

FISHING REGULATIONS, CARNARVON

372. Hon MURRAY CRIDDLE to the Minister for Agriculture, Forestry and Fisheries:

I refer to the editorial in *The West Australian* on 12 November outlining the Department of Fisheries' role in advising Mr Palmer on the regulations for fishing near Carnarvon. If the editorial is true, why has the minister not accepted that an error was made by the department and withdrawn the appeal to the High Court?

Hon KIM CHANCE replied:

Was notice given of that question?

Hon Murray Criddle: No. The editorial is in the public domain.

Hon KIM CHANCE: It certainly is. Part of the case referred to by the honourable member as in the public domain relates to an application to the High Court, which, I believe, makes the whole matter sub judice. That would make it improper -

Hon Peter Foss: Only to discuss the case.

Hon Murray Criddle: It is referred to in the editorial.

Hon KIM CHANCE: Yes. The Palmer case is an extremely difficult one. I have spoken to a number of members of the Opposition privately about this case. I have a view on it. Recently, although some time before the editorial referred to by the member was published, I sought legal advice about the propriety involved in the event that I gave a direction to the Executive Director of the Department of Fisheries to withdraw the High Court application. I have recently received that advice and, with the Attorney General and the Premier, I will consider that advice. However, we have not yet resolved the matter and I hope we will be able to do so quite soon.