

COMMITTEE REPORTS AND MINISTERIAL STATEMENTS - CONSIDERATION

Committee

The Deputy Chairman of Committees (Hon Louise Pratt) in the chair.

Standing Committee on Procedure and Privileges - Eighth Report - Matters Referred to the Committee and Other Miscellaneous Matters

Resumed from 31 May.

Consideration of the report postponed, on motion by Hon Kim Chance (Leader of the House).

“State of the Fisheries Report 2003-04” - Statement by Minister for Fisheries - Motion

Resumed from 31 May on the following motion moved by Hon Bruce Donaldson -

That the ministerial statement be noted.

Hon MURRAY CRIDDLE: Before progress was reported on the “State of the Fisheries Report 2003-04”, I was making a few remarks about a trip to the Brussels seafood expo taken by Hon Sheila Mills, Hon Bruce Donaldson and me. We were very well received. The expo appreciated our representation of the Western Australian Parliament and certainly made it known to us that our presence was well and truly welcomed. I also made the point that we attended the Marine Stewardship Council meeting and listened to what was being said. The Marine Stewardship Council meeting was set up by the Western Australian Fishing Industry Council and its representatives, chaired by our particular people. Rupert Howes, the chief executive officer of the Marine Stewardship Council, was also present at that meeting.

A number of representatives from around the world were at the expo, including Alaska Pollock Fisheries, which covers the Bering Sea and the Aleutian Islands. There were people from that same area representing the Longline Pacific Cod Fishery. There were also people from the Yorkshire Coast Lobster Fishery, from the north east coast of England; the Holderness Coast Sea Bass Fishery, which is also from the north east coast of England; the Patagonian Scallop Fishery, which is based in the Argentine area; the Loch Torridon Nephrops Management Group; the California Salmon Troll Fishery; and the western rock lobster fishery. Those fisheries gain enough out of their respective fisheries to show that they are managing that fishery well. If that particular arrangement was not in place, the fishery would come under threat. That is one of the messages that our own rock lobster fishermen wanted to pass on.

The whole of the fishing industry from around the world was on show at this expo. It was pointed out that the expo at Boston would also be an excellent one to attend to promote our fishing industry. There were some American people at Brussels who were keen to buy our lobster tails, in particular. The message we brought back was that there is an opportunity for our fishery. They stressed that a clean, green image was important in a fishery. As an extension of that, we have in Western Australia the issue of our lobster fishery closing in January. It is very important to make sure that we access the Chinese market over the Chinese new year. Next year’s Chinese new year starts on 18 February, which is right at the end of the fishery closure. We have a capacity to keep 80 tonnes of live lobster in our tanks in some regions. That can be consumed in about eight days. I hope the Minister for Fisheries reads the transcript of my speech and gets this message. We do not want to lose the opportunity to supply the Chinese new year market as it brings a substantial bonus to our local fisheries of \$US8 a kilogram. We can still supply other markets such as the Japanese and Taiwanese markets. I have been to Taiwan and Japan to see how they handle our product. They do it very well. The consumption of live lobster by the Chinese market has grown from five per cent in 2003-04 to 19 per cent so far this season, and that may well increase as the season progresses, as it is the last opportunity for people selling lobster to China. We do not want to miss the opportunity of selling to that market. I ask the minister to review that summer closure so that perhaps some flexibility can be worked into allowing the live lobster fishery to benefit from that marketing opportunity. That is a message that needs to get to the minister and to the industry so that we gain from that benefit. I realise that it is not the best time of the year to fish for lobster, but we need to understand that we can not only catch lobster but also gain maximum benefit from doing so.

I want to touch on the “State of the Fisheries Report”. I will read a few interesting remarks from the report. It is signed off by Peter Rogers, the executive director. The remarks are very close to the mark regarding our fisheries at the present time. We need to take notice of what is being said in this report. It states, in part -

An outline of the management processes the Department undertakes to manage the impact of fishing on the aquatic environment now prefaces the fishery reports in each bioregion, further emphasising the Department’s longstanding commitment to protecting the habitats which support our fish stocks and aquatic tourism industries.

These bioregional reports indicate that the majority of Western Australia's significant fisheries stocks continue to be in a healthy condition and that fishing presents few risks to the stocks or the aquatic ecosystems underpinning them. In contrast, the stocks of the state's larger sharks, particularly the longer-lived species such as dusky whalers, are under excessive pressure from fishing. Management of fisheries targeting these vulnerable stocks is being reviewed to address this decline.

