Legislative Council

Tuesday, 24 November 1987

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

DISTINGUISHED VISITORS

THE PRESIDENT: Honourable members, we have this afternoon in this Chamber His Excellency the Governor of Malacca together with his wife and numerous delegates from Malacca who are here as a delegation of justices of the peace. On behalf of the Legislative Council, I welcome His Excellency and the delegates to this Parliament.

Members: Hear, hear!

PUBLIC TRUST OFFICE

Future Organisation: Ministerial Statement

HON J.M. BERINSON (North Central Metropolitan -- Attorney General) [3.32 pm] -- by leave: I have today tabled the annual report of the Public Trust Office. This comes in a session when a quite unusual degree of attention has been given to trustee matters. As members will be aware, the House last week passed both the Trustees Amendment Bill and the Trustee Companies Amendment Bill. The first of these dealt with the range of authorised trustee investments; the second opens the way for companies, in addition to Perpetual Trustees and WA Trustees, to provide professional trustee services. The expansion of the private trustee company sector is expected to lead quickly to a more competitive environment, and I take this opportunity to report on the way in which the Public Trust Office is preparing to meet this challenge.

The Public Trust Office was established in 1942 to provide a Government-guaranteed complete trustee service whose role was to protect the financial and personal interests of deceased, incapable, or infirm persons and their beneficiaries. While the social issue was paramount, it was also accepted from the outset that the service should be provided at little or no cost to the taxpayer. To meet this objective, the office must obtain a sufficient market share of profitable trustee business to offset its work in the public interest in unprofitable areas. This means in turn that the Public Trust Office must be able to compete effectively with the private sector. To date the office has demonstrated that it is well capable of doing so. Each year it remits a significant sum to the Consolidated Revenue Fund -- in 1986-87 the amount was $318 617.

The Public Trust Office must now prepare to sustain this performance in an increasingly competitive market, and to this end, has developed a corporate plan to clearly establish its role and purpose. The objectives set out in that plan are --

> to ensure that the estate of any person who dies in Western Australia can be administered, no matter how complicated or unprofitable, in accordance with the trust documents and the relevant law;
>
> to encourage Western Australians to make a will for the disposition of their estate;
>
> to ensure that the financial affairs of infirm or incapable persons, and assets and funds placed with the office by private individuals, the courts, and other agencies, are managed in the best interests of beneficiaries;
>
> to maintain a quality service, comparable to private trust companies and solicitors, at minimal or no cost to the Government.

The Public Trustee is about to commence a thorough review of his organisation's structure and management expertise to ensure that they have the necessary blend of skills and talents to achieve these objectives in the future, more competitive environment. In this context it is relevant to draw attention to some of the special benefits already provided by the Public Trust Office, and several of the initiatives being taken to maintain the quality of their performance and to ensure they are able to achieve those objectives. These include --

the security of a Government guarantee;

lower fees than the private trustee companies, with no loading for complexity or administrations of long duration;

a policy of reducing charges below the advertised scale of fees where the circumstances, such as relative simplicity of the work involved warrant it;

a free will drawing service which will shortly be improved further by the introduction of a new "instant will drawing" service;

a "wills on wheels" visiting service which will be expanded to selected areas, with particular emphasis on providing specialised services for elderly and ethnic persons.

In summary, the public can be assured that the traditional level of service and security of the Public Trust Office will be fully maintained and indeed enhanced to meet the new challenges ahead.

BILLS (8): ASSENT

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

1. Mines Regulation Amendment Bill.
2. Criminal Investigation (Extra-territorial Offences) Bill.
3. Jurisdiction of Courts (Cross-vesting) Bill.
4. Wills Amendment Bill.
5. Firearms Amendment Bill.
6. Public and Bank Holidays Amendment Bill.
7. Western Australian Water Resources Council Amendment Bill.
8. Video Tapes Classification and Control Bill.

CRIMINAL CODE AMENDMENT BILL (No 2)

Introduction and First Reading

Bill introduced, on motion by Hon J.M. Berinson (Attorney General), and read a first time.

Second Reading

HON J.M. BERINSON (North Central Metropolitan -- Attorney General) [3.42 pm]: I move --

That the Bill be now read a second time.

This Bill has two main objectives, one going to the substantive criminal law, the other to improved administrative arrangements. In the first place it represents a further step in the Government's comprehensive review of the Criminal Code. Secondly, it extends the jurisdiction of Courts of Petty Sessions in relation to property offences, taking account of the change in money values since the present limits were set many years ago.

The need for a comprehensive review of the Criminal Code has been recognised on all sides for some years. The present code was first enacted in 1913 and was based on a draft prepared in the last century. As an initial step in the review process the Crown Counsel, Mr Michael Murray, QC, prepared a detailed report which was widely circulated and attracted substantial comment. The Murray report recommended many changes to the code, and a number have been implemented, some in modified form, since 1983. Part II of the Bill represents a further step in the progressive implementation of the Murray recommendations. The principal changes proposed in Part II are as follows.

The Bill introduces a new general offence of incitement to commit an indictable offence. A person would commit the offence of incitement when, intending that an indictable offence be committed, he or she urges, encourages, or attempts to persuade another person to commit the offence. Incitement is committed even though the other person does not in fact carry on to commit the offence. The proposed incitement offence would cover a variety of conduct which falls just outside the scope of the present provisions dealing with conspiracy, attempts, and aiding, counselling, or procuring offences.

A specific example is provided by conduct which has come to attention in many so-called "pack rape" offences. At present, a member of the pack who urges his fellows on but does not become directly involved himself in the sexual assault does not commit an offence -- unless he goes far enough to counsel a particular act of sexual assault -- although his encouragement may well play a significant part in inducing a number of assaults on the victim. The proposed incitement offence would apply to that conduct.

A major purpose of including this offence in the code is to aid the prevention of serious crime. As with conspiracy, the ability to charge a person with incitement often allows a criminal activity to be nipped in the bud. The requirement for positive urging or persuasion means that only genuinely intended criminal activities would be caught. Although a general offence of incitement has not previously been included in either the Western Australian or Queensland Criminal Codes, such an offence is well known in Australia. The Commonwealth Crimes Act and some other States provide for such an offence, and it has always been an offence at common law. The proposed offence is more restricted than Mr Murray proposed in that, to be guilty of the incitement offence, the inciter must actually intend that an indictable offence be committed. Although this restriction does not exist in other jurisdictions, it is considered preferable to introduce it on the narrower basis and to review it later in the light of experience.

The present definition of an attempt in section 4 of the code is cumbersome, and tends to make the task of a jury more difficult than necessary. It is proposed to amend the definition while preserving the existing effect. The model followed is the definition in the Criminal Attempts Act of the United Kingdom. The provisions relating to attempts are rationalised, and the penalties provided generally will be half those for the completed offence, to a maximum of 14 years' imprisonment.

Although there are a number of specific conspiracy offences in the code, there is no general offence. The value of a general offence is urged by Mr Murray and supported by further advice. The amendments rationalise the present provisions relating to conspiracy by providing for general offences of conspiring to commit an indictable offence and conspiring to commit a simple offence punishable by the penalty provided for the offence agreed to be committed to a maximum of 14 years' imprisonment. In keeping with another of Mr Murray's recommendations, section 561 concerning conspiracy in trade disputes is to be repealed because that conspiracy does not relate to conduct which is itself an offence. The provision which prevents a punishable conspiracy being formed between husband and wife is also to be repealed.

The provisions making it an offence to be an accessory after the fact are amalgamated into one, and penalties provided similar to those for incitement and attempts. The amendments extend the provisions relating to convictions for alternative offences to include the offences covered by the Bill. The Bill provides that charges of incitement, attempt, conspiracy, and being an accessory after the fact may be tried summarily where the magistrate considers that summary trial is adequate, and the accused person so elects.

Part III of the Bill primarily extends and rationalises the jurisdiction of Courts of Petty Sessions to deal with indictable offences relating to property. The present jurisdiction in relation to property offences is limited to $500. That value was fixed many years ago and is no longer realistic. In line with the recommendations of Mr Murray, the jurisdiction limit is to be raised to $4 000. At the same time the power of Courts of Petty Sessions to punish people convicted of indictable property offences is to be significantly strengthened. The present limit is imprisonment for six months or a fine of $500. It is proposed to raise this to provide a maximum of 18 months' imprisonment or a fine of $6 000.

The greatly increased maximum fine is designed to provide a pecuniary penalty which can be accepted as an adequate alternative to imprisonment in appropriate cases. Offences involving property are often most appropriately dealt with by hurting the offender's pocket. At present the code specifies a number of property offences to which the defendant may plead guilty and elect to be dealt with by a Court of Petty Sessions. Some such offences are punishable on indictment by seven years' imprisonment and even 14 years' imprisonment.

It is anomalous that a number of other less serious offences are not specified in this way. The offences specified have been reviewed for their difficulty and seriousness, and generally offences punishable by three years or less have been added to those which may be dealt with summarily.

As well as simplifying and rationalising the present provisions of the code which provide for the summary hearing of indictable property offences by Courts of Petty Sessions, an important objective of these provisions is to reduce the number of offences involving property of limited value which now go to the District Court. The present provisions, aggravated particularly by the artificially low jurisdiction limit of $500, have forced far too many cases of this type to go to the District Court, even though the accused and the Crown alike would have preferred to avoid the cost and delay of that process.

Where a case can be adequately dealt with in petty sessions and the accused prefers to be dealt with in that way, it is in everyone's interest that that course should be followed. Apart from other advantages, this would allow a considerable saving of time in the superior courts, and this is an important consideration if court lists are to be kept up to date without undue cost to the taxpayer. To this end, the present provisions which allow a defendant to elect to be dealt with in petty sessions only if he pleads guilty are to be changed so that a defendant may also plead not guilty and choose to be dealt with in petty sessions. This will be confined, of course, to cases involving property worth less than $4 000 or where the magistrate concludes he can adequately deal with the issue.

It is also proposed to make minor thefts -- the stealing of property worth less than $400 -- triable only by a Court of Petty Sessions, and not, as now, in the District Court also. While the Government has been reluctant to limit the right to elect trial by jury in any case, it is persuaded that there is no longer any adequate justification for this in the case of minor thefts. Far more serious offences created by the code and many other Statutes are only triable in petty sessions. Many of these are offences of dishonesty and fraud, such as offences by directors and company officers pursuant to the Companies Code. Other summary offences with much heavier potential penalties are found, for example, in the traffic and drugs legislation. In this context, trial for minor thefts by a District Court jury is out of keeping with the general framework and may reasonably be seen as a carryover from days when money values were different and when the jurisdiction of magistrates was much more limited than it now is.

I should make clear at this point that the provisions of the code which provide for the summary trial of many other types of offence have not yet been considered, nor are these present amendments intended to implement Mr Murray's proposals for more extensive general provisions to enable indictable offences to be dealt with in petty sessions. These matters will be considered later in the review process. However, in order to keep parity with penalties for stealing, the penalties for assaults triable summarily are also raised.

Part IV: Attempting to pervert justice: Deficiencies have been found in the form of section 143 which creates the offence of attempting to obstruct, prevent, pervert, or defeat the course of justice, and the penalty has proved inadequate. An example arose recently where a 15-year-old female complainant in a serious case of sexual assault was assaulted and severely threatened by an associate of the person charged with the sexual assault, to dissuade the girl from giving evidence identifying the accused at his trial. Section 143 was the only charge available apart from common assault. The maximum penalty of two years is quite inadequate to deal with an offence of such gravity. It is proposed to increase it to seven years. Technical difficulties are created by the words in the present provision which exclude any conduct dealt with in any other specific provisions, and it is proposed to remove these.

The amendments to the Criminal Code proposed in the Bill are important as another significant step in improving the code and the administration by our courts of the criminal law.

I commend the Bill to the House.

Debate adjourned, on motion by Hon John Williams.

ROTTNEST ISLAND AUTHORITY BILL

Second Reading

Debate resumed from 18 November.

HON P.G. PENDAL (South Central Metropolitan) [3.55 pm]: The Opposition supports and welcomes this Bill, and in most instances congratulates the Government for having

introduced it. However, the Opposition has one difficulty in particular with this Bill, which will become apparent during the course of the debate.

A discussion on the subject of Rottnest Island, which is off the coast of Western Australia, invariably produces a great deal of emotion. An article which appeared in the London newspaper, *The Guardian*, captured better than I have seen in many years this sense of emotion which Western Australians feel towards the goings-on at Rottnest Island, and I quote a couple of paragraphs to make my point. I might add as an aside that Rottnest is described in this article as a limestone blob, and I am not sure that anyone who wanted to avoid a black eye would use a description of that kind, but perhaps one is able to do that from a distance of 12 000 kilometres. The author of the article says that Rottnest Island--

> . . . arouses the emotions of cool Western Australians as nothing else can.

She goes on to try to tell readers what it is about Rottnest Island which produces the sort of emotion that has even been associated with this Bill in the public arena in the past couple of weeks. There were one or two paragraphs of that article which caught my eye. One paragraph quoted Willem De Vlamingh as having said in 1691 --

> "It seems that nature has spared nothing to render this island delightful above all others that I have ever seen."

The article also says in another paragraph --

> You *can* hire a television but most people don't bother. They do the things they don't have time to do at home. I walk around in the evenings and catch glimpses through the lighted windows of families playing cards or board games on the kitchen table. Or reading. Or just sitting and chatting.

The paragraph finishes by saying -- and I think this catches everything about Rottnest --

> People have time for each other here.

I quoted that article to bring home the point that Rottnest is an emotive issue, and it is very often difficult to describe why that is the case.

