

ADJOURNMENT OF THE HOUSE

Special

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

That the House at its rising adjourn until 3.30 pm on Tuesday, 12 March 2002.

Ordinary

HON KIM CHANCE (Agricultural - Leader of the House) [5.57 pm]: I move -

That the House do now adjourn.

Kimberley Charter Boat Owners and Pearling Operators - Adjournment Debate

HON JOHN FISCHER (Mining and Pastoral) [5.57 pm]: During the estimates committee hearings last year I raised an issue facing the Kimberley charter boat owners and pearling operators. Since then I have followed up this issue by liaising with the Kimberley charter boat owners and the Minister for Agriculture, Forestry and Fisheries. I am afraid that I am not satisfied with the answers I have received on this issue. I therefore bring this matter to the attention of the House.

The basis of the predicament facing the Kimberley region is that in 1996 pearl farming was carried out in four areas in the Kimberley - King Sound, Talbot Bay, Kuri Bay and Vansittart Bay. Since then the number of pearling leases has exploded. This is partly because pearling operators have changed the way they operate. Pearlery now allow some of their leases to lie fallow to enhance the rejuvenation of the natural environment. This means that additional lease areas are required. In addition, having reached their quotas, pearlery require extra space for shell nurseries. All this has resulted in the proliferation of lease applications. Pearlery have started to move north away from Broome into the sheltered bays that are also favoured by charter boat operators. There has also been an influx of recreational fishermen and land-based tourist operators, who move north from Broome and camp on the side of some of these secluded bays. Therefore, multiple groups are all vying for and trying to use the same space. This is causing problems and a certain amount of angst.

Conflict has resulted from two commercial operations wishing to use the same waterways. The pearling industry has responded by applying for even more leases. This will ensure that the conflict will grow rather than diminish. The present area of conflict is the Osborne Islands - a favoured spot for charter boat operators that is being invaded by the pearlery. Already one lease has been approved despite the process, and objections seem to fall on deaf ears. The charter boat operators claim that pearl lease applications are rarely turned down. I have confirmed that this is the case. The Department of Fisheries is currently hosting a committee that comprises the Kimberley boat operators and the pearling operators. The committee is expected to be an avenue for affected parties to discuss their differences. However, the committee has done nothing to reduce the angst; in fact, pearl lease applications have increased rather than decreased. The committee appears to have no teeth. It reports to the Director of Fisheries and appears to be a window dressing operation. By that I mean it is established to appease a group of people. The purpose of the committee seems intended to frustrate its members so that they will eventually all give up in disgust. A committee with teeth is required.

In 1997 there was a proliferation of pearl lease applications. This led to a moratorium on such applications and the law was amended in 1998. Pearling leases are currently issued and administered under ministerial guideline No 8, commonly known as MPG 8. It currently contains provision for affected parties to object to the approval of new pearl leases. Very few leases are ever rejected, despite objections. This means that MPG 8 needs to be re-evaluated. To do this, all interested parties need to be heard.

A precedent has been set for a moratorium to be applied to new pearling lease approvals. We have that situation again. We should call for a moratorium on the approval of new pearling leases until a plan can be devised for the multi-use of coastal areas. There is currently no Kimberley management plan; the area definitely needs one. Aquaculture is taking off and pressure is being brought to bear on the Kimberley waterways. Fishermen, pearl farmers, aquaculturists, recreational fishermen, traditional owners and a huge influx of tourists are all vying for the same space. I do not believe we can continue to allow one group to grow at the expense of others. I call on the Minister for Fisheries to apply a moratorium on the approval of new pearl leases and to set up a committee of all interested parties to review the situation. The committee should have the power to make recommendations directly to the minister. The committee should help create a Kimberley management plan and to take immediate action to stabilise these concerns.

Travel Details, Answer to Question Without Notice - Adjournment Debate

HON PETER FOSS (East Metropolitan) [6.03 pm]: I want to draw the attention of members to an answer given today to a question without notice. I asked the Leader of the House representing the Premier a series of questions. The first was very simple. I asked -

Have the travel details and expenses of ministers, their officers and departments been properly kept?

Three obvious answers spring to mind: no, yes and I do not know. That exhausts the possibilities. The answer I received from the Leader of the House was -

The requirement to maintain details of travel and provide quarterly reports remains unchanged.