In other words, they are looking closely at the matter. The interesting point is that we have some healthy stock. We need to recognise that. It is not all doom and gloom. The way we manage our stock is underlined by the fact that we have had recognition from the Marine Stewardship Council's certification of our lobster industry. We need to understand that. I return to the report -

Also of concern is the degradation of many of the state's rivers and estuaries and its impact on fish stocks and fisheries, particularly in the lower west coast estuaries.

On the positive side, it is pleasing to note that the tiger prawn stocks in Exmouth Gulf have recovered from the effects of Cyclone Vance, and that the state's south coast pilchard fisheries have now returned to a healthy state following the exotic virus episodes of the late 1990s.

That was an issue that we all followed with great interest. We all heard a number of stories about where they came from and so forth. Obviously, the stocks are starting to return to a more acceptable level. The report continues -

The report also shows that ongoing Departmental action to manage snapper fishing in inner Shark Bay has been effective.

Once again, that is a fishery that was under quite a deal of threat. It is almost recovered. It is not fully recovered, but it is recovering. The report continues -

These examples of the varied challenges facing both fisheries and coastal aquatic environments highlight the increasing need for scientific monitoring and proactive management of all fishing activities. The development of a system of Integrated Fisheries Management (IFM), -

We have heard this talked about lots of times -

funded in the 2004 Budget, is now central to achieving the Government's goal of long-term sustainability for our fish stocks. Under IFM, all fishing sectors - commercial, recreational and customary - will be allocated explicit shares within a total allowable catch for each fishery. This direct approach to managing the inevitable resource-sharing issues now arising is crucial to meeting ESD goals for the state's fisheries, and will involve some refocusing of the Department's research and field compliance activities.

We need to understand that the point that was made in Brussels at the Marine Stewardship Council meeting is very important: the fishers are paying for the management of the fish stocks. They need to be viable fishers. We need to link the fact that we get a good return from the fisheries - including our marketing capacity and marketing ability - with our ability to catch in a viable manner. I must say that our fishermen are very capable nowadays. These are important issues and they are underscored by this report.

I welcome the "State of the Fisheries Report". I note that the minister is taking notes about this. I urge the state government to remember that it is the viability of the fishery and the viability of the fishers that are very important to the future of our industry. It is not just the fact that we have to go in with a sledgehammer and perhaps take some fishers out without compensating them. We must also allow those who remain to fish in a viable manner. That can be done from a social, environmental and ecological point of view as well as by recognising that those people also need to have a sustainable living. We know the debate we have had before. I have disagreements about the way it was structured. The fact of the matter is that the fisheries need to be viable for the wellbeing of not only the fisheries, but also the people who benefit from the fishing industry.

Hon KIM CHANCE: I take this opportunity to advise the house that I will seek to adjourn the debate on the motion that the report be noted in order that the Minister for Fisheries can respond next week. Having given the indication that that is my intention, I want to thank Hon Bruce Donaldson and Hon Murray Criddle for their comments on the "State of the Fisheries Report", which is tabled paper 427. I believe in the most generic sense, the fact that two "State of" reports have been tabled in Parliament in the past month - firstly the draft "State of the Environment report" and more recently the "State of the Fisheries Report" - shows just how valuable they are. Hon Murray Criddle has raised an important issue about the "State of the Fisheries Report". I believe that this is a practice that enables a very public opportunity for scrutiny of things that are of great importance to Western Australians and, by virtue of that, of great importance to members of Parliament. We have the opportunity to scrutinise. I believe that the "State of the Fisheries Report" is an annual publication and that the "State of the Environment report" is published less frequent than annually; it might be over a number of years.

Nonetheless, it is through means like this that we have a significant opportunity to analyse on behalf of all Western Australians our performance in delivering and protecting the public asset. Indeed, perhaps it would be worthwhile in future to consider expanding the process of our reporting on the state of the environment and the state of the fisheries. The more I have dealt with the issue of sustainable agriculture, for example, the more I think that we should have a report on our agricultural sustainability. It should follow the same process and be in the same format as has been established by the "State of the Fisheries Report".

Hon Murray Criddle: It might bring a bit of reality into the debate.