The first thing I want to commend the Government for is the adoption of an Opposition policy in relation to Rottnest Island. Members will see that under clause 12 of the Bill, headed "Access to facilities", we are told in what I suppose is an unusual legislative provision, but one which the Opposition welcomes, that --

> (1) In the provision and operation of recreational and holiday facilities on the Island, the Authority --
>
> > (a) shall have particular regard to the needs of persons usually resident in the State who wish to visit or stay on the Island as a family group; and

The Minister did go to some pains in the second reading speech in this and another place to spell out that commitment to retain Rottnest Island as essentially one for families for their holidays, and I am pleased to say that the Government adopted that out of the Opposition policy of 1985-86 where the Opposition spelt out that it was wrong to see Rottnest Island's future as being something akin to the Gold Coast and Queensland. At that time members will realise there was a great deal of public controversy over intentions to put high-rise development on the island and to bring about other physical changes to the island and the waters around it, to the extent that families would no longer be able to see Rottnest Island as being primarily for their use --

Hon Graham Edwards: There was not a supposition that families were never going to be able to enjoy Rottnest.

Hon P.G. PENDAL: What I am saying is that there was a public outcry in direct response to what the Burke Government was planning for Rottnest between the years 1983 to 1985, which would have seen Rottnest Island turned into a rich man's paradise.

Hon Graham Edwards: Nonsense!

Hon P.G. PENDAL: People were concerned; indeed the Rottnest Society was created as a direct response to what the Minister now says is nonsense. The Rottnest Society -- which now represents a very large section of the Western Australian community -- grew out of the fears that users of the island had that changes would be made which would alter the face of

Rottnest Island for the next 100 years in a way that would simply never be undone. The Opposition opposed that. Those things were never contemplated in previous years when the Opposition parties were in Government, but I am pleased to say that this Government has now heeded those warnings, not just of the Opposition but of people like the Rottnest Society and other users of the island.

In talking about Rottnest as a destination for families, I want to place on the record the Opposition's commendation of the Government for the work that has been done and continues to be done to what I will refer to as the Kingstown Army Barracks. It now operates, as many members would know, as an environmental and education centre. Since the Army departed the scene a couple of years ago -- a measure which I hasten to add was supported by the Opposition at the time -- good use has been made of those excellent facilities which had been maintained by the Army since the mid-1930s. It may surprise members to learn -- because as a regular user of the island I was surprised by this -- that as late as last Wednesday the one hundred thousandth visitor to use the Kingstown Centre was shortly to pass through its gates. Given that the centre is run on a somewhat restricted basis in order to keep to its charter of providing for education and family needs, it is quite remarkable that so many people have been drawn to that facility on Rottnest Island in such a short space of time.

It is also remarkable, given its status as a Government instrumentality, that the centre is actually making money. Again I commend whoever made the decision to allow that centre to retain its profits and to plough them back into the upgrading of the facility. I guess the temptation would have been there to have creamed off the profits -- the excess or the surplus; whatever one wants to call it -- into the general revenue of the Rottnest Island Board, especially given the lack of facilities and the low level of some of the other facilities on the island. Whoever was responsible for that decision is commended by the Opposition for allowing the centre to retain that surplus.

The profit has been put to good use, as I have seen myself, and I understand that one of the longer term projects on Rottnest Island is to restore the tuck-pointed brickwork. That is not a minor detail. Anyone who is familiar with the place would know that we are dealing with the question of a very important part of the heritage of the island. Given the fact that the Army for nearly five decades maintained that facility in an excellent way, it would now seem that that will continue by virtue of this decision, which permits the centre, under the leadership of Tom Perrigo, to retain those moneys and to plough them back into the facility itself.

Another part of the Bill, which in some respects is central to the legislation, deals with reconstituting the current Rottnest Island Board into the Rottnest Island Authority. Often that sort of action on the part of any Government does not do a lot for me because the change of name is often heralded as being some great innovation. Here the board will be changed to an authority and for all intents and purposes only a name change is involved. However, there are more important matters if one likes to look beyond the superficial. In particular I refer to the intended make-up of the proposed authority. This matter is dealt with in clause 6 of the Bill, which stipulates that one member of the new authority needs to have practical knowledge of and experience in the conservation of the environment. The Opposition welcomes that; it is in direct harmony with Liberal Party policy, as announced in 1985 for the 1986 election. Given the very fragile nature of the Rottnest Island ecology, the Government is to be commended for heeding public opinion in that respect.

Clause 6 also stipulates that another member of the new authority has to have practical knowledge of and experience in the preservation of buildings of historic value. Again, that is in harmony with a Liberal Party policy of two years ago, where we went to some pains to spell out our belief that as part of a long range plan -- which started, I might add, many years ago -- the restoration and preservation of those historic buildings should be an important part of the work of the new authority. Indeed, the only criticism I have of this Government -- as I would have of any previous Government -- is that too little has been done too late. Nonetheless, there is a recognition -- in the last generation, I suppose -- that what many people saw as being a collection of dull, dreary and unimportant buildings is in fact a collection of the very finest in heritage that Western Australia has to offer. It is good to see that many of these buildings are not only monuments to the past, but are being put to good, practical use, and long may that continue. That applies not only to the buildings to which I

have referred, but also to historic facilities such as the old guns. The work being done on the old guns during the last couple of years will make them a heritage attraction of Australia-wide proportions once it becomes known across the nation.

The third person on the authority will be someone who, as the Bill says, has sound commercial experience. That is the desire not only of this Government but also of previous Governments which sought, and achieved to some extent, to ensure that the people on the Rottnest Island Board could be relied on to get the best value for every dollar spent, bearing in mind that the island has been run on a fairly small and limited budget for many years.

The fourth member of the authority will be a regular user of the island for recreational purposes. I welcome this. It is partly at the behest of the Opposition that this has been written into the Bill, arising out of public debate while the Bill was in another place. For a while it looked as though the Government was going to resist that proposition. The Minister for Tourism made it clear that it would be difficult to devise wording which allowed for user-representation on the new authority.

Hon Graham Edwards: Are you referring to the amendment put forward by Hendy Cowan?

Hon P.G. PENDAL: Yes, the amendment put forward by Hendy Cowan, but first announced by the Opposition several weeks before that. The Minister for Sport and Recreation is splitting hairs, and seeks to introduce a petty note. I congratulate the Leader of the National Party for having moved for this representation and, I repeat, the Opposition supported him, in the full knowledge that the Government said it was quite impossible.

Hon Graham Edwards: I think the Minister supported it.

Hon P.G. PENDAL: The Minister supported it in the end.

Hon Graham Edwards: Of course she did.

Hon P.G. PENDAL: It was like a screaming urchin being dragged from the tart shop, when the job could have been done with dignity and grace in the first place.

Hon Graham Edwards: I thought she did it well.

Hon P.G. PENDAL: The Minister is a bit touchy today. He is not quite sure when a compliment is being paid to him. I have already said that the Opposition welcomes the proposal. I might add, it would not have been included were it not for the vigilance of the two Opposition parties. However, it has occurred, and it is a tribute not only to the Rottnest Society -- and I put on record our congratulations to that society -- but also to the Rottnest Island Yacht Club, which seems to fall foul of the Government pretty frequently these days, as well as the Yachting Association of Western Australia. All of these organisations believe there should be user-representation in one form or another. The fact that this has been achieved in clause 6 of the Bill, under the part I refer to, is a mere incidental. Nonetheless, we welcome the fact that it is there.

The new Bill provides for the appointment of a chief executive officer. Ordinarily, that may be seen as a mere name change. However, I ask the Minister if, apart from interjecting, he can tell us why it is that we have had an acting manager on the island for such a long time. The Minister will recall that on the retirement of the legendary Des Sullivan there was the appointment of John Gratwick who, I believe, did a good job under the circumstances. He was moved out fairly soon into his first term, and replaced by Mr Harry Gorringe. Apart from a few indirect disagreements I have had with Mr Gorringe, I think he has brought his unique experience to the workings of the board. What puzzles me is that for several years now Mr Gorringe has been in an acting position. That may well have been at his request; I do not know. It has long puzzled me that someone in such an important job -- and I regard it as important -- has been there in an acting capacity.

There has been public comment, some of it not complimentary to the Government, over the question of the enforcement powers of the rangers, which is included in clause 29 of the Bill. Let me say at the outset that I have not made any uncomplimentary remarks. I consider what the Government is doing in this clause and, indeed, in a following clause, providing the powers are used sparingly, is to be commended. For years, people have had their holidays on Rottnest Island spoilt by the carryings-on of a handful of hooligans. No matter what has been done, it has been very difficult to stamp out that sort of behaviour. When Governments of any party are confronted with such lawlessness, the first reaction is to send in more police officers, and finally, if that does not work, to look at the Statute itself.

That brings me to clauses 29 and 30. I, for one, certainly support the Government and the board in every step they take to rid Rottnest Island of the hooligan element the minute it raises its head. I was frankly surprised to see something of a discrepancy or contradiction in the second reading speech. We were told that under clause 30 the rangers would have the power to request such people to leave the island. If one reads the Bill carefully one sees there is no question of a request, it is a requirement. The word "require" is used. My point is that in the speech we were told that the power would exist to request a person who was causing trouble to leave, whereas clause 30 gives the ranger the power to give a written order requiring that person to leave. It is a small matter, but I think someone is out of kilter. Either the draftsman has not read the brief properly, or the speech-writer has misunderstood the severity that is intended by clause 30. If it is, as I suspect, a question of wanting to be seen to be severe in the power spelt out in clause 30, I congratulate the Government on that.

Hon H.W. Gayfer: Are you saying that he has not the right to immediately remove somebody from the island?

Hon P.G. PENDAL: I understand he must give the person seven days' notice.

Hon H.W. Gayfer: It states that it shall not exceed seven days' notice.

Hon P.G. PENDAL: The Bill states --

> Where a ranger finds a person committing an offence against any regulation made under section 49, he may by written order given to the person require the person, at the person's own expense, to leave the Island not later than a specified time and not return to the Island for a specified period, which shall not exceed 7 days.

I understand the point Hon Mick Gayfer is making; I am complaining that in the second reading speech the Minister said the ranger would be given the power to request a person to leave the island whereas the Bill states that the ranger may require a person to leave the island. There is an enormous gulf in difference between the two.

My next point is a hoary chestnut. We were told in the second reading speech, and it is reflected in the Bill, that the Government intends as far as practicable to make Rottnest Island self-financing -- or words to that effect -- within a period of five years. I refer specifically to clause 34(1) which states --

> The Authority shall perform its functions in such a manner as to ensure that, taking one year with another, its revenue is at least sufficient to meet its expenditure.

I am presuming that, combined with clause 34(3), that is an expression of the Government's aim that within five years Rottnest Island will virtually be run as a business. It seems to me that therein lies some serious danger in the case of Rottnest. Like most people in this State, I support, and have supported, the careful spending of the public dollar. However, I object to the possibility of Rottnest Island being priced out of the market for the ordinary families referred to earlier in this Bill. If the Government sets about putting a commercial price on many of the facilities on Rottnest Island -- water for example -- it may well be that in its quest to balance the books the prices will be pushed to such an extent that ordinary Western Australian families will miss out.

Rottnest Island is different; it is not unlike a national park, and to all intents and purposes we are dealing with a national park. In the past I have complained, for example, about the entry fee to the little tavern in the John Forrest National Park. The entry fee is $4 a person so that any person who wants a drink at the hotel or tavern -- and one can only get to the tavern by entry to the park -- must pay $4 additional to the cost of his first glass of beer. That argument is not dissimilar to that which applies to Rottnest Island. The Government could do many things which it has not so far done to make Rottnest Island a far better financial prospect for the Treasury and which would potentially allow it to become self-funding in five years and become a practical proposition.

In the case of public debates elsewhere, the Minister has attempted to take me to task by saying --

> Some of the transcripts of media interviews that I have seen from Hon Phil Pendal in regard to this matter have confused me considerably. He said on a radio programme recently that for Rottnest to be self-funding after five years would involve increases in prices and charges on the island, and this would be to such a degree that it would prevent ordinary family people from being able to use the island or to visit it.

That is a rough enough transcript of my comments. The Minister went on to say --

> He was concerned about the current cost of island accommodation.

That is not quite correct; I have never complained about that. She went on to say --

> He advocated that charges be kept at such a level that the authority makes a loss.

I dispute that entirely; and I ask the Minister to produce some transcript. If I said it, it was not intended; but I dispute that I ever advocated that charges be kept at such a level that the authority makes a loss. That is an absurdity. I have said that most of the prices at Rottnest for accommodation are comparable for similar establishments around Western Australia, taking other factors such as transport into account. She went on to say --

> He was saying in that interview that all Western Australians should subsidise those people lucky enough to have a holiday on Rottnest Island.

That is nonsense. It is again a case of the Minister tending to get a little elastic with the facts. I have certainly never said anywhere that people in Western Australia should subsidise anyone lucky enough to have a holiday on the island. The Minister also said --

> It is absolutely essential that people who use the island pay for that privilege. I do not say, however, that we should price it out of the reach of ordinary people.

I agree with that. I refer to other comments made by the Minister which are relevant to this debate. She said that --

> He also argued on the same radio programme that bike hire should be privately run.

I certainly do think that. The Minister went on to say --

> I can tell members that figures I have seen in relation to bike hire when it was privately owned were totally unsatisfactory.

The Minister has seen figures that I have not. I am not sure what she means by "totally unsatisfactory".

Hon Graham Edwards: She is talking about the return to the board.

Hon P.G. PENDAL: I am grateful to the Minister for Sport and Recreation, because I had intended to take issue with the Minister on that point. The Minister for Tourism also said --

> Not only was the bike hire consumer totally disadvantaged because of the low quality and standard of the bikes, but also there was absolutely no return to the island because all of the money was taken off the island and not returned.