We all know that. We all know that we are meant to keep proper details; that is obvious. It is hardly answering the question. It could be that the person who prepared the answer is a person who does not understand technical words. On the second page of the typewritten version given to me it looks as though the answer is approved by the Premier. It also has Hon Kim Chance's name on it. It appears that the origin of this answer is the Premier. It seems that the Premier is unable to understand a fairly simple question. The answer was that he would like to talk about something else.

The second part of the question was -

Have those details been requested and provided to the Department of the Premier and Cabinet?

A very precise answer was given. I asked for three periods: 17 February to 30 June, 1 July to 30 September and 1 October to 31 December 2001. The answer was -

... details for the period ending 30 June 2001 -

No, that is okay. The point I find rather interesting is that one has to ask, "Did the person who supplied the details to Hon Kim Chance understand the question?" Did he understand the question, "Has it been properly done?" Why did he answer a different question altogether, which was something we all know, "Yes, you have to keep proper details; the requirements have not changed." That was not the question I asked. I wanted to know whether travel details were being kept. It would be well if we stopped getting clever answers from the Premier and received answers dealing with the questions.

Hon Kim Chance: What appalling hypocrisy coming from you, of all people!

Hon PETER FOSS: I seem to have disturbed Hon Kim Chance today.

Hon Kim Chance: I wonder why.

The PRESIDENT: Order!

Hon PETER FOSS: Everything I do seems to get under his skin. Methinks somehow I have irritated him. I cannot think why.

Hon Kim Chance: You were the minister for clever answers. You were famous for that.

Hon PETER FOSS: No, I was the minister who actually answered questions. The biggest problem I had was stupid questions. I received a question and I had to ask, "What did you mean? Did you mean this or that?" The Leader of the House will find that I was one of the few ministers who spent a lot of time answering the question that was asked. The biggest problem I had was responding to very strange questions.

Hon Kim Chance: Your answers were uniformly evasive.

Hon PETER FOSS: The member is wrong. If I had a fault it was that I confined myself to the question that was asked.

Hon Kim Chance: Heaven forbid that you might have a fault.

Hon PETER FOSS: I know members have this feeling that I believe I do not have any faults. I assure members I am highly conscious of my mountable failings.

Hon N.D. Griffiths: I do not think you should talk about your faults, because you have only six minutes.

Hon Graham Giffard: Name three of them.

The PRESIDENT: Order!

Hon PETER FOSS: One of my faults was answering the question that was asked as opposed to answering the question that was intended. Members of this Government asked very precise questions, but they always wanted an answer to some other question. I am not attributing this to Hon Kim Chance, although he obviously passed the information on to us, but the person I should be speaking to is the Premier, the source of this particular answer, who has carefully avoided the question that was asked. I admit that, during my time as a minister, I was

continually criticised for answering the question that was asked, when members really wanted to ask me something different. Members opposite were not very good at asking questions. This time the Premier has not been able to tell us whether the Government has kept proper details of travel expenses, and it is a bit of a worry, because, although this new accountable Government has been here for a year, it is showing no sign of putting out a report. I heard the excuses given for why it did not release details of our travel, and I will be asking more questions about what it has done to try to find that information. I sincerely hope the Government will not put off for more than a year telling the people of Western Australia how it has spent that money in its time in government simply because it has not been able to finish off the ministerial travel reports for our Government. That would seem to be a fairly poor excuse.

I would also like to know the answer to this question. I know I cannot ask the question again. Perhaps Hon Kim Chance might raise it with his cabinet colleagues.

Hon Kim Chance: I would be happy to.

Hon PETER FOSS: Has the Government kept proper details, or is he unable to tell me at this stage? I will accept that. If he does not know, he should tell me.

Hon Kim Chance: I do not know, but I am happy to ask.

Hon PETER FOSS: Then we will know, and it will be good for us to know. However, this answer is a bit too simplistic and a bit too trite to be worthy of Dr Gallop. I sincerely hope that when he is asked a direct question like this, which is unequivocal, he can at least come back with an answer.

HMAS Sydney, Information from Mr John Doohan - Adjournment Debate

HON J.A. SCOTT (South Metropolitan) [6.10 pm]: I have been provided with some information and a statutory declaration indicating that a cover-up has occurred over the sinking of the *HMAS Sydney*. The information has been given to me by Mr John Doohan, who, along with a number of determined colleagues, has researched the sinking of the *Sydney* over many years. They have been dissatisfied with the official version of the sinking.