Hon KIM CHANCE: Yes. I think it would. It would not be beyond the pale - I will probably get in trouble for saying this - to suggest that, given the iconic significance of the Swan and Canning Rivers, a state of the Swan report might be published from time to time. It would be a subset of the "State of the Environment report". It would provide an opportunity for the state of Western Australia, the people of Western Australia and the Parliament of Western Australia to analyse what is going on.

One of the issues that Hon Murray Criddle has clearly indicated in noting that our fisheries are in a good and sustainable shape generally is that even when a fishery gets into trouble, it is possible to turn the fishery around. Hon Murray Criddle pointed to three ways, amongst probably far more than that, in which a fishery can get into trouble. He gave the three examples of the Shark Bay snapper fishery, the prawns in Exmouth and the pilchards in the Great Australian Bight. There are three different causes for the decimation of stock. One was overfishing, one was the effect of massive freshwater infiltration into the Exmouth Gulf and the other was a transmittable herpes-type virus in the pilchards. In each case the good monitoring of the fishery followed by good management practices meant that the crisis situations - they were all crisis situations - were turned around. Obviously, we must always try to avoid such crises. It is certainly comforting to know that if and when these crises occur, they are manageable with good management processes.

I also endorse Hon Murray Criddle's comments about the need to ensure the financial sustainability of those engaged in using these resources. It is fair to say - every commercial fishermen will endorse this and, by implication, most amateur fishermen will also endorse this - that unless we have sustainable stock, we do not have a sustainable fishery in a recreational or commercial sense. That is one of the strengths of the way fisheries are managed in Western Australia; indeed, we have established rules that people want to obey. That is very important. If people understand and endorse the reasons behind the laws, they will not want to break them. That is important from a commercial point of view. Professional fisherman - the rock lobster fishermen more than any others, I suspect, because theirs is a more highly developed industry - know perfectly well that if they do not look after the stock that forms part of their assets, their commercial viability will fail with it. Notwithstanding that, it remains necessary that the number of people who are engaged in that particular fishery and the quantum that they are permitted to take within the restrictions under either input or output measures are also properly structured to ensure that those persons can make a living. Sometimes that means reducing the number of people engaged in a fishery to ensure that those who remain have the capacity to earn an income. The most recent example of that was the mackerel management plan. Sometimes very tough decisions have to be made. One management plan in which Hon Murray Criddle and I were involved was the northern demersal fishery. We had to restructure a fishery from the ground up. That fishery has overcome those issues. I hope the mackerel fishery will also overcome its issues, settle down and become a long-term and strong economic contributor to Western Australia.

Debate adjourned, on motion by Hon Kim Chance (Leader of the House).

Standing Committee on Environment and Public Affairs - Fourteenth Report - Sessional Report: An Overview of Petitions and Inquiries - Second Session of the Thirty-sixth Parliament (August 2002 to November 2004)

Resumed from 19 November 2004.

Consideration of the report postponed, on motion by Hon Ed Dermer.

Trans-Tasman Mutual Recognition (Western Australia) Bill 2005 - Statement by Leader of the House

Resumed from 21 June 2005.

Motion

Hon NORMAN MOORE: I move -

That the statement be noted.

I will use this opportunity to make a suggestion to the Leader of the House. The Trans-Tasman Mutual Recognition (Western Australia) Bill has been around since the previous government, if my memory serves me right. If the truth be known, it was probably around when the government previous to that was in office. The bill was first introduced in 1999 by Hon Monty House. We have had all sorts of problems with it. It was sent to the Standing Committee on Constitutional Affairs. That committee reported and the bill came back before the

house, but it has not progressed. The government moved a motion to require that the 2005 bill not be sent back to the Standing Committee on Uniform Legislation in view of the fact that, for all intents and purposes, it is the same as the bill that was sent to the previous committee. The chamber has decided that that is the way to go. However, we still have not debated the bill. I do not regret that, because I am handling it for the opposition. I have only read it about 27 times to refresh my mind. Each time it appears at the bottom of the notice paper I have to read it again. There is a concern about one aspect of the bill, of which the Leader of the House is aware, and that relates to quarantine issues and the apple industry. It seems to me that nobody will accept the arguments put by the government that this bill in itself will not cause fire blight to decimate the apple industry of Western Australia. It has become an emotive issue. I suggested to the Leader of the House some time ago when the bill previously appeared on the business program that he should organise briefings for members who have an interest in this subject to help expedite the matter. I think he did so, because I have a card in my office saying that somebody called. However, I did not proceed with the briefing.