I ask the Minister for Sport and Recreation whether the Government intends to do the same for the Rottnest Island Hotel, because the profits are taken off the island and go to the licensee, as they should.

There is no question that the standard of bikes on the island now that the board is running the operation is infinitely higher than when the business was privately run.

Hon Graham Edwards: So is the service.

Hon P.G. PENDAL: We part company at that point. Of course, the bikes are better because they are all new. If in the first year or so before they are affected by the salt the operator replaces bikes which in some cases were 20 years old with new bikes, people will say that they are dealing with a much better product.

I suggest to the Minister that we will see a deterioration in the condition of those bikes over the years in the same way that we saw a deterioration in the bikes used by the privately run service. My point is that this has relevance to the hotel that I have just mentioned. I hope that this Government never takes the hotel, or the bakery, the hair salon, or any other business, away from the private operator, which has happened in the case of the bikes and Tent-land. That was not the way to get the best return for the island at all; the best way to get that return would have been to say to the bloke at Tent-land that his time was up, his lease had run out -- and I think it was to run out in about the middle of 1987 -- and that when tenders were called for a new lease people would have to tell the board what they were about to do to upgrade facilities at Tent-land. In such circumstances there would have been a free upgrading using private money because that condition was imposed and the board would

have continued to collect the rent. Then, the hire figures would have been pitched at the price worked out, presumably between the board and the lessee.

There is a second element on which I will comment because the Minister reminded me of it a few minutes ago. He said that there is better service through the bike hire scheme, so not only have we established that there are better bikes -- and I agree with that, as blind Freddie would -- but he says that there is better service. I ask him seriously, at what cost? Will the Minister tell me how many people ran the bike hire operation when it was under private ownership and how many people are in it now? I have been in there in both situations and venture to suggest that the staff has doubled. Therefore, the unproductive work, if you like, of the Rottnest Island Authority will be weighed down by more staff members. I guess that one could not employ a person in a bike shop for less than $15 000 or $20 000 a year, because some such people are probably qualified mechanics. Also, the person has to be provided with accommodation, so I imagine that the lowest paid worker on Rottnest Island is costing the board not less than $25 000 a year, when one takes into account the house and everything that goes with it. The fact that the bike hire fell from private ownership and went to Government ownership was wrong.

Although the standard of the bikes has improved, that standard would have improved if the board had said to a private lessee that part of the deal was that when he put in for his lease he had to tell the board whether he was prepared to supply decent bikes. At the cost that bikes can be imported from Taiwan and China, which is where I think they came from anyway, the same end would have been achieved and that would have saved money. In that way the Government could have achieved the commendable end that it says it seeks to achieve, that is, self-funding within five years. The same comment applies to Tent-land, and I have said that publicly.

In almost every case there is no excuse for not having Rottnest Island businesses in the hands of people from the private sector. They are the most experienced people at running businesses, and it is absurd for a Government that has been running around pretending to be on the side of the private sector for the past four or five years to on the one hand say that and on the other do exactly the opposite by taking out private businesses on the island.

This does not augur well for the hotel, or for a lot of other businesses on the island. The Government has made a rod for its own back that will, inevitably, backfire in financial terms. I make the point, as I have been talking about the hotel, that I would have expected the person running the largest single business on the island to have received a copy of this Bill. I was surprised, also, that all members of the board did not receive a copy of the Bill that we are presently discussing.

Hon Graham Edwards: I would be surprised if he had not had a look at it as it is their initiative. There were recommendations put forward some time ago and this Bill is largely drawn from those recommendations.

Hon P.G. PENDAL: I am not disputing that. I am saying that we borrowed experienced and competent people from the private sector, gave them a job to do, and then did not provide them with a copy of the Bill. That is an oversight, which can happen. It is not the role of the chairman of the board to be doing these things. Legislation is introduced by Ministers, and I would have thought that as a matter of courtesy not only members of the board would be among the first people to have received a copy of the Bill, but also the people who have a substantial investment -- people such as Brian Gardiner -- would have been made aware of the content of the Bill. That is not to say that he will slit his throat over that prospect. However, we are dealing in many parts of this Bill with his future and, as the Minister well knows, he has a huge capital investment on the island, which is something that ought to have been looked at.

Hon Graham Edwards: I would have thought that he would be happy with what we are doing, given the number of people visiting Rottnest Island. I would think that his trade is up and that he is more than happy with what is happening.

Hon P.G. PENDAL: I have no doubt that he has been happy during the couple of years he has had the licence.

Hon Graham Edwards: He has done a good job.

Hon P.G. PENDAL: Yes. The Minister's Bill has the capacity to have a big impact on his viability. The Minister would not deny, would he, that it will have a powerful influence? I am saying that someone who has that big an investment on the island could demand, at least, to see a copy of the Bill.

While on the subject of facilities such as the bike hire, the hotel and other businesses on the island, I ask the Minister to tell us specifically when he responds what the authority or the Government has in mind for future transport needs of the island. I do not mean the transport needs of the permanent residents, but of visitors. The Minister knows that, according to the report prepared -- I think called the Rottnest Island Management Plan -- the people who prepared that plan were scathing in their attack on the buses used there to the extent that they said they were a safety hazard. I cannot now recall the words used, but the buses were condemned and it was said that they should be withdrawn. I put to the Government that it may be that the time has come for a reversal of what it did with Tent-land and the bike hire facility, that is, to call tenders to ascertain whether there is private sector interest in the transport system on Rottnest Island. Mr Dans, as a former Minister, shakes his head and indicates that there is not.

Hon D.K. Dans: I have been going to Rottnest Island for about 40 years and I think the idea is good, but I cannot imagine a private operator operating the buses given the amount of traffic there, unless he is paid an exorbitant fee for it.

Hon P.G. PENDAL: I agree with Mr Dans. I do not think that buses are the answer to this problem. The buses on Rottnest Island are rejects from the MTT which, if they were driven on suburban streets in Perth, would be taken off the road by the police; so they were off-loaded to Rottnest Island. I can accept that happening to some extent because on Rottnest Island not only the people but also the buses move slowly and there is a minimum of risk involved.

However, the reason that I ask the question is that I put seriously to the Minister that as people interested in heritage matters we should look at restoring the old Army railway line, bearing in mind that that would require no dislocation of the environment.

Hon Mark Nevill: It might run over a quokka.

Hon P.G. PENDAL: They are hit, anyway, as the member knows, whether by buses or by the revolting sport mentioned in the *Guardian* as "quokka soccer". I have never heard of that before, and it may be a bit of journalistic licence; but it was Mr Nevill who introduced quokkas and not me. Will the Minister say what is intended in relation to this transport system? It is pathetic and, frankly, I had an experience earlier this year on Rottnest Island on a bus tour which was run as a personal fiefdom by the person in charge of it. Of all the services on that island that I think should be privatised, that should be the first.

If one goes to the board office one is treated with courtesy, and the same applies at the pub and the post office. However, I saw an instance involving a bus driver -- and I add that not all bus drivers are the same -- who seemed to be in charge and who would have, had he been employed by a private firm, been tramped on on the spot with full justification.

Having said that I do not think buses are the answer on Rottnest Island, I ask whether we have looked at the idea of some low-level form of rail transport. The land in most parts of Rottnest Island would particularly lend itself to that type of transport, and it would also be a way of letting people see those parts of the island which currently they do not see unless they wander off the road and go through vegetation, which this Bill is designed to protect.

I have attempted by and large to be positive on the part of the Opposition and to say that what the Government has attempted to do in this Bill is what we would have done if we were in Government; and these measures have been mooted by successive Governments. I know that speakers to follow me have been in the situation where they have been, for example, the Chairman of the Rottnest Island Board, and many good measures have been achieved; so to the extent that this Government has helped to achieve these ends in the past four years, I fully commend it.

The one blind spot for the Opposition in this Bill is clause 48, which will prohibit people from using the terms "Rottnest Island", "Rottnest" or "Rotto" in any title without the written approval of the Rottnest Island Authority. The Bill spells out that this prohibition will apply to a body corporate -- that is a company -- or a natural person or unincorporated body. For

the purpose of my argument, I intend to go back to about this time last year to explain to the House why I am concerned to see clause 48 pop up in this Bill. About this time last year a group called the Rottnest Island Yacht Club sought to become incorporated under the provisions of the Associations Incorporation Act of this State, and in simple terms that would have had the effect of making that body an incorporated body. When a group applies to become an incorporated body, there is a procedure to be followed, and the only way that procedure can be subverted is by taking action in the Supreme Court.

I took up in this House the case of the Rottnest Island Yacht Club at the time that it applied for incorporation because it seemed to me that the yacht club was being denied that opportunity by means other than those laid down in the Act. I put it to the House then -- and my suspicions now remain -- that there was improper intervention in that process, to the extent that in the end the status of incorporation was granted to the Rottnest Island Yacht Club, and that organisation, in common with others -- the Rottnest Society and the Rottnest Island Country Club -- became an incorporated body through no help of the Government or of the two Ministers who were involved. I suggest that we are seeing now, a year down the track, an attempt to backdate that activity and to bring about a situation where people who have been using the name Rottnest Island in their title may find that they will be retrospectively prohibited from doing so under this provision of the Bill. To my knowledge, there are about 17 businesses and organisations which use Rottnest Island in their title. If one refers to the metropolitan phone book, one will find Rottnest Airbus, Rottnest Bakery, Rottnest Cabins, Rottnest Catering Service, Rottnest General Store, Rottnest Geordie Longreach Village Store, Rottnest Hairdressing Salons, Rottnest Hire Tents -- which I think has now been closed -- Rottnest Hotel, Rottnest Islander, Rottnest Island Laundrette, Rottnest Island Yacht Club, Rottnest Lodge Resort, Rottnest Marine Salvage, Rottnest Restaurant, Rottnest Sea Tours and Rottnest Tent-land. This Bill has the capacity to ensure that those people can have taken away from them the ability to use the term "Rottnest".

When I first saw the Bill I raised this matter on behalf of the Rottnest Island Yacht Club, and I hasten to say I am not a member of that or any other yacht club. The members of that yacht club applied in good faith for incorporation last year, and obtained that status after a long struggle; and the matter appeared to rest.

The first Rottnest Island Authority Bill came to Parliament, and went to the other House, and we found that clause 48 was included, but it included a subclause (7) which said something which was particularly worrying, and I quote --

> This section has effect notwithstanding anything in the *Companies (Western Australia) Code*, the *Associations Incorporation Act 1987*, the *Business Names Act 1962*, or any other written law relating to the incorporation of bodies or the carrying on of any business or activity.

After I made some public inquiries about that on behalf of the people concerned, the Bill arrived in this place -- without too much discussion on this issue in the other place -- having been amended somewhere along the track by the Government. I am not sure whether the Bill was amended before it came into the Legislative Assembly or after it passed the Legislative Assembly and came here, but when the Bill came here we found that subclause (7) had been taken out of the Bill.

It occurred to me, therefore, that the problem had been solved and that the capacity to retrospectively take away people's capacity to use the name Rottnest Island was now out of the Bill. I subsequently sent a copy of the new Bill to several lawyers -- one of whom was acting on behalf of the Rottnest Island Yacht Club and one of whom was acting on my behalf -- and within the space of a few minutes word came back that under no circumstances could a body such as the Rottnest Island Yacht Club rest on its laurels or think that the Bill had been fixed up to accommodate it; the new Bill and the new clause 48 was just as bad as the old one.

I refer in particular to subclause (2) -- and I will not detail this because we are not in the Committee stage -- which follows subclause (1), which brings about the prohibition of the use of the words "Rottnest Island", "Rottnest" and "Rotto". Subclause (2) says --

> Subsection (1) applies to a body or person that had a name or title referred to in subsection (1) immediately before the commencement of this Act only if the Minister

> has, within the period of 12 months after such commencement, by notice in writing given to the person or body, required the person or body to comply with that subsection and a period of 3 months has elapsed after the service of the notice.

This subclause means that what people thought was good news is in fact bad news. Two things will still happen under this clause. First, the Government will be able to prevent people from using the term "Rottnest Island". I have to ask why is that the case, because there is really nothing in the Minister's second reading speech that would give people reason to think that it is a sensible thing to do. Members will find words in the second reading speech to the effect that no-one can use those words without bona fide reason, and no-one can use them without a good and sufficient connection having been established with the island.

Hon Graham Edwards: "A proper and sufficient connection".

Hon P.G. PENDAL: I thank the Minister -- "a proper and sufficient connection". I advise the Minister that we intend to move for the defeat of clause 48, which is the only clause we will be seeking to adjust, because certainly no reason has been given to justify the words the Minister has just supplied us with.

Mr President, if you were to look at any other holiday or tourist destination around Western Australia or even beyond, it is incomprehensible to think, for example, that you would want to tell someone in Busselton they could not use the name "Busselton Bike Hire". I think members would agree that it is incomprehensible that we might reach a situation one day where someone in Albany could not call a business "the Albany Hitchhikers' Club" in order to attract tourists. So one wonders why it is that it pops up in a Bill to do with Rottnest Island.

The Minister in another place did make some reference to spelling out more of her reasons and they are worth quoting here, if for no other reason than to illustrate that they tell us nothing. The Minister said --

> One of the difficulties that we perceive . . .

And here she is talking about the specific question of the use of the name "Rottnest Island". The Minister continued --

> . . . is that some time in the future people will use the name "Rottnest" for commercial purposes . . .

Let me tell her right now that people are already using it for commercial purposes. I do not want to rub it in too much, but it is a very silly thing to have said because the Rottnest Bakery is a commercial operation, and there are 18 others which I just read out. Not all of them are commercial operations, but many of them are.

Hon Graham Edwards: All are operating on the island.