The *Sydney* left Fremantle on 11 November 1941, escorting a troopship called the *Zealandia* to the Sunda Strait. She was carrying 645 crew, and was to return to Fremantle by 20 November at the latest. The official version is that, following 11 November, no signals were received from the *Sydney*. However, it appears that this is not true. The official version of events may have been a cover-up to protect senior officers who did not acknowledge the need for the search and rescue mission until six days after the sinking.

With the help of retired RAAF Group Captain Ric Bourne, Mr Doohan contacted the former squadron leader of the wartime RAAF base in Geraldton, Mr Eric Cooper. Eric Cooper has provide a signed statement, which strongly indicates that the RAAF and the Navy were informed by Squadron Leader Cooper and Flying Officer Bogue, from the Geraldton RAAF base, that *HMAS Sydney* was in trouble on 19 November. The morse distress signals were picked up by Corporal Dawson and an RAAF colleague, on short wave radio, at the Esplanade Hotel in Geraldton. They took down the message and relayed it to Flying Officer Gerry Bogue, who was the adjutant and the military intelligence officer at the base. Bogue, in turn, informed Squadron Leader Cooper, and together they informed the RAAF and Navy headquarters in Perth. I will read a bit from Cooper's statement -

Later that night I telephoned HQWA and was answered by a clerk in Signals Section. I carefully dictated my message to that Signals Clerk and requested that its contacts be passed urgently to the Navy.

I subsequently took part in the Avro Anson air searches for lifeboats and rafts from Geraldton, Carnarvon and Onslow resulting from the battle between H.M.A.S Sydney and a German raider.

Many years later in 1991 in the home of Dr Ted Strachan (former Medical Officer RAAF Pearce during World War Two) in his presence and that of John McArthur and Malcolm Barker, I sighted Enclosure 12A of RAAF Headquarters, Western Area file 2/18/INT which purported to be a record of the message I passed to the HQWA Signals Clerk. I was astonished and perplexed because it was not a true account of that message.

In it I stressed that the signals received by Cpl Dawson were in morse code, and that he and the other airman could read morse. Also that they and three ladies heard the signals from an ordinary short wave receiver at the Esplanade Hostel in Geraldton. This does not appear on Enclosure 12A. The word Aeradio does appear which I did not mention.

It is only recently that I have sighted photocopies of page 148 of the South Western Australia Combined Headquarters . . . logbook and pages 40 and 41 of the 3rd Edition of Richard Summerrell's Guide No 3

“The Sinking of HMAS Sydney” A Guide to Commonwealth Records and more specifically the footnotes on those pages 40 and 41.

The chronological sequence of events on page 41 could only have been provided by Flying Officer Bogue from the notes he wrote down from Cpl. Dawson’s telephone call on the night of 19th November 1941. I kept no record of his notes. It is obvious from the written comment at the bottom of page 41 that it was Flg. Off. Bogue who passed this message by secraphone to someone (name blocked out) at 1630 hours on Friday 5th December 1941.

I emphatically deny that I telephoned any message about HMAS Sydney to RAAF Headquarters Western Area on the 4th or 5th December 1941 as recorded on page 148 of the SWACH logbook and referred to in the footnotes on pages 40 and 41 of Richard Summerrell’s 3rd Edition of Guide No 3. Once I had passed my message to the HQWA Signals Clerk late in the evening of Wednesday 19th November I considered the matter closed.

It appears that the record of them contacting headquarters with the message on 19 November has been changed. An attempt has been made to say that the message they passed on had been picked up from an aeradio message between the HMAS *Sydney* and Geraldton. That was on 4 December, which of course is some time after the sinking of the ship. However, in Fremantle on 19 November, Petty Officer Addison Young intercepted a wireless telegraph message that indicated that the *Sydney* had sighted an enemy vessel, and Aeradio Geraldton also intercepted that same message; yet that message of Addison Young’s was not reported. The possible reason for that may come from another petty officer and signalman called Malcolm Young, who is no relation to Addison Young. Mr Doohan reports him as saying -

“I had been in the Navy as a Reservist Signalman from 1939, had served at sea aboard HMAS MANOORA, and was serving in the Staff Office at HMAS LEEUWIN (Fremantle) on the 19th November 1941.”

“Some time during the late night I received a signal by telephone [teleprinter??] From Applecross Radio that read “RRRR v SYDNEY”, i.e. that SYDNEY had come upon an enemy raider.

I am not sure whether there was anything else in that signal. I remember that the signal was received late at night because the Senior Staff were not on duty and the Depot was quiet.

I reported the signal to the Chief Yeoman Roly Roberts and am not sure what happened from then.