Hon Kim Chance: It would have been so long ago that you would've forgotten anyhow.

Hon NORMAN MOORE: If the Leader of the House decides to deal with the bill again - it is on the business program now; however, I do not know whether it is there as a filler - and the bill is put on the business program with the intention of being dealt with, it might be a good idea if the government did one of two things. The first would be to organise a briefing for interested members, particularly south west members, although I know that Hon Murray Criddle also has a particular interest in this matter. In that way, members will come to understand what the bill means in the context of quarantine issues and we might be able to reach a consensus. If we cannot, the government may have to take its chances in the house and see what happens. Alternatively - I discussed this with Hon Paul Llewellyn last week - the bill could be referred to a committee of the house to achieve a similar outcome; in other words, to provide a forum for members to consider the bill in some detail in an attempt to overcome their concerns. The first proposition is the most likely one and the one that would be of most use. If it transpires that we cannot reach a consensus, the bill should go to a committee of the house so that evidence can be heard. I would like to see the bill removed from the notice paper, simply because it represents a file in my cupboard that I want to get rid of. I think other issues must be addressed. The Trans-Tasman Mutual Recognition (Western Australia) Bill relates to not only to quarantine issues but also a range of mutual recognition issues between Western Australia and New Zealand.

Hon Kim Chance: Teachers, nurses and mechanics.

Hon NORMAN MOORE: Yes, it relates to all sorts of things. They are important and must be dealt with. I suggest that in the context of this report, when the government decides to deal with the bill - not when it puts it at the bottom of the business program - and when it decides what week it will be dealt with, it should inform members, particularly those with an interest in this subject, that it is going to deal with the bill and arrange for a thorough briefing about the fire blight issue to see whether we can work out where to go. That is a suggestion I put to the Leader of the House.

Hon MURRAY CRIDDLE: I concur with the comments of the Leader of the Opposition. Today I heard about another problem that has arisen that the federal minister is trying to address. I cannot for the life of me remember what it relates to. Quarantine issues are very important for Western Australia. I have just finished talking about the clean, green image of Western Australian fisheries and we here are talking about the apple industry. We do not want any problems in that industry. I still have issues with the bill. I remember talking about this to departmental officers, but I will certainly need a refresher if we go ahead with the bill. I ask the minister to ensure that we have a discussion with the departmental officers before we proceed with this legislation.

Hon KIM CHANCE: I thank the Leader of the Opposition for his suggestions and Hon Murray Criddle for his support of one of those suggestions. I am open to either of those suggestions. I am more enthusiastic about the process of having a date on which we will debate the Trans-Tasman Mutual Recognition (Western Australia) Bill and having a meeting in the week of or the week preceding that debate than I am about sending it to a committee. The problem with sending it to a committee is that it is sent there with the good intention of bringing on the debate and then legislation of a higher priority comes in. The debate is then put off, and that is what has been happening for six years. That is the reason we are in this position.

The Leader of the Opposition accurately pinpointed the point of contention. Unfortunately, the point of contention in this legislation is a relatively unimportant part of it. It is legislation that has a very broad significance because, as we said by interchange across the chamber, it applies to not only apples but also recognition of skills training across a range of professions and trades; for example, doctors, lawyers, mechanics, teachers and others. It is very important legislation. The legislation exists at a commonwealth level, but we do not have complementary legislation in this state. I am surprised that it has not been brought to the government's

attention that the absence of this legislation is causing problems. Obviously people are getting through that by relying on commonwealth legislation.

Hon Murray Criddle: One wonders whether it is necessary.

Hon KIM CHANCE: We do. The last thing we want to do is to make ourselves less competitive.

Hon Murray Criddle: The fire blight issue has to be sorted.

Hon KIM CHANCE: The Western Australian apple industry, and I will not go into the detail of it, is the only apple industry in the world that does not have one of the terrible threesome - fire blight, codling moth and apple scab. Every country in the world has one of or all three of these pests. Currently, we have none of these three pests. We have had one of them, but have been able to eliminate it.

The problem is that this legislation becomes subject to a very complicated argument. My colleague Hon Sally Talbot raised the matter with me a month or two ago. I said that I could explain it to her in five minutes. I sat down to give her the short version of the argument. I looked at her and hesitated, because as well as I thought I understood it, I could not explain it in simple terms. The difficulty is that we get an understanding of the issue and then there is a long time lag and we lose the thread. Very briefly, the issue that has been identified is that people saw the adoption of mutual recognition as being a requirement for us to override our quarantine laws. It does not do that.