Hon P.G. PENDAL: Yes, I will come to that. With respect, that is part of the silliness of the argument the Minister in another place expounded. But for the time being members should just dwell on the fact that she is a little frightened that in the future someone might use the word "Rottnest" for a commercial purpose or gain and do it without the board's authority.

Then there was another reason given in the public debate in regard to this matter, when the Minister said something similar to what the Minister here has just told us by way of interjection. The Minister said that, for instance, a Rottnest bike hire service might start on the mainland and people might be under the impression that they are able to hire a bike at that service on the mainland and take it to Rottnest Island with them. That is a terrible crime to be accused of. Let me explain a little further. The Minister is saying that some enterprising person at Fremantle might say, "I will open up in this old shop a Rottnest bicycle service." Prior to getting on the ferry, people might hire a bike and take it to Rottnest Island. The Minister seriously puts that forward as a terrible thing that will happen. Why should it not happen? A person presumably, if he wanted to, could be in Mukinbudin and call his business "Rottnest Island Bike Hire", for all the good it would do him. The only reason a person would want to use the name is for the purposes we have discussed; namely, commercial purposes. For the Minister to say in other public debates that there is some fear or apprehension that those people might be able to hire a bike from that service on the mainland and take it to Rottnest Island with them really is debate and argument of the most nonsensical kind.

Hon E.J. Charlton: It really is Government gone mad.

Hon P.G. PENDAL: It is. The same could apply in Hon Eric Charlton's area about Corrigin or any other tourist destination in Western Australia where people would use the argument. Could members imagine that argument being applied to another famous island, Hayman Island? There is no prohibition there.

Hon Graham Edwards: I am not really interested in Hayman Island, I am interested in Rottnest Island. I think you are running short of arguments and that is why you are using Hayman Island.

Hon Tom Stephens: That is a thoroughly specious argument, too, Mr Pendal.

Hon P.G. PENDAL: Is it? I make it clear that in the absence of any proper argument we will seek to remove that clause from the Bill.

But it goes deeper than that. That fear goes into people like those from the Rottnest Island Yacht Club (Inc.) who wrote to me only yesterday after referring that new clause to their lawyers. They had this to say --

> It is with great concern that we formally notify you of the position as we see it regarding the Rottnest Island Bill section 48 inclusive. As you are aware this legislation could cause the end of our legally formulated and incorporated body as the Rottnest Island Yacht Club. So called amendments to this section --

And he is referring to the amendments that have happened somewhere between here and when the Bill was first printed. The letter continues --

> -- do nothing to divert such action being taken.
>
> Presently we have a membership in excess of 250 ACTIVE members and their numbers are growing daily. With families associated with these members the numbers would be in excess of 600. The Club has furnished its Summer timetable to the Yachting Association (to which we are affiliated) naming forthcoming events at the Island, but now we are faced with a total loss of identity.
>
> Boatowners as such contribute greatly towards raising revenue for this State namely boat registrations, trailer registrations and more importantly tourism. (If it was not for Yachtsmen there would not have been an America's Cup in Perth or tourists going to Rottnest.)
>
> However it is now likely that such corporated bodies as yachtsmen are about to be denied the right to exist if using such a name as Rottnest, even though they will continue to contribute towards the long term interests and preservation of the Island.

That letter is signed by Gordon Crowther, the commodore of the club. I repeat that it does become quite incomprehensible to discover why it is that that has been made to occur.

Hon H.W. Gayfer: Is that a letter to a lawyer or from a lawyer? I thought you said it was a lawyer's letter.

Hon P.G. PENDAL: No, it was a letter from the commodore of the club to me, having consulted his lawyer as to whether clause 48 was now in good shape. I believed it was and the lawyer nearly had a fit.

Hon Graham Edwards: They can approach the board and seek approval for that name.

Hon P.G. PENDAL: Of course they can -- the Minister is quite right. They can seek approval and I have already spelt out that subclauses (3), (4) and (5) are the bits that are relevant if one wants to take exception to it, but in the end the board's will can prevail.

Incidentally, I can only imagine that it is for some long-term financial purpose. Perhaps there will be a royalty on the name of Rottnest or Rottnest Island, and if someone wants to use that name they will have to pay for it. Again, that underlines the absurdity of what we will have to face if that sort of principle is to be introduced to other tourist destinations in Western Australia.

I will finish with a couple of miscellaneous matters. One has received some publicity, and I put it on record here because it was a matter of some concern recently. People who had applied for accommodation on the island and had had that accommodation confirmed were

then contacted by other businesses -- I think it may have been ferry operators -- who wrote to them independently of the board offering their services. That means that their names were handed over by someone within the board. The media took some exception to that.

Hon Graham Edwards: So did the Minister.

Hon P.G. PENDAL: I did not know that, but I am pleased to hear that she did because the person who complained to me said it is an open invitation. If people are going to start dishing out the names and addresses of those who are going to be away from their homes and staying at Rottnest Island -- if security can be broken to that extent -- the occurrence of housebreakings and that sort of thing is not as fanciful as it sounds.

[Questions taken.]

Hon P.G. PENDAL: The second-last point I want to raise relates to a clause which deals with the review of the Act. I know the general question of sunset or review clauses has attracted the attention of a few members of this House in recent years. My understanding is that in this case a provision in the Bill will require the Minister, which effectively means the Rottnest Island Authority, to eventually carry out a review of the operation and effectiveness of the Act after five years. On the face of it, it seems to be pretty inadequate to have a ministerial review rather than something over which Parliament has some scrutiny.

The clause saves itself because later we are told that it will be the Minister's task to prepare a report which will have to be laid before each House of Parliament. From my standpoint, that indicates a new form of sunset clause or review clause, but nonetheless it involves the processes of the Parliament by virtue of the report being tabled.

The final point I want to mention relates to a matter I touched on earlier, one of the effects -- one can only assume it is unintended, but it may be an intentional effect -- of clause 48. Arising out of public remarks made earlier this year by the Minister for Tourism, a writ for defamation was issued by the Rottnest Island Yacht Club. I do not intend to canvass the rights or wrongs of the contents of that writ, but I raise the consequences of that writ and its existence as a result of passing clause 48. That yacht club expressed concern to me that if clause 48 had the power to retrospectively wipe it out of existence, it would surely also mean that the writ which existed against the Minister would be wiped out of existence by virtue of the fact that the club would no longer have any identity. That matter was referred to lawyers for their consideration and was found not to be the case, but something else there should sound a note of caution when we are dealing with clause 48. The advice I received on that point was that passage of clause 48 may well give the Government the power to retrospectively wipe out an organisation like the Rottnest Island Yacht Club, but just like a person who changes his or her name by deed poll, it would not wipe out the person's capacity to sue or be sued under the previous name.

Therefore, to that extent the Rottnest Island Yacht Club was comforted in the knowledge that the writ it currently has out of the Supreme Court would not disappear simply because the club, as an incorporated body, disappeared. However, I am told by lawyers that it would very considerably weaken the argument that the former Rottnest Island Yacht Club could mount in its case for defamation. While it would not affect the action itself, eventually when a decision was made, it would affect the severity by which the court would view the matter. The point that was originally at issue is still an issue, although one has to admit to a lesser extent.

Some people may say that it is not the intention of clause 48 to have the impact that I or the Rottnest Island Yacht Club are suggesting. We were assured last year that the actions taken to prevent the incorporation of the club were not being undertaken for any mischievous purpose. I think that in the end there was sufficient evidence to show that people were being pushed around in a way that was never intended by that provision of the Associations Incorporation Act. I mentioned that as another reason why clause 48 should be wiped out of the Bill.

In the seven years I have been in this place there has been many a debate about any attempt by the Parliament to retrospectively take away the rights people exercised at a particular time. This is retrospective legislation of the worst kind because according to the lawyers whom I have consulted that writ will be weakened in its impact if clause 48 is passed. I hasten to add that that is not a pivotal point in the argument that I have mounted for the

clause to be thrown out, but there are other and stronger reasons which I have given to the House.

In summary I signal that the Opposition will support the Bill. It supports the Minister and congratulates her on bringing the Bill to the Parliament. The Opposition would like to place on record its congratulations to the members of the board who often have a difficult job to do and to the staff of the Rottnest Island Authority. The Opposition signals its intention that, although it supports most of the Bill, it will seek to defeat clause 48.

HON H.W. GAYFER (Central) [5.15 pm]: We have heard an expose about the history of Rottnest Island, about the many people who go there, the traumas that have been associated with the island in the past and the need for the environment on the island to be protected. I take it that Hon Phil Pendal is a more frequent visitor to the island than I.

Hon P.G. Pendal: Not frequent enough.

Hon H.W. GAYFER: He has tackled this debate with relish and one can say that the island is his pet hobby, as it is for many people. His interjection proves that. My closest association with the island is that my niece and nephew have a launch and they spend a lot of time on the island. Obviously Hon Phil Pendal has been visiting the island for many years and Hon Des Dans says that he has been going there for in excess of 40 years. I did not think he was that old.

Hon D.K. Dans: I happen to be 41 today.

Hon H.W. GAYFER: Hon Des Dans says he is 41 and that he still visits the island as frequently as he can and he enjoys it.

Members on both sides of the House have a common desire to preserve the island in its present state so that others can enjoy it in the future. The other night I spoke in this House about the importance of the island when we were rectifying a mistake in the electoral boundaries legislation. There is no doubt that the island, if it is not of great attraction to the tourist trade in the future, it will indeed be to all Western Australians who have had the privilege of enjoying its facilities.

Some people find it a little awkward to travel to the island because they are prone to sea sickness and others are not keen on flying. I know that in time there will be other means of pacifying the stomach and the whims of some people and more people will enjoy the facilities on the island.

On my infrequent visits to the island I have often wondered about its history and how the buildings could be preserved against desecration by vandals, which appears to be prevalent. It is indeed a worry, especially when one considers that the buildings are of sandstone -- I will not go any further because often when this sort of subject is mentioned in the Press and suggestions are put into the minds of vandals the next thing we find is that the very thing we have been talking about has been vandalised. Therefore, I will not talk about that, but will allude only to the desecration and destruction of buildings on the island by vandals.

Members of my party are very loathe to allow legislation which will result in the island's suffering. I note that a provision is contained in the Bill where parents of vandals will be liable for the damage they do. The parents of a person under the age of 18 will be responsible for the damage he incurs. The National Party spoke about this in another place and was responsible for amendments to the legislation which is before the House. We are interested in the progress of the Bill.

The Bill reflects recommendations from the Rottnest Island management planning group and it provides for the strengthening and updating of laws for the control and management of the island. In the initial part of the Bill a definition is given of the boundaries of the Rottnest Island reserve and reference is made to the establishment of a six member Rottnest Island Authority, as a State Government agency, in lieu of the Rottnest Island Board. The National Party is interested in this part of the legislation and it is pleased to note that the Government has heeded a suggestion it made.

The membership of the authority will comprise a chairman, appointed by the Governor on the nomination of the Minister, and the National Party can see nothing wrong with that. It has been the practice in the past, and we see no reason to change it; neither has Hon P.G. Pendal raised any reason for it to be changed. Five other members are to be appointed on the

nomination of the Governor in accordance with clause 6(2). We have no objection to that. One is to be a person who, in the opinion of the Minister, has practical knowledge and experience of the conservation of the environment. We have no problem with that. One member is to be a person who, in the opinion of the Minister, has practical knowledge and experience of the preservation of buildings of historical value -- a most important adjunct to the authority. One is to be a person who, in the opinion of a Minister, is of sound commercial experience. Again we have no objection. We have no objection to the person who, in the opinion of the Minister, is a regular user of the island for recreational purposes.

In this sense we believe that the membership of the authority will have the strength for the control of the island in the future. If the new body does not have at least the teeth of the present board, we might expect the island would not be in good hands in the future, and some of the problems mentioned by Hon Mr Pendal could occur if the new authority does not have the broad representation mentioned.

The Bill outlines the functions and powers of the authority, and they are very comprehensive. They include the provision and operation of recreational and holiday facilities on the island, the protection of flora and fauna, maintaining and protecting the natural environment and man-made resources of the island, and to the extent that its resources allow, the repair of the natural environment. The main objectives of the authority are pretty clear.

The authority is to be constrained by a publicly reviewed management plan approved by the Minister and reviewed every five years. The fact it will be publicly reviewed at all times is an advantage in that any person may object to anything being done on the island. In other words, anything not embraced by the corporate plan, or the management plan of the authority, can be objected to. Many visitors come to the island, and they can view those management plans and indicate, either to the management authority, to the Minister, to a member in this place or to anybody else, any transgression against the management plans. The plans will be kept in the offices of the authority and shall be available for inspection free of charge by the public at any time while the office is open. The management plans I am sure will cover broadly other areas of management of the island, such as the use of buses and other things of concern to Hon P.G. Pendal.

Tourism is the most important thing for the island. If any person is operating in any manner which is turning people away from the island, or is being unduly rude or harsh, an objection lodged through the proper channels, either in this place, to the authority or to the Minister, would bring the matter to the attention of the authority and some explanation would be called for. That is as we see the Bill. It should be accepted as it is now because these provisions seem to us to be fair as far as the visiting populace is concerned, as well as those engaged in industry there.

Hon P.G. Pendal spent some time on clause 48. While it is not our prerogative to deal with clause 48 during the second reading debate, I thought the honourable member went into it as he would during the Committee stage. However, while on the subject of this clause I should indicate what my party thinks of it. We have examined the clause and see nothing greatly obnoxious or anything to alarm us. However, when the Committee stage is reached, if the honourable member cares to argue a little more with the Minister, and we have our two bob's worth, he might be able to change our minds.

Hon P.G. Pendal: It sounds ominous to me.