For all the years I have kept to myself that I remember that the Senior Naval Officer had that night issued instructions that on no account was he to be disturbed during the night. [The Senior Officer of the Watch, absent that night and not “to be disturbed”, was Lt/Commander Baillaiche . . .

Mr Doohan’s statutory declaration goes on to say that he should have been on duty that night. Baillaiche was later shown to have quite a lot of connections in Geraldton, which he visited by flying to Geraldton on 19 November, and he was there when the message came in from Squadron Leader Cooper. It is particularly concerning that all the top brass at western headquarters were informed that the ship was in distress but no action was taken, quite possibly because, according to rumour, the senior officer, whom I think also had an intelligence background, had been absent from his post for a romantic reason. This officer reported that because he very much liked that officer, he never reported the incident.

I intend to table these documents as soon as possible, because they contain a lot more information than I can give members in 10 minutes. This matter needs to be looked into for the sake of the relatives of the people who died on the *Sydney*.

Kimberley Charter Boat Owners and Pearling Operators - Adjournment Debate

HON KIM CHANCE (Agricultural - Minister for Agriculture, Forestry and Fisheries) [6.19 pm]: I will not keep the House long, but I will respond, at least in part at this stage, to the comments by Hon John Fischer relating to the interface between the pearling industry and the charter boat industry off the Kimberley coast. Hon John Fischer has correctly identified the basic components of the consultative arrangements that are established under ministerial guideline - MPG8 - for the establishment of consultative processes relating to new applications for seabed leases for aquaculture, including the pearling industry. I was aware of the matter before Hon John Fischer raised it with me, but now I am even more aware of the difficulties that are encountered. Sometimes these difficulties are more serious in the Pilbara than in the Kimberley. The conflict of use of a given seabed lease in an area has sometimes caused the pearl farm licensee - the lessee of the seabed area - to choose to move to another site. For example, that occurred at Flying Foam Passage out from Dampier.

Another issue on which I can agree with Hon John Fischer is that there has been substantial, if not exponential, growth in the level of applications for seabed leases, particularly in those quiet bay areas of the north Kimberley.

Hon John Fischer named a number of areas and I could name a few more where there are active leases for which lease applications have already been made. I understand the conflicts that arise for resources.

Hon John Fischer is not yet satisfied with the administrative processes that we have put in place. Notwithstanding that, I understand the conflict that exists. On the face of it, the dispute resolution mechanisms required under ministerial guidelines seem to be adequate. There is not a statutory but an administrative requirement for a specific form of consultation. Similarly, as Hon John Fischer has indicated, there is a liaison committee directly between the pearling industry and the charter boat industry. The member is saying that, notwithstanding the existence of those safeguards and administrative structures, they are not effective. We agree with that.

We have now been through the process to which Hon John Fischer has referred, and although I am not prepared to consider a moratorium on the application of seabed licences at this stage, I will investigate the success or failure of the present system. If it is falling down, I want to know about it. Although the ministerial guideline already contains provisions for objections, it has been alleged that the objections are not taken seriously or that they have never been effective. I will examine the statistics that show the number of objections that have been made, the nature of objections, the way in which they have been handled and the success rate of their handling. That can tell me a lot about whether the process is effective or whether it is simply a paper tiger, as Hon John Fischer has implied.

We need to resolve in our minds the degree to which it is claimed that pearl seabed leases and pearl-specific seabed leases are multiple use areas. Claims have been made that seabed leases are multiple use and that there is open access to most of a given seabed lease. I have heard those claims. I certainly have been on leases on which the lessee has had no problem at all with people navigating through the seabed area. This applies particularly to the extensive pearl farms of the north Kimberley. I need to better acquaint myself with that matter, because although I have been on those leases and have been told certain things, I need to go through that with a little more rigour when taking advice from the department. I have been told, particularly in the case of extensive pearling leases, that they are multiple use and represent no problem to charter operators who travel through the pearling lease areas.

Hon John Fischer: I think you need to talk to some of the boat operators rather than people in your department, because one of the complaints we have is that once the pearling leases have been acquired, those areas are totally restricted. It applies also to land-based tourist operations where people had a pristine bay and now are suddenly looking at a huge area of black pods.

Hon KIM CHANCE: I thank Hon John Fischer very much for that interjection, because it will help me with what I take to the department and will help ensure that his point of view is understood more clearly. At this stage I am not prepared to offer a moratorium. However, I am prepared to take the inquiry to a more developed stage.

Question put and passed.

House adjourned at 6.27 pm