Hon Chrissy Sharp always insisted that the fact that the side letter to the agreement between the then federal Minister for Agriculture, Fisheries and Forestry and me referred to the outcome agreement of the World Trade Organisation Agreement on the Application of Sanitary and Phytosanitary Measures was proof in itself that we were locked into a free trade at all costs and damn the consequences type proposition. I always had difficulty convincing her that it was in fact the SPS agreement that gives the guarantee of regional freedom. The SPS agreement contains it. In fact, the trans-Tasman mutual recognition bill has no bearing on the matter at all, and that is what has been difficult to explain to people. I welcome the opportunity to revisit this. I think the Leader of the Opposition's proposition is a good one; that is, we should wait until we are certain that we will deal with the legislation and then have a meeting the week beforehand and refresh our memories, work our way through the issue and deal with it. I would also like to get the file out of my filing cabinet.

Question put and passed.

Standing Committee on Uniform Legislation and General Purposes - Twenty-third report - The Work of the Committee During the Second Session of the Thirty-sixth Parliament - August 13 2002 to November 16 2004

Resumed from 18 November 2004.

Motion

Hon SIMON O'BRIEN: I move -

That the report be noted.

This report also goes back in history. It relates to the work of the then committee during the second session of the last Parliament; that is, from 13 August 2002 to 16 November 2004. At that stage the committee comprised Hon Adele Farina as Chairman, Hon Paddy Embry and me. The report was a useful summary of the work of the committee, which was feeling its way and finding and developing its role, a practice continued by the successor committee. We noted a summary of work: 22 were bills reported on, a paper was provided to a conference in the eastern states, and a range of other activities were undertaken. I note that the report also contained some recommendations, which is unusual for a report that is an overview of a committee's activities. The first of those recommendations was that the role of the committee continue into the next Parliament. Indeed, that has happened, although the name of the committee has changed. It is funny that the former Standing Committee on Uniform Legislation and General Purposes never had referred to it anything that could have come under "general purposes". The name of the committee now does not include "general purposes", yet a bill was referred to it the other day even though it was not a piece of uniform legislation. That did not seem to trespass on any terms of reference. Perhaps there is still a role for the committee to have a general purposes reference. It may be convenient for this place to do that, and that may be a further point of evolution in the life of this committee.

Hon Kim Chance: Which committee has charter to look at statutes revisions?

Hon SIMON O'BRIEN: The current committee is called the Standing Committee on Uniform Legislation and Statutes Review. The bill I referred to makes amendments to a large number of acts, and the committee will report on that by next Tuesday. It was not actually an omnibus bill in the true sense of the word. The house, in its wisdom at the day of referral, found a way to shoehorn it into that category of "statutes review". Nonetheless, it is possible that a general purposes role may be convenient for a four-member bipartisan committee.

Hon Kim Chance: The reason I asked that question is that of all the committee tasks that we set, I think the process of statutes review and statutes revision, when that is driven by the committee itself and not the Parliament by reference to the committee, is probably the one to which we have given least attention. The Standing Committee on Constitutional Affairs and Statutes Revision only ever worked on the first half of its charter. It did great work, but it did not have time to do much in the statutes review area.

Hon SIMON O'BRIEN: Yes. I can tell the Leader of the House that the committee shares his view; that is, that that would be a useful area to explore. I note also that it is not done very often. Also, whenever any enthusiasm is drummed up by the Premier's office from one decade to the next, a great deal of work is done, but the jolly bill then sits on the notice paper and falls off it upon the dissolution of the Parliament.

The current committee - I think I can refer to this in general terms - is examining how we might progress that situation. Recently the committee reported on an omnibus bill. We learnt a bit from that process. We have met with an adviser in government - I think Mr Greg Calcutt - who has provided some evidence to us, because that is the only way in which we can have such a discussion. We are looking forward to developing some ways in which we can do that. Who knows, but in 30 or 40 years from now, when the Leader of the House and I are making our valedictory speeches as the sole remnants of the twentieth century, we might reflect that, if nothing else, instead of making laws we managed to get rid of some laws that were not necessary. The committee has endured into this Parliament, so there will be more reports like this.