Hon H.W. GAYFER: Taking into consideration the Rottnest Island Yacht Club and the fact that it is set up as an incorporated body, that incorporated status could be taken way from it if this Bill is applied retrospectively by the authority. What comforts us about the yacht club in particular is that the only ground for refusal of the use of Rottnest Island will be that the authority or the Minister, as the case may be, considers that the person or body in question does not have a proper and sufficient connection with the island, or the name or title will not be or is not being used in good faith.

If a Rottnest Island yacht club has been set up on the island, and it is being used with the island as its destination, there could be no objection to that name being used, unless there were a transgression or something of that sort. If an incorporated body on the island had its title and status taken away from it retrospectively, more than a few people would be interested in knowing the reason. Even if the authority did take that away, the matter would

come directly to the Parliament, because the person who receives a notice of refusal or approval or notice of variation or revocation can, within 21 days of receiving the notice, appeal to the Minister against the decision of the authority, and on any appeal the Minister may either confirm the decision of the authority or give to the authority such directions as the Minister may think fit. Surely at that stage that would be a matter that Parliament would be considering.

I look at clause 48 in a much broader sense, as being there to protect Rottnest Island from people outside it using its name. When tourism comes to the island to a greater extent, perhaps people on the mainland might use the term "Rottnest Island" without permission when they do not have a genuine need to use those words. We believe this is a reasonable and proper provision.

Hon Phillip Pendal asked in his speech how would we like it if someone outside Corrigin used the word "Corrigin", or someone outside Busselton used the word "Busselton" in a business name. People in Corrigin and Busselton would object very strongly if someone who did not have the right to use those words or was not associated with Corrigin or Busselton could suddenly cough those words up and detract from the environment of Corrigin and Busselton. We would not be able to do anything about that situation, but I believe this Bill is trying to protect Rottnest Island from that situation arising to ensure that the terms "Rottnest Island", "Rottnest" or "Rotto" remain common parlance for those people who frequent the island or make their living on it.

I have given my party's opinion on what Hon Phillip Pendal has said because the matter has also been raised with us. It is not new; it is not a five-minute decision about what Hon Phillip Pendal has said. However, I still look to the Minister to rebut the arguments put up by Hon Phillip Pendal. We would ask him -- despite the fact that at this stage we are in agreement with him -- to say if there is anything in the story or in the fears of the Rottnest Island Yacht Club which indicates that there is an ulterior motive and it is going to be rubbed out. If there is no intention on the part of the Rottnest Island Authority or the Minister to take away from the yacht club the title "Rottnest Island Yacht Club" or its incorporation, I ask him to tell us that because it is no good his being secretive about that point if the Commodore of the Rottnest Island Yacht Club and Hon Phillip Pendal are concerned about this matter.

We support this Bill and believe it is a very good Bill. We believe that the Rottnest Island Yacht Club and other organisations and businesses which genuinely use the names "Rottnest Island", "Rottnest" or "Rotto", are in no real danger, and if they are proceeded against or have an order placed against them for the removal of those names, then I believe it is a matter to which Parliament will look because of the fact that the Minister must give a direction.

As far as the eviction of a person from the island is concerned, I read into the Bill that the police have plenty of power; they would have no trouble at all in putting such a person on the next ferry or in telling that person that he or she can stay away from the island for seven days. I think that is long enough because such a person has usually had one or two drinks too many, and in seven days such a person becomes a different boy or girl and comes back to the island and may even finish up at the magnificent chapel that is on the island, rather than the other chapel where they were the previous week.

Hon P.G. Pendal: There are two chapels.

Hon H.W. GAYFER: Well, there are two, but there is one to which I am particularly referring.

We support the Bill and we would be interested to hear the Minister's reply in respect of the matter raised by Hon Phillip Pendal.

HON D.J. WORDSWORTH (South) [5.36 pm]: I believe that this Bill does little more than formalise the manner of management which has been the order of the day at Rottnest for the last 100 years. The Parks and Reserves Act was assented to in 1895, so I am not far out in saying 100 years.

Before this Bill came before the House, Rottnest Island was the responsibility of the Minister for Lands, not only under the Parks and Reserves Act but also under the Land Act. As far as I know, the Minister for Lands has been the Chairman of the Rottnest Island Board since

Parliament was first established. The only change took place when Mr Burke took it upon himself to take on that duty because he thought it would be a very interesting one and would combine with his duties as Minister for Tourism.

When one reads the Parks and Reserves Act one finds the origin of the Bill that is before us practically clause for clause. There is nothing very original about this Bill, and frankly I cannot see any need for the legislation that is proposed, other than to perhaps prevent the Burkes of this world working outside the confines of the Parks and Reserves Act.

Section 3 of the Parks and Reserves Act states --

(1) For the purpose of controlling and managing parks and reserves, the Governor shall appoint persons to form Boards of Parks and Reserves, and may appoint the president of every such Board . . .

(2) One-third of the members for the time being of a Board shall form a quorum . . .

(3) A Board may sue and be sued . . .

(4) The Governor may by proclamation constitute any Board under such name as he deems fit . . .

The board of course saw fit that there should have been the Rottnest Island Board. Section 4 states --

The duty of a Board shall be to control and manage all the parks and reserves so committed to them . . .

The Act goes on to describe how the board may construct fences; construct dams; improve or ornament such parks and reserves; establish and maintain zoological gardens; and grant licences for the depasturing of animals or for the removal of any sand, etc.

Any person who has been a Minister for Lands would be familiar with this Act, for not only does it apply to Kings Park; it also applies to the many thousands of reserves throughout the State, many of which have been put under the jurisdiction of various local governments.

The Parks and Reserves Act also says --

6. A Board may delegate any powers . . .

7.(1) A Board may from time to time appoint a secretary, rangers, park-keepers, and other officers and servants . . .

The Act goes on to say in section 7A(1) that the board has the authority to --

(a) remove any vehicle, animal or other thing from a park or reserve;

It is interesting that cats or dogs are not allowed on Rottnest Island. That gives the island a rather special aspect -- we see a lot more birds there than on the mainland, where we have feral cats, which are a problem.

Hon P.G. Pendal: That's true. There are a lot more birds there.

Hon D.J. WORDSWORTH: If one is looking for a pretty bird, one will note the number of pheasants, which were introduced by previous Governors for their shooting.

Under the Parks and Reserves Act there has always been the ability to --

(b) stop, detain and search any vehicle, vessel or conveyance;

(c) enter and search any hut, tent, caravan or other erection . . .

It is the responsibility of the board to keep accounts; the interesting thing is that clause 8 of the Bill enables the board to make by-laws which allow authorised persons to remove people who have committed any breach of any by-law in respect of parkland and reserves. Being able to remove a person from the island is nothing new. To my knowledge the only new thing is that qualification of seven days. Des Sullivan always had that power, and while I do not think he used to remove people from the island very often and pop them on the next boat home, when he did so they were not allowed back after seven days.

Once again the principal Act allows for the regulation or prevention of selling or exposing for sale goods, wares, and merchandise on the parklands and reserves. Needless to say, it

prohibits the damaging of shrubs and plants and prescribes fees to be charged of the public for administration and the like. I will not go right through the Parks and Reserves Act, but I assure members that when one looks at the Bill, one sees that it very much reflects the provisions of the principal Act. I, for one, have very little to argue against the Bill.

I would like to refer to the people who have served Rottnest so well in the past. When I was the Minister for Lands, Sir John Parker was a member of the board. He together with Sir Russell Dumas was probably one of the most far-sighted and distinguished public servants that this State has ever had. He served on the board and gave long and excellent service in that capacity. Hon Donald Taylor was also on the board at the time. He was a Minister in the previous Labor Administration, and although it was usual for the Labor Party to throw off any Liberal member on the board, when the Liberal Government came to office I asked and received the okay from Cabinet to allow him to remain on the board.

Hon Graham Edwards: I don't think Dallas Dempster was a member of our party.

Hon D.J. WORDSWORTH: I beg the Minister's pardon?

Hon Graham Edwards: You said our usual practice was to throw any Liberal member off the board.

Hon D.J. WORDSWORTH: No, the Liberal parliamentarians. However, I kept Hon Don Taylor on the board because of the contribution he had made. He was very active indeed in the planting of trees. He and his wife would go across to the island and do a lot of work there. There was usually a leading lawyer on the board, and an architect. At the time that architect was John Fitzhardinge who, while not a young man, was definitely young at heart. He went on to be an important part of the team that won the America's Cup; he was a very important go-between for the board and the yachtsmen. Des Sullivan was the long time secretary. I think he was there for well over 15 years; previously he was the shire clerk at Albany. I believe he was very popular on the island and very fair. He had a very dedicated staff, and I pay tribute to all the people who served the island so loyally.

Members have to realise that Rottnest must be looked after as though it were a local authority. People are running businesses on the island, and they cannot be treated by the board's president as if he were a dictator who could order them about. The people on the island must receive a guarantee of justice. I hope that the previous boards gave them that and behaved as local authorities behave -- as if they were elected by, shall we say, the ratepayers. The board has to carry on services similar to that of a shire council. It has to provide water and sewerage, to collect the garbage, look after the parks and gardens, build roads, and supply electricity. Rottnest Island actually had the first wind farm. The board also had to manage accommodation, which was not a very easy thing. The board endeavoured to try to provide facilities for the various groups of people who wished to visit the island, from football teams to family units, and to provide accommodation in a range that these groups could afford. The objective was always to keep the costs down.

In order to try to keep the costs down, there was no cleaning service. It was an unwritten rule that one had to leave the premises one had leased spick-and-span.

Hon D.K. Dans: The breakdown occurred with the biggest mistake ever made on Rottnest, which was when they opened the hotel there. People did not clean up when they left. That was the starting point.

Hon D.J. WORDSWORTH: Hon D.K. Dans is probably quite right. I was not there before the hotel, but the difficulty arose with the cleaning. People would enjoy themselves for two or three days and would have to spend their last day there cleaning. Many people complained that they could not get a booking again when they wanted one, and in many cases I think it was because they had not left the premises in quite the right order. I know there was a lot of criticism of Des Sullivan to the effect that he let the accommodation to his friends, but groups did go over at a certain time every year. They looked forward to being together, and provided they looked after their accommodation and kept it clean, I do not see anything wrong with that. A Press cutting from which I will quote later states that there is only one month of the year that accommodation is fully booked out. Even if one could not obtain accommodation during the peak school holiday period, generally the accommodation was reasonably easy to get, and handed out in a reasonably fair manner.

Water was always the trouble on Rottnest. The board shared the cost of sealing of a catchment area and in the building of a reservoir; I have to admit that while many people cursed the Army, it paid more than its fair share when it came to the costs of Rottnest. The Army used to pay half the cost of the water, and it certainly did not use half of the water supply. Salt water showers, although not popular, were the order of the day. That was the reason there were no lawns. One sometimes hears criticism about the dust at Rottnest, but I am afraid it would be hard to have anything other than dust when there is no way one can water lawns. Underground water was found in the 1970s, which made relaxation of water restrictions a little easier, but nevertheless the supply of water will always be a difficulty on Rottnest, unless a pipeline is built between the island and the mainland. The expense of putting a 15-mile pipeline to Rottnest would make that a remote possibility.

Quokkas on the island, while lovely animals perhaps, are an environmental disaster. Obviously, predators have been removed from the island and so quokka numbers have built up very quickly.

Hon Graham Edwards: One should be careful what one says, because we all know what happened to Hon John Brown.

Hon D.J. WORDSWORTH: I know. Quokkas have had to be removed from the island because they breed too quickly. They have been used for medical experimentation. It was not until areas were fenced off from the quokkas that we could see a regeneration of vegetation.

Mention has been made of the buses on the island, which is a transport system instigated while I was Minister. However, I was not aware that the buses had reached such a bad state. Before the buses were introduced, bicycles were the only method of getting around -- or one could walk -- for the older tourists who travel across by boat. A train service will not fill the need because, depending on the weather, people will be on various beaches, making it difficult to tie up the various areas. The object has always been for cheap holidays, and children and others will always want to hop on any transport with their sandy clothes and beach gear. If I remember correctly, there was no cost for using the buses, and under those circumstances one cannot expect too high a service.

Moorings have always been a problem, particularly with the postwar boom in boating. Members should realise that different sized boats require different moorings, taking into account the area in which the boats swing and the different weight required to hold them. An idea was put forward that the Rottnest Island Board should own all moorings. However, this would involve immense costs. To get as many moorings as possible in a given area the board, during my time, proposed that each mooring have three weights forming a triangle -- by doing so one could fit considerably more moorings in any area.

Hon D.K. Dans: The member should ask Hon Gordon Masters about this -- he was in trouble for doing this himself.

Hon D.J. WORDSWORTH: Those moorings cost around $2 000 each. When the board was considering whether it should own all moorings, difficulties were seen in relation to the different requirements for different sized boats; the thinking was that because of the responsibility attached to a mooring dragging in bad weather, it would be wiser for boat owners to retain that responsibility. Complaints were made in regard to some boat owners owning more than one mooring. However, if the weather shifts, at times one is required to shift one's boat from the weather side in the middle of the night. At least, with the setup where everyone is responsible for his own mooring, a person is able to move his boat to the other side where he knows he has the second mooring. The Rottnest Island Board would be in for a lot of trouble if it had this responsibility.

In the Minister's second reading speech he endeavoured to explain the Bill as follows --

> The Rottnest Island management plan of August 1985 points out that certain provisions relating to the appointment of the Rottnest Island Board are not clearly defined under the Parks and Reserves Act and recommends that the new legislation should --
>
> > delimit the membership . . .

So the area not clearly defined in the Act is being delimited; in other words we are removing

a definition. The Minister went on to say we will have uniform building by-laws. Every building on the island is owned by the Government and the Government has never had to conform --

Hon Graham Edwards: They have to now.

