the moment, CALM has gone through those processes. However, CALM is hampered, because, under its Act, and according to advice from the Crown Solicitor, it can say nothing more than is on the charge sheets. I hope that one of the things that will come out of the review is that the nature of the charge sheets will change so that we can be more descriptive of what is going on. I am not going to interfere politically -

Point of Order

Mr J.C. KOBELKE: Mr Speaker, the Leader of the Opposition has a much louder voice than the minister, and he is seeking to intimidate and bully the minister by making incessant interjections. The minister, I think in a very logical way, is seeking to answer the question, and the Leader of the Opposition is seeking to frustrate her in doing that.

Several members interjected.

The SPEAKER: I call to order the members for Kalgoorlie and Nedlands.

Mr J.C. KOBELKE: The Leader of the Opposition, whoever that may be - it may be someone different very soon - clearly is given some forbearance. However, there comes a point at which that standover and bullying

tactic simply brings down the general standards of this House. I suggest to you, Mr Speaker, that the behaviour of the Leader of the Opposition is going well beyond what is acceptable.

Mr R.F. JOHNSON: Further to that point of order, as the Leader of House knows full well, there have been many instances of male members on the other side of the House intimidating female members on this side of the House. This is question time, with a question to a minister, to which we expect to get an answer. Just because the Leader of the Opposition's voice is perhaps a bit louder than the minister's voice, that is no reason for a point of order to be raised.

The SPEAKER: Order! It is clear that all interjections are disorderly. I think the minister is handling the interjections particularly well. However, I ask members not to interject to a point at which it interferes with the answer of the minister.

Questions without Notice Resumed

Dr J.M. EDWARDS: I will repeat what I said yesterday. In the past 243 consecutive cases that CALM has brought into the courts, it has been successful. Where is the trivial aspect of that? I think the community can be reassured by the fact that 243 consecutive cases have resulted in convictions in the courts.

Mr C.J. Barnett: What an amazing attitude!

Dr J.M. EDWARDS: The Leader of the Opposition is the one with the attitude problem. He is the one who wants to be the minister. We can imagine the track that we would go down then! If members opposite did not like the look of some company being prosecuted for a pollution offence, they would lean on the minister, and he or she would make sure that the charge did not proceed. I have amended the Environmental Protection Act to make sure that does not happen. Until we came into Government, that could have happened. There is a public interest in this matter. For that reason, I have asked three independent people to review CALM's prosecution policy and the way it is carried out. I reiterate that 243 consecutive convictions says to me that there is nothing trivial about the offences that have been followed up.