Recommendation 2 of the committee stands in the name of the then Chair of the committee, Hon Adele Farina. The recommendation reads -

The Committee recommends that, if the notice of motion given by Hon Adele Farina MLC on April 7 2004 is not resolved in this Parliament, -

Indeed, it was not -

then the default period in standing order 240A(4) should be considered by the House in the next Parliament with a view to amending the standing order to refer to "30 sitting days" as opposed to "30 days".

That means 30 calendar days. That recommendation has been the subject of some discussion since that time, and not a heck of a lot of progress. It is still 30 calendar days. Generally, any committee can report in a limited time frame by hook or by crook. However, that may affect the workings of a committee - we have touched on this matter previously - if it has to restrict the scope of its activities to fit a deadline. By definition, it restricts the ability of the committee to advertise; to seek submissions, and, just as importantly, to provide an appropriate period for interested parties to compile their submissions; to consider the matters received; to hold hearings; and to do all the other things a committee is required to do.

Hon Kim Chance: Sometimes just the sheer volume and complexity of the legislation creates a problem. The criminal justice legislation is a good example.

Hon SIMON O'BRIEN: Indeed. I do not think the house in its wisdom has ever refused, or even questioned, a request for an extension of time. However, at times it may be appropriate to modify that requirement, if not in accordance with Hon Adele Farina's suggestion, perhaps by nominating a reporting date rather than just saying that the statutory period will apply. However, that is a matter for another occasion.

Recommendation 3 reads -

The Committee recommends that the Minister for State and Federal Relations do liaise with relevant Ministers of other Australian jurisdictions . . . with a view to ascertaining whether the period provided to state parliamentary committees for consultation on proceed treaties can be extended to enable sufficient and proper state parliamentary scrutiny to occur.

Often when a committee receives a reference as a courtesy from the commonwealth Joint Standing Committee on Treaties - I do not think we have seen any of those for a long time - the requested response date has either been and gone or is so imminent that it is unworkable. One of the problems that often arises when a treaty is exercised is that the matter of consultation with the states becomes a practical difficulty. That is the case particularly if the treaty is considered to be a relatively minor affair. I imagine that if a treaty proposed that Australia become part of an expanded Soviet Union, or something like that, the states would be given a bit of time for consultation.

Hon Kim Chance: You would get up to three weeks for something like that!

Hon SIMON O'BRIEN: That is what I would have thought! On nearly every occasion, the commonwealth does not provide sufficient time to allow a state parliamentary committee to provide meaningful feedback that

will play a constructive role in shaping the nature of the treaty that is under consideration. I guess that recommendation would not necessarily have gone anywhere because of the realities of the situation.

Recommendation 4 reads -

The Committee recommends that in the next Parliament, subject to an extension of time for consultation in relation to treaties being achieved, an express treaty reviewing function be given to a relevant parliamentary committee with sufficient resources to undertake the work.

Those were the recommendations that were drawn out of the work of that committee over the years. As a formative committee, it worked pretty well. Hon Adele Farina was the Chair of that committee. Hon Adele Farina did a very good job in chairing that committee. This report that we are noting provides a concise record. Although it will probably never make the *Reader's Digest* bestseller list, even as a condensed book, it is a useful reference manual for future committees, and their members and staff, because it contains the corporate memory of that committee over that period. I urge members to support the motion that the report be noted.

Question put and passed.

Election Statistics - Adjustment - Statement by Parliamentary Secretary

Resumed from 29 June 2005.

Motion

Hon NORMAN MOORE: I move -

That the statement be noted.

This ministerial statement is very interesting, because it relates to the 2005 state general election analysis. This document was tabled in the house by Hon Sue Ellery representing the Minister for Electoral Affairs. The document indicates that subsequent to the counting for the 2005 general election, two mistakes were found. The Electoral Commission believes that is okay, because it did not affect the result of the election. However, the bottom line is that it could have affected the result of the election. In this case, fortunately it did not. In fact, I should not say fortunately, because it might have affected the result in such a way that we gained an extra seat. However, that is not what happened. The parliamentary secretary said in her statement -

At the conclusion of each state general election, the Western Australian Electoral Commission routinely reviews voting figures from each polling place across the state when preparing a comprehensive statistical return as part of the post-election reporting. In the case of the results from one polling place in the East Metropolitan Region, the number of votes cast was found to have been entered twice into the Compuvote program, which distributes and counts votes according to elector intentions. This means that the total valid votes eligible for counting in the East Metropolitan Region must be reduced by 1 958 valid votes. This reduction does not affect the result of the election, but is necessary for numerical correctness in the event that subsequent recounts for the East Metropolitan Region are required.