Hon D.J. WORDSWORTH: Members can be assured that no Government standard of building is such that it would not conform.

Hon Graham Edwards: This is important in terms of access, Mr Wordsworth, for people with disabilities, the aged, and so on -- and a number of buildings on the island do not conform.

Hon D.J. WORDSWORTH: I am glad the Minister raised this point. This is his favourite subject; he thinks he is the first person to discover it.

Hon Graham Edwards: I am not saying that.

Hon D.J. WORDSWORTH: In the 1970s we went to great trouble to make Rottnest accessible to people with disabilities.

Hon Graham Edwards: The situation falls way short of that. I took a group of disabled people over to Rottnest for a day with Des Sullivan. We came away with a list covering two pages of things which were wrong.

Hon D.J. WORDSWORTH: Surely some things we would find --

Hon Graham Edwards: Someone has to take the matter up.

Hon D.J. WORDSWORTH: I am sure the Minister would find that a lot of trouble has been taken to accommodate the disabled.

Hon Graham Edwards: One prime instance was the board's office, which was not accessible to disabled people either in a wheelchair or with mobility disabilities.

Hon D.J. WORDSWORTH: I am not going to argue; I am glad the Minister did that.

The DEPUTY PRESIDENT (Hon John Williams): Order! There is far too much audible conversation in the Chamber.

Hon D.J. WORDSWORTH: The Minister then referred to the 15-metre water depth contour of the reserve. Previously the Fremantle Port Authority was responsible for the moorings. The board took them over in the 1970s. The Minister went on --

> This Bill is a reflection of the recommendations of the Rottnest Island Management Planning Group and the Government's views of how Rottnest Island should be managed.

When one looks back at Press cuttings at the time this Government came into power, one wonders whether this Bill does that or whether it is not protecting the island against the views of this Government. I quote from an article in *The Western Mail* on 17 September 1983 --

> A $30 million development plan for Army land on Rottnest Island has been put to the State Government.
>
> The proposal involves Perth retailing, property development and broadcasting group, Parrys Esplanade, setting up a joint venture with Perpetual Trustees of WA.
>
> About 200 villas are proposed in eight or nine separate villages in the Bickley Bay area.
>
> And, there would be 200 serviced one and two bedroomed units near the Kingstown Barracks, and bunkhouse accommodation for a further 200 people.
>
> They say the project would create employment for about 200 people a year over the three-year construction period.

Another newspaper item appeared in the *Daily News* of 29 September 1983 under the heading "New Hotel, Marina for Rotto" which reads --

> A new hotel and marina will be built at Rottnest.
>
> The Premier, Mr Burke, said today, "registrations of interest" would be sought for the development.

> He made the announcement at a joint Press conference with the Prime Minister, Mr Hawke.

We can all remember when this was going on, and that even Mr Hawke could not resist getting into the act and saying how Rottnest would be made into a tourist development to attract overseas visitors to Western Australia. The article goes on --

> "After 30 years of requests from the WA Government, we have decided to return the land currently occupied by the defence forces to the State Government," Mr Hawke said.

As members would be aware, until that time it was thought Rottnest had a defence capability, but nevertheless I think the decision to pull out of the area was the correct one.

Sitting suspended from 6.00 to 7.30 pm

Hon D.J. WORDSWORTH: I have a cutting from *The Weekend News* of 1 October 1983. People seem to have forgotten those historic days when it was proposed to turn Rottnest Island into a Gold Coast-type development. Under the headline "Rotto Hotel in time for cup" the article stated --

> The luxury hotel and marina for Rottnest will be built in time for the 1987 America's Cup challenge. The Premier, Mr Burke, said from Sydney --

He could not even get to Western Australia, the situation was too much for him. The article continued --

> -- that he hoped the hotel-marina would be completed "well before the cup challenge." . . .
>
> Mr Burke said the project would be a multi-million dollar affair . . .
>
> Mr Burke also put an end to speculation on whether a casino was in the pipeline for the island.

We had even reached the ridiculous stage of considering the construction of a casino on Rottnest Island. Mr Burke also said --

> Things had "never looked better for the future of Rottnest".

Hon Mark Nevill: What about a jumbo steel mill?

Hon D.J. WORDSWORTH: He probably would have put that there too. Mr Burke finished by saying --

> I am particularly keen to have the hotel-marina development completed in time for the Cup challenge.

On 2 October under the headline "Rotto set for a boom" the *Sunday Times* stated --

> The State Government has been flooded with proposals to develop Rottnest Island.
>
> More than 20 proposals for new tourist developments have been received and following the announcement this week that the army will be withdrawn from the island, many more are expected.
>
> The Premier and Minister for Tourism, Mr Burke, said a whole range of proposals had been received, including several relating to land occupied by the army.

It is interesting to note the phrase "several relating to land occupied by the army" -- that could relate to 20 proposals. At that stage maps were being prepared of Rottnest with luxury hotels up and down the coast, not as this Bill proposes with a line to be drawn across the island and development to be confined to one side of the island.

An article in *The West Australian* on 3 October 1983 under the heading "Boom ahead for Rottnest Island" stated --

> Rottnest is set for a development boom as a result of last week's decision to withdraw the army from the island . . .
>
> Mr Burke said that a top-class hotel would be built on 2.5 hectares of land near army land at Thomson Bay.

At least it was confined to one spot by that time. On 9 October the *Sunday Times* under the heading "To develop or not -- Rotto peace faces big challenge" stated --

> While applications pour in from developers eager to make Rottnest Island an international playground, serious doubts are being raised about the viability of future growth . . .
>
> The Premier, Mr Burke, who is chairman of the Rottnest Island Board, believes they can. But, his optimism is not shared by many locals.

It was said that there was already Adventure World and Yanchep's Atlantis and the people did not want the same sort of thing built at Rottnest. There was a public protest against any Gold Coast-type development on Rottnest and we have Hon Phillip Pendal to thank for increasing the awareness of people in this matter. The general public rose as one and said they did not want the island ruined, they wanted it kept as a recreation area for Western Australians.

I understand why Mr Burke was caught up with the idea of a luxury hotel and so on; the hotel and tourist industries in Perth were always complaining that when visitors to Western Australia were told that Rottnest Island was a good place to visit during the weekend, they were utterly disgusted on arrival because it did not appeal to international tourists. The island has no greenery but has many yobbos wandering around half dressed together with a fair share of drunken youths. For that reason those who wished to promote tourism in this State were keen to see Rottnest Island developed so that it would form an integral part of the tourist development in this State.

I am glad to see this Bill before the House; it represents the general public's wishes with regard to Rottnest. In the second reading speech the Minister said that --

> Provision is made for members to be appointed with sound commercial experience and particular knowledge in conservation of the environment and preservation of historic buildings.

Anyone who has been to Rottnest would agree that the buildings have been very well preserved on the island. Indeed, they are a uniform ochre colour which has become quite famous.

The DEPUTY PRESIDENT (Hon John Williams): Order! I remind honourable members there is far too much audible conversation and I am having difficulty hearing Hon D.J. Wordsworth.

Hon D.J. WORDSWORTH: I am embarrassed about the TAB building, it should either be pulled down or dressed up so that it matches the other buildings on the island. I was surprised to hear the Minister talk about preservation of historic buildings because we have just witnessed the desecration of Parliament House. The stairs in this place look like a Hollywood mausoleum; it is the most disgusting desecration I have ever seen.

The DEPUTY PRESIDENT (Hon John Williams): Order! I do not think that has anything to do with the Rottnest Island Board.

Hon D.J. WORDSWORTH: I was relating it to the guarantee regarding the preservation of historic buildings. I can only say that they have done a particularly poor job here.

Hon Graham Edwards: It is a reflection on the Joint House Committee, and a bad one.

Hon P.G. Pendal: So it should be.

Hon D.J. WORDSWORTH: They have hung the most ghastly pictures up and down the stairs.

Hon Kay Hallahan: Not a woman amongst them.

The DEPUTY PRESIDENT: Order! Order! I have reminded the honourable member about one thing, and I remind the honourable members about the other thing.

Hon D.J. WORDSWORTH: I am sorry; I answered an interjection, and I should not have done.

Finally, this Bill deals with where accommodation may be sited on the island. The Minister said that no accommodation will be provided between a line defined between Geordie Bay

and Kingstown Barracks, except for Rottnest Island Authority staff where needed for work purposes. That is excellent, particularly when one sees where some of the tourist developments were going to be.

Part VI of the Bill deals with financial provisions. It provides that as far as practicable the authority will be self-funding by the fifth financial year. How do members think it is financed now? Everyone assumes that the Government puts large amounts of money into Rottnest, just as it puts $1 million-plus into Kings Park each year. In actual fact, very little money has been given to Rottnest other than allowing the board to raise loans, in the same manner as local government, to build some accommodation units. Generally speaking, Rottnest has had to survive on the landing fees paid by people coming to visit the island, about 50c a person; money from the hire of accommodation, but most of that money has to be put back into the buildings; and the lease of the hotel and shops. The Rottnest Island Board has never been very strong on money. Had there been more money available there might have been more development on the island. However, there has usually been adequate funds to meet the needs and expectations of Western Australians.

Part VII covers a range of issues including the liability of parents for damage caused by their children. That has also been covered in the Parks and Reserves Act. It is regrettable that many parents in Western Australia think of Rottnest as a place to send their 18-year-old children for drunken orgies. That is undoubtedly what happens. Football clubs go over there and write themselves off. It is a great place for a bucks party. Groups of yachtsmen go over there --

Hon Graham Edwards: Yobsmen.

Hon D.J. WORDSWORTH: -- on drinking sprees. It is unfortunate that such a reserve should be used for those purposes. Many adults hire cottages in their own name, never turn up, and allow their children to go over there and take possession of the accommodation. It is not unusual to see an 18-year-old girl in charge of one of the units, and letting it out to her friends for $1 a sleeping bag. Adults should take responsibility for their children, and when accommodation is booked in the name of the family the parents should also turn up.

Those are the points I wish to make. We have already debated the name "Rotto" and whether it should be allowed to appear in other places but Rottnest. That will be raised again in Committee.

I support the Bill because I believe it is designed to protect the island against a Government which might have the intention of turning it into a Gold Coast type of resort.

HON D.K. DANS (South Metropolitan) [7.45 pm]: I support the Bill, and commend the Government for bringing it forward.

The DEPUTY PRESIDENT: I have counted, during the last 30 seconds, six separate conversations going on. That is not good enough. I do not care who is speaking, he demands the protection of the Chair, and he is going to get it from me.

Hon D.K. DANS: Before I cover a few of the lighter points of the Bill I would like to dispel a few myths about Rottnest. I was interested to hear Hon D.J. Wordsworth talking about former plans for Rottnest. The people putting those plans forward were genuine, but forgot one thing; that is, that Rottnest Island is peculiar to Western Australia and to the people of Western Australia. Secondly, and more importantly, Rottnest is not a resort-type island. Anyone who thinks it is, and has been foolish enough to sink millions of dollars into tourist accommodation on that island, will quickly go broke.

Thirdly, at many times of the year Rottnest is a very inhospitable island. The weather conditions are atrocious and the wind becomes unbearable. A lot of people tonight have talked about tourism. One of the inhibiting factors about our beaches is the wind. We do not talk about it, but many people from overseas go away in droves who have come to holiday, for example, at Observation City. There is a prevailing wind almost every day of the summer, coming from the south west, and blowing continually and strongly as far as the North West Cape.

It is a misconception to think of Rottnest as a resort-type island. It will never attract overseas tourists in great numbers. I would be horrified if we tried to turn it into a gilt-edged island of the type often seen off the Queensland coast or in some of the more toffee-nosed areas of the Mediterranean.

I thank Hon Phillip Pendal for his support of the Bill, but ask him to look at clause 48 again and come back and talk to some other people about it. I am sure it is not designed to do the kind of things he related to this House. I am fully aware of the conflict of interest, for want of a better word, between the Rottnest yacht club and other people. I believe that the problem is capable of resolution, given some goodwill and the ability to sit down and talk about it. Rottnest Island can be enjoyed by the majority of Western Australians who go there. There are many Western Australians who, having visited the island, do not want to go back. At the same time, they will help prevent the island being turned into a gilt palace.

For the short term that I was the Minister for Tourism I spoke with the then Rottnest Island Board about the need to do something about the managerial processes on Rottnest. I had the highest regard for Des Sullivan and, although I did not know Mr Starke as well, I believe that he carried out his duties as well as Des Sullivan. It used to be a standing joke that the crows on Rottnest did not call, "Caw, caw"; they flew over the island calling, "Starke, Starke."

I do not agree with Hon D.J. Wordsworth that we are not changing very much in the Bill. We are changing it significantly and I will tell the member why in a moment. Rottnest has been neglected since the first settlement of this part of Western Australia. First of all, we chopped the undergrowth down, and it will never come back. We have continued to do things to Rottnest Island ever since then, right down to licensing large ferries which do more damage by disgorging big groups of people on the island every day than do all the residential holidaymakers we could put there in 10 years. I am not denying the right of the people to go there, but unfortunately, unsupervised and undirected, they have trampled down undergrowth and just about killed off Longreach Bay. Hon Gordon Masters may agree with me. That is my favourite spot on Rottnest. Everyone has a favourite spot, and I saw that spot destroyed before my eyes.

Having said that, the major problem arose because people, no matter how good they were, were placed in charge of that island as managing secretaries and left there ad infinitum. One cannot control staff, especially on an island as small as that, when one cannot get away from them. One has to have a drink and socialise with somebody. Consequently one starts to accept things that normally one never would have accepted. That is no reflection on the people who were there; they were the conditions prevailing at the time. I remember making the observation that the island should be run by a professional board or a Government department based on the mainland with an executive officer on the island who was changed from time to time. I think that is essential. One of the reasons Mr Gorringe had not been made permanent was that management studies were being carried out and this Bill was to come before the House at some time.

I was very sad to see the last secretary go from the island, and for what reason he went I do not know. I was not the Minister at the time. On that point alone, the board will now comprise various experts from business and so on, and there will be a chief executive officer. I think the board will do a much better job under this legislation than it has done in the past. While I appreciate Hon David Wordsworth's reading out those Press statements, they are yesterday's heroes; we are dealing with the present. Those Press statements probably did much to alert people to the island, and if they did nothing other than that they did a very good job.

I turn now to a few of the other matters that were raised. I think the idea of a railway is very good, providing I do not have to look to the cost of it. I know this was a brainchild, or a hope, of Mr Taylor. After all, Mr Taylor did more than plant trees; he delved into the history of Rottnest, as Mr Wordsworth well knows. He was instrumental in seeking out the gun emplacements and making a study of them. The fact that they have now been opened up again and one or two of the guns have been restored is a credit to Mr Taylor, because that is the area in which he was heavily involved. A very good thing would be to reconstruct the part of the railway that carried the shells along. As much as I would like to support Hon Phil Pendal's idea of a railway right around the island, my mind boggles at the cost that would represent.

I agree that most of the buses had seen better times before they arrived at Rottnest. I recollect talking to one of the bus drivers when he took two outboard motors and about four cans of petrol on the bus. I pointed out to him how dangerous that was. He said, "Some of the people on the bus are very powerful people in the community. Unless I take them I will

probably get into trouble." I said, "If the bus turns over we will all be in trouble." That is another point. Many people are community leaders, and for one reason or another they go over to Rottnest and demand more than their fair share, whether they are on boats or whatever. That has been the history of the island.

I said before that the complexion of Rottnest changed the day the hotel was put there. Members should not kid themselves that a little riotous behaviour only ever started with the hotel. Hon David Wordsworth has had access to the records of Rottnest, and he can look back through those papers to 1920. The same type of things, in a different time-slot, were being recorded then. I happened to be there on the night of the burning of the bikes -- not the burning of the books.

Hon D.J. Wordsworth: I thought you were going to say you were there in 1920.

Hon D.K. DANS: I went over there privately and was staying with some people in a cottage. I heard all the noise, but little did I realise what had happened. They found out I was there and dug me out in the morning. After talking to the police who were there -- and we always seem to have pretty sensible policemen in charge at Rottnest --

Hon P.G. Pendal: Agreed.

Hon D.K. DANS: -- I found that some people, for want of publicity, had urged those young people on. It made a good news story on an otherwise dull weekend.

For all that, Rottnest is no different from anywhere else. The other day I was reading a Qantas publication about people going to Miami after the end of the college year. Exactly the same thing happened there, but on a much grander scale than ever happened at Rottnest after the young people here finish their college year or finish at the university. I am not saying that behaviour is correct, but it is not peculiar to Rottnest. As a matter of fact the Qantas publication outlined how many people were killed by falling out of hotel windows. It said that if people were going to Miami, they should not go in that month.

Much has happened at Rottnest over the years, and much of that is fallacy. Fathers tell their sons of things they thought had happened at Rottnest. They have told it so many times that they have begun to believe it. I engage in a little of that myself -- we all do. But by and large, taking the island altogether, and considering the number of people who go there, Rottnest is extremely well-managed and will continue to be. One of the things we must guard against -- and I think this Bill expresses it and gives very strict guidelines and puts the island on a very businesslike basis -- is turning the island into a monastery, either for young people or for older people. People say there are young hooligans but -- and I think Mr Masters will agree with me -- I have seen pretty senior hooligans at Rottnest from time to time, but only ever in a minority. We must keep that in mind.

I come down to the very vexed question of the funding of Rottnest. I would like to believe that in five years' time, under virtually existing conditions or even building in an inflation factor, Rottnest could be self-funding. However, I am not brave enough to say that will happen.

I will have to take Mr Wordsworth up on one point. Rottnest has never really been self-funding; it has been in a kind of beggar's role. It has had to bestow favours on various senior public servants over the years. They have assisted Rottnest, perhaps when they have had some spare material to build a road. Mr Wordsworth knows this. Perhaps someone from the Building Management Authority, or the Public Works Department as it was then, had a bit of stuff left over and someone had a bit of a holiday for a couple of weeks. No-one argued about that because they took the workers over there and did some work. It never should have been. When I was Minister, Rottnest was $6 million in the red. That had happened by raising loans and instead of ploughing money back into other cottages, as members fondly believed -- although I do not think they really believed that -- that money was used -- and this would make Hon Max Evans sit up and take notice -- to fund the running of the island.

I suppose all the people who went to the island enjoyed reasonable accommodation at a reasonable price, but nowhere were we ever getting a real indication of the cost of running the island. It was one of the first things I took up with the board. I read about it one weekend and even with my untrained financial eye I thought, "It all depends on what side of the coin you are. This is luxury for some and misery for others." I put it to Hon Joe Berinson, "How about wiping off that $6 million and starting again?" I will not tell members what his reply was.

This Bill sets up the proper kind of structure to manage the island. Perhaps all the furore over great hotels and everything else has sparked a sense of pride in the island among the people of Western Australia. They have let it be known that they want it kept as it has always been, and the Government has reacted. It has a management plan, a chief executive officer, and a properly constituted board. I pay my respects to the previous boards and Ministers, including Mr Wordsworth, who had to grapple with many thorny problems.

If the island is to prosper, and I do not mean by great hotels, it must have that vital resource, water. That could have been provided immediately after the war. Someone suggested we buy a PLUTO, the pipeline under the ocean which they took to Normandy. It would not have lasted until now, but if we had taken it to the island the rest would have been fairly easy.

We do not want to turn Rottnest into a monastery, but we need some control. There will be a chief executive officer, and there is a proper respect now for the funding of the island. A proper environmental system has been put in place and the new board will be put together properly.

Once again I ask Hon Phillip Pendal to have a look at clause 48. I do not think the Bill would collapse if that clause were taken out, nor do I believe that removing it would solve the problems between the Rottnest Island Yacht Club and the people who have been involved in some friction.

Hon P.G. Pendal: I think most of the friction is over now, but they are fearful of what clause 48 may do.

Hon D.K. DANS: I am glad Mr Pendal said that. I do not think clause 48 will have the effect he thinks. Let us find out. It would be a pity to toss out a clause from what I consider to be a very good Bill, and one which is long overdue.

I am personally pleased with the idea of a chief executive officer, and the composition of the board. I do not lay claim to all of that but I recollect talking to the board at length about it. One of the reasons for the breakdown of discipline on Rottnest was the constant presence of the managing secretary who had to mingle all the time with his staff belonging to no-one, plus the fact that he had the unenviable task of keeping at bay the power brokers at very high levels of Government and in the establishment. I hope the Bill will go through the Committee stage intact.

HON GRAHAM EDWARDS (North Metropolitan -- Minister for Sport and Recreation) [8.04 pm]: I thank members for their in-the-main excellent contributions and support. I found much of the input quite interesting.

I want to deal first with Kingstown Barracks. We need to remember that it was not all that long ago that the Army still used Kingstown Barracks in a manner which I could never comprehend. I think it was used as a holiday place by the Army under the camouflage of being a training ground. It was never a training ground; I have witnessed at close hand some of the exercises they used to conduct there and it seemed to me then, 10 years ago, it was very hard for the Army to sustain the use of that island as an exercise ground because it was not being properly used for that. Even if it was, there were plenty of other comparable areas in the State which could have been used. When one considers the 5th Military District already controlled much of Garden Island, it was hard to support the continuation of its controlling an important area of Rottnest.

I join Hon Phillip Pendal in congratulating Tom Perrigo. He has done an excellent job, and most of what has been done on Rottnest was set in place by him. His skills and expertise have largely been welcomed by Rottnest and by people who now go there and enjoy the island.

Hon Phillip Pendal made an interesting comment when he said he was pleased to see profits made on Kingstown Barracks were being put into upgrading that facility. That is very important, and I hope it will continue. I do not believe that Rottnest will price itself out of the ordinary family market. The future of Rottnest rests with ordinary families in Western Australia who wish to go there in increasing numbers, and indeed many families seek to visit the island for the first time each summer. I do not believe it will ever be the case that those families are priced off the island.

If one looks at the bike hire, for instance, one sees that that move has created greater income for Rottnest than was previously enjoyed under the arrangement with the private enterprise people running it. It was continually a cause for immense dissatisfaction among people who visited Rottnest, and it was the cause of complaints about lack of service, the condition of the bikes, and so forth.

The new service has not only provided a good income for Rottnest, but also has provided better service. I do not know what the ratio of staff is now compared with then, but the people working there now are putting a lot of time into the proper maintenance of the bikes, and that apparently did not happen before. It is interesting to talk to some of the people and see the pride they take in their job and in maintaining the bikes in good order. I believe there will always be a mix of private sector and authority business over there. I do not think there is any move afoot to take over the hotel or the bakery or any other business.

I refer now to the question of the manager. I understand Mr Gorringe was put into that position pending the legislation which is now before the House. After this legislation goes through, a new person will be appointed. Mr Gorringe is the acting manager; he officially retired earlier this year, but he has agreed to continue until a chief executive officer is appointed. That is quite reasonable, and we should acknowledge the continued service he is giving. It would not be in the interests of Rottnest Island, particularly with the busy season coming up, to have a new and possibly inexperienced manager in charge of the place. I think Mr Gorringe's wish to stay on should be commended.

The transport question is under consideration. It was addressed in the management plan in which it was recommended that smaller buses or prime movers towing trailers should be seriously considered. As I said, the whole question is being further considered. In the meantime, at least one minibus has been purchased and is being used on the island. I believe the two difficulties that would arise in relation to the introduction of a rail system would be, first, the cost and, second, the environmental damage it would cause.

I, and the community, wish to see an end to the nonsense which was going on on the island a couple of years ago. I believe that it has now been controlled. A measure of the success of that control has been found in the fact that more families wish to visit Rottnest Island.

During this debate a number of references were made to drunken youths and to the laying of the blame for much of what happened on Rottnest on the shoulders of young people. I believe that is not totally true. I believe that young people are unfairly blamed for many of the things that have happened there in the past. Last year, while we were there, my wife had the unfortunate experience -- an event experienced by many others -- of having her bike stolen from outside church on a Sunday morning.

Hon P.G. Pendal: It was probably from outside the other church.

Hon GRAHAM EDWARDS: It was a good Catholic church. When the bike was stolen I automatically assumed that one of the younger surfie-types had taken it. I went around the island searching those areas in which bikes had a tendency to be hidden after they were taken but did not find it. Just before we left, I happened to bump into a well-dressed, well-presented, articulate woman whom I could best describe as belonging to the blue-rinse set. One would have thought that butter would not melt in her mouth. She had swiped the bike. It was an education to me because I was ready to blame someone of the younger set who frequent Rottnest Island. I felt quite guilty about that.

The management believes that it can achieve self-financing and I agree that it is possible.

The clause which seems to be exciting most interest is clause 48 relating to the use of the name "Rotto" or "Rottnest Island". We have an opportunity for the next five years, remembering that there will be a review after that time expires, to protect the name and to prevent it from being abused in any way which may detract from the island. Hon Mick Gayfer made the point about the island and all that it represents for Western Australians. I remind members that under the provisions of the clause, for the Minister to take action, it would need to be shown that a person or a body did not have a sufficient or proper connection with the island or that the name or title will not be or is not being used in good faith. If that were to happen I think the authority or the Minister would be negligent if they did not take some action.

An example of that is something that happened some years ago when a fishing tackle and

light food shop in a beach-side suburb placed a huge sign at the front of the shop stating that Rotto pies were for sale inside. The sign attracted many people who had an appetite for Rotto pies. The Thorsens who sold the pies on Rottnest Island were very upset when they discovered that this person was advertising Rottnest Island pies because they were not coming from the Rottnest Bakery.

Hon P.G. Pendal: Where was the shop?

Hon GRAHAM EDWARDS: I cannot tell the member, but it was not on the island. It was in the northern suburbs, adjacent to a beach. The point I am making is that the people selling the pies on Rottnest Island became very upset when somebody tried to muscle in on the market that they had built up over the years; and rightly so. Everybody knows how good a Rottnest Island pie is.

Hon P.G. Pendal: With respect, they would have had to have complied with the registration of business names provisions.

Hon GRAHAM EDWARDS: It was not the name of the shop; it was a sign at the front of the shop. It was an attempt to borrow a trade name. The point is that, if people are able to build up such good reputations about the food they sell, it is appropriate that customers go to that shop to taste it. That is one of the attractions of the island and it should not be so easily pirated in that way.

I believe there is a real need to retain the good name of Rottnest Island and I would hate to think that anybody could detract from that name in a business or in any other sense. Hon Phillip Pendal mentioned the emotion that is generated among people when we talk about Rottnest Island. I believe that is true. Many people in Western Australia believe that Rottnest Island is part of their family. We have a real and legitimate obligation to ensure that the Rottnest Island name and all that it stands for is protected in the future.

I do not intend to deal with many of the side issues raised in the debate. It was a fairly wide-ranging debate and some of it was not relevant to the Bill. Hon Mick Gayfer hit the nail on the head when he said that the real strength of what will happen there will be found in the make-up and the membership of the authority, and the future management of the island rests with that authority. That authority will be complemented by a very good management plan.

Everything contained in the Bill, including clause 48, will stand Rottnest Island in good stead for the future, remembering that the pressures on the island will not decrease but will increase. The management authority plan and all that is contained in the Bill will enhance and complement Rottnest Island for the foreseeable future.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Hon John Williams) in the Chair; Hon Graham Edwards (Minister for Sport and Recreation) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Membership of Authority --

The DEPUTY CHAIRMAN: I take it that Hon P.G. Pendal will move the amendment standing in his name on the Notice Paper.