That is a significant number of votes. In fact, when I first became a member of this Parliament, there were 2 000 voters in the Legislative Assembly seat of Murchison-Eyre. Therefore, these votes that were counted twice number almost all the voters that were in one Legislative Assembly electorate back in what I call the good old days when we did not have equality of numbers. In fact, seats like Murchison-Eyre, which were very large, had hardly any people in them and one got to know them all personally.

My concern is that this ministerial statement was tabled on 29 June 2005 and the election was held in February 2005. Therefore, at some time after the election this problem was found. I wonder what would happen if the result was changed. This was a Legislative Council vote and so it would not affect who was the government. However, a similar mistake to this in a Legislative Assembly seat could decide who is the government. My concern is not that this ministerial statement was made. My concern is that we have been told that a mistake was made but we have not been told how it will be fixed, whether it has ever happened before or whether we can expect it to happen again. I will come back to that in respect of the East Metropolitan Region in a moment. The statement continued -

The only other discrepancy identified amounts to an adjustment of an additional six votes in the South Metropolitan Region, which will be added to the final voting figures for numerical correctness. This adjustment does not affect the result of the election.

Basically, my concern about this statement is that it tells us what the Electoral Commission did and that it has fixed it. However, it has not told us what caused it and whether the problem that caused it has been resolved, because, with the number of votes to which I have referred in the East Metropolitan Region, that could have had

a significant effect on who was elected and who was not. Therefore, this is something that the commission needs do sooner than a few months after the election, as happened on this occasion.

Hon Kim Chance: If that had occurred in the Agricultural Region, given how close the fifth position vote was - there were only a couple of hundred votes between three of us at one stage - the 1 100 votes would certainly have had an effect.

Hon NORMAN MOORE: Quite right. The point I am making is the same point the Leader of the House makes, and that is that this is a very serious matter and the concern I have is that this statement does not tell us how it will be resolved. It simply tells us that a mistake was made and the report has been fixed. Whoever is responsible for the matter in this house might like to tell the house some time how it will be resolved. Perhaps we should adjourn this debate if the appropriate person is not in the chamber. We need a statement from the Electoral Commission that explains how this will not happen again. If the commission cannot do that, we need to know that the votes can be recounted or reassessed soon after an election to avoid the potential scenario of a government being in office for two or three months and then finding that it is no longer in office because a mistake was made in the counting. That would be an extraordinary state of affairs; similarly, if legislation were passed in the Legislative Council and we found afterwards that the membership was incorrect or invalid. It is an important issue which deserves a far more detailed response to the house than the one we received in this statement.

Debate adjourned, on motion by Hon Kim Chance (Leader of the House).

Joint Standing Committee on the Corruption and Crime Commission - Third Report - Inquiry into Legislative Amendments to the Corruption and Crime Commission Act 2003

Resumed from 17 November 2005.

Motion

HON RAY HALLIGAN: I move -

That the report be noted.

This report revolves around difficulties the Corruption and Crime Commission had with an issue relating to offences committed in the Metro City nightclub on 23 January 2005 and subsequent events. The Commissioner of Police applied to the Corruption and Crime Commission to examine on oath two gentlemen, neither of whom had been charged with an offence. At the commencement of the examinations, the commissioner informed each witness that he would be in contempt if he failed to answer questions the commissioner required him to answer. According to Commissioner Hammond, the commission formed a preliminary view that the witnesses had committed contempt under the Corruption and Crime Commission Act 2003. The commission wrote to the witnesses expressing the commission's preliminary view and required them to attend a further examination. The report goes on to say that the witnesses gave the same answers as at the first examination; namely, that they were too drunk to remember what had happened on the night in question. According to the commissioner, their answers could not have been truthful as extensive video footage demonstrated movements and a demeanour that bore no indication that they were intoxicated to the extent claimed. Consequently, the Corruption and Crime Commission commenced contempt proceedings in the Supreme Court and, in a unanimous decision, the Court of Appeal found that the Corruption and Crime Commission failed to identify the contempt committed and that the elements of a contempt charge pursuant to section 160(1)(b) of the Corruption and Crime Commission Act 2003 were not established beyond reasonable doubt.

Progress reported and leave granted to sit again, pursuant to sessional orders.

Sitting suspended from 6.00 to 7.30 pm