Hon P.G. PENDAL: The amendment was placed on the Notice Paper by me at a time when I was unaware that the other place had, in fact, passed a similar amendment, so I will not move that amendment.

Earlier the Minister responded to a query raised by the Opposition with regard to the reason that Mr Gorringe had not gone beyond the position of acting manager. I thank him for his response, which made sense to me.

Clause 6 provides for the appointment of a chairman. I ask the Minister why there has been a long tenure in the case of Mr Dempster, who has been acting chairman for three or four years. If the Government sees his situation continuing, I will apply similar arguments to those which I applied in the case of Mr Gorringe.

Hon GRAHAM EDWARDS: I am not in a position to provide that answer. As I see it, it is not relevant to the clause. I am sorry I am not in a position to convey an answer to the member.

Hon P.G. PENDAL: I appreciate the last part of the Minister's answer. If he does not know the answer, I accept that. I claim that the matter is relevant to this clause because we are seeking to appoint a chairman, yet there has been an acting chairman for several years. I cannot for the life of me see how it would not have destabilised the activities of the board to have someone in an acting position for so long. Given that we are talking about the statutory appointment of a chairman, I claim that it is relevant, but I accept that the Minister does not know the answer.

Hon GRAHAM EDWARDS: One of the reasons he has been retained in an acting capacity would certainly have revolved around the fact that I and many other people believe he has done an excellent job on the island.

Hon P.G. Pendal: That is not in dispute.

Clause put and passed.

Clauses 7 to 12 put and passed.

Clause 13: Powers of Authority --

Hon G.E. MASTERS: Subclause (3)(b) includes the power of the authority to grant leases and licences of sites for the mooring of vessels. I draw the Minister's attention to this situation because obviously there are hundreds of moorings at Rottnest which, at the moment, are under a licence or permit with the Rottnest Island Board. Each year the board sends a bill to the people who have their moorings, and some of the moorings have been in existence for between 20 and 25 years. Over the last five or six years they have been required to pay a licence fee. Before the introduction of a licence fee, people just put down a weight and put a buoy on it.

This is a very sensitive area. Many people have been going to Rottnest for years and have taken up a mooring, albeit it is now controlled and they pay a fee for it. Certain requirements need to be met for the mooring to be up to standard. I would hate to think that people with long-term moorings would be faced with the threat of having them removed from their control and responsibility.

At times there have been suggestions that the Rottnest Island Board would take over all the moorings and be responsible for their maintenance, which could be at considerable cost. The board would then lease the moorings to people in the same way cottages and other facilities are leased. I would be concerned if the Rottnest Island Authority were to proceed along the lines I have mentioned without giving consideration to people who have been using the facilities for many years. They have given a good service by providing moorings and keeping them up to the required standard.

Hon GRAHAM EDWARDS: There is nothing in this Bill which changes anything to do with moorings.

Hon G.E. Masters: It would be a management plan.

Hon GRAHAM EDWARDS: It would be a management situation. It is terribly important that we have standards for moorings. It is usually the board's ranger who is asked to assist if something goes wrong with a mooring or a boat begins to drift because it has broken its mooring. I have seen the results of moorings which were not adequate for boats, particularly after strong winds. Cyclone "Alby" was a prime example where expensive boats were moored at moorings which were not worth two bob.

It is important to identify who belongs to which mooring. There are always difficulties with people who attempt to use moorings which do not belong to them, and that creates problems, particularly in a situation where someone uses someone else's mooring on say, a late Friday night. I hope those sorts of things the member raised will not happen, but it would be a management situation.

Hon P.G. PENDAL: It is not accurate to say there is nothing in the Bill which affects the mooring situation. The query raised by Hon Gordon Masters is quite right because this clause will give the authority the power to grant leases over moorings. Similarly, clause 15

will give the Minister the power to overrule what the authority does. The point raised by Hon Gordon Masters is very important.

The Minister will be aware that the Rottnest Island management plan volume 1 -- I thought there was another volume, but I cannot find it -- actually envisages the confiscation of moorings.

I know we cannot talk about the management plan now; I shall raise certain matters when we get to that clause. But the fact is that somewhere in that report was a recommendation that confiscation should take place. The Leader of the Opposition referred to clause 13(3)(b), and read that in conjunction with clause 15. There is nothing to protect the current leaseholders of moorings. That is a very controversial issue, and I tried to spell out the Opposition's attitude earlier. Any potential for confiscation of moorings frightens the living daylights out of those people who have a boat and have spent a lot of money putting those moorings in. It is not sufficient to say that the Bill does not have the capacity to affect the moorings.

Hon GRAHAM EDWARDS: This Act will not change what has happened. The board already has the power delegated to it under the regulations governing moorings. If the board wanted to confiscate moorings it could have done that, provided it had the concurrence of the Minister for Transport.

Hon D.J. WORDSWORTH: Could the Minister tell us under what clause the authority has power to prosecute those people who have blasted the reef, as took place on Rottnest, when they wanted to increase the area of their moorings? What penalties are expected?

Hon GRAHAM EDWARDS: I am advised that this comes under the regulations.

Hon D.J. Wordsworth: But you have to have a clause to make a regulation.

Hon GRAHAM EDWARDS: This will be dealt with under clause 49.

Hon P.G. PENDAL: The whole question of moorings revolves around the waiting list, and the waiting list comes back to the moorings. It is a chicken and egg situation. Do we have any idea what the waiting list is and whether there has been any relief in this calendar year?

Hon GRAHAM EDWARDS: I do not have that information.

Clause put and passed.

Clause 14 put and passed.

Clause 15: Minister may direct Authority --

Hon P.G. PENDAL: I do not want to drag this clause out, except to say that if it is read in conjunction with the clause we have just debated, particularly as it relates to the possibility of interfering with people who have leases or licences for moorings, and in conjunction with clause 48, which I do not intend to discuss, it gets to the heart of some of the concerns I expressed during the second reading debate. I do no more than place that on the record.

Clause put and passed.

Clause 16 put and passed.

Clause 17: Management plan --

Hon P.G. PENDAL: I request clarification of the status of the management plan referred to in this clause. I now understand we have two reports, volume 1 and volume 2. About February this year the Cabinet took those two documents and went through all the recommendations and accepted some and rejected others. Those recommendations will become part of the Act, but part of the recommendations have not been accepted by the Cabinet.

The clause we are dealing with says that the authority shall control and manage the island in accordance with the management plan for the time being applicable to the island. I would like the Minister to explain what status the report will have, because the Cabinet could presumably have changed the effect of the legislation simply by changing the contents of the plan. That seems an unsatisfactory way to produce legislation, because some of the recommendations are very controversial, including the moorings question. Some of the recommendations which have not been accepted are similarly controversial. I am therefore at a loss to understand how we can say in an Act of Parliament that this management plan should be brought in when the Cabinet has endorsed only part of that plan.

Hon GRAHAM EDWARDS: Volume 2 comprised mainly the appendices which accompanied the plan itself. If we look at the next clause, clause 18, we find the Minister may, by notice in writing given to the authority, modify or add to any provision in the management plan referred to in subclause (1), and may vary or revoke a notice so given. We could not have a management plan which did not change according to need.

Hon P.G. PENDAL: I thank the Minister for that; I was not aware of it. It is the very point I was complaining about and it is now covered.

Clause put and passed.

Clauses 18 to 28 put and passed.

Clause 29: Enforcement powers of rangers --

Hon G.E. MASTERS: Subclause (1) refers to a ranger who finds a person committing an offence. I ask the Minister what sort of offences would the ranger be dealing with?

Hon Graham Edwards: Any offence against the regulations.

Hon G.E. MASTERS: I understand that the offences will be defined in the regulations, but I ask the Minister what sorts of offences the ranger -- who is not a policeman -- will be looking at.

Hon GRAHAM EDWARDS: To give an example, if someone whose boat was moored in one of the bays was throwing rubbish or cans or bottles overboard, or committing an offence of that nature, the ranger would have the power to respond to that sort of situation.

Hon G.E. MASTERS: Clause 29(1) says that if the ranger finds a person committing an offence, he may --

> (a) require the person to give him the person's name and address;

I find nothing wrong with that, but the clause goes on to say that the ranger may --

> (b) enter any premises and stop, detain, and search any vessel or vehicle if a person in the premises or in or on the vessel or vehicle is, or is suspected by him on reasonable grounds of being, the offender.

So on the example which the Minister gave, a ranger would be able to knock at the door of the cottage which that person is renting and say, "I suspect you are guilty of an offence" -- and the ranger need only have reasonable grounds to suspect that an offence has been committed, and he can then enter the premises without a warrant, and search those premises. I spend a great deal of time in Longreach Bay, and if I were to throw a few bottles over the side of a boat -- which admittedly is illegal and should be prosecuted -- the Minister is saying that the ranger can come alongside and say, "I have the name of your vessel; I am coming on board and I am going to search your craft." I believe that is going too far down the road so far as intrusion into people's privacy is concerned. A ranger is not a policeman, yet he is able to search a property, premise or vessel without a warrant. I believe that all the ranger needs to do is to take a person's name and address and report them to the police if he suspects they have committed an offence. The Minister will know it is a sort of pet hobby of mine to object when anyone starts going along this line; I query whoever is putting it forward in this Chamber.

Hon GRAHAM EDWARDS: The member has identified those powers which are given to the ranger. I suggest that the reality of those powers will be balanced by the type of person who is given that job. Those powers need to be used with some responsibility -- whether they are used on Rottnest or in any other area -- and when rangers are selected for the job due consideration is given to their ability to exercise their powers.

Hon G.E. MASTERS: I feel very strongly about these sorts of provisions in any legislation. If I were at Rottnest, and the ranger came alongside my vessel and asked for my name and address when I had committed an offence which was not of any great importance, and said, "I am coming on board and I am going to search your vessel", I would say, "Like hell you are." If I was renting a premise and the ranger said, "I am going to search your cottage", I would say, "Like hell you are."

I believe that when one is proposing to give rangers this type of authority, one is putting them in some danger, but more particularly, one is intruding on people's privacy. There is

no reason for giving the rangers this sort of power in these situations. There are policemen on the island, and if a ranger has cause to question and take information from a person, the ranger ought to go through the same procedures as the police go through. I suggest to the Minister that the police on the island could not board a vessel and search it, or enter a premise that is being rented and search it, without a warrant, yet the Minister says the ranger -- who is less well trained; and I know some of the rangers are good people -- has the power to do what the police cannot do.

Hon GRAHAM EDWARDS: I understand that the police would have those powers under the Act, but the important thing is what occurs in a situation where a ranger sees a person who has taken a dog onto the island, and the person has run off into a house with that dog. We are aware of the environmental damage to the island that can be caused by dogs or cats. The member also needs to consider those people who illegally take spear guns onto the island, and then attempt to hide them. I see it as being proper for a ranger to pursue such persons. These duties should not fall entirely with the police; they have other things to do.

I understand the fears that the member has about this subject, but that has to be balanced against the thrust of what the Bill attempts to achieve. What hope do we have of achieving that which the Bill seeks to achieve if we cannot enforce the provisions that are in the Bill? That often comes down to a matter of control.

Hon G.E. MASTERS: I quote clause 29(3), which gives the ranger even more power --

> (b) the ranger may detain the person until he can be delivered to a police officer to be dealt with according to law.

So the Minister is saying that a ranger can go into a person's cottage or onto a person's boat and say, "I have reason to believe you have a spear gun, which you have illegally brought onto the island. I am going to search your premise or boat." If the ranger does that and finds two or three spear guns, the ranger can say, "I am going to detain you and fetch the police." That is asking the ranger to do too much, and I think there are some grave dangers in this provision. I know that we are doing this all the time with Government and departmental inspectors and the like, but to give these powers to rangers -- which I contend are more than the police would have -- and to ask them to carry out certain functions which could be beyond their capacity or level of training, is wrong.

I believe all that needs to occur is for the person's name and address to be taken, and where there is refusal to do this, the ranger could take action. It really goes beyond the bounds of reasonableness to say that the ranger can enter premises and detain a person, and for that reason I want to record my opposition to those parts of clause 29 to which I have referred.

Hon GRAHAM EDWARDS: Clause 28(2) reads --

> A police officer is *ex officio* a ranger for the Island.

However there are times, given the nature of Rottnest, when it will not be possible for a ranger to find a policeman to carry out these types of duties, and the ranger will have to make a judgment about how he or she proceeds in the matter confronting them at that particular time.

Clause put and passed.

Clauses 30 and 31 put and passed.

Clause 32: Obstruction of rangers --

Hon G.E. MASTERS: This clause sets out a penalty of $1 000 and imprisonment for six months. I assume that is a maximum and the magistrate could set far less than $1 000 and would probably in most cases forget about the imprisonment term. Is it a maximum and can there be a variation among those two?

Hon GRAHAM EDWARDS: The penalty would be up to the magistrate, but that maximum penalty is available to him.

Clause put and passed.

Clauses 33 to 42 put and passed.

Clause 43: Fines and penalties payable to the Authority --

Hon P.G. PENDAL: This clause allows all of the moneys received through fines and penalties to be retained by the authority. That does not bother me, but I want to know whether that is usual with Government instrumentalities or whether Consolidated Revenue is normally the recipient of those amounts. If that is so, is this tied in at all with the objective of having the island self-funding within five years?

Hon GRAHAM EDWARDS: It may be a little unusual, but certainly it is the policy. I refer members to clause 12 which deals with access to facilities, wherein preference is to be given to Western Australian residents wanting to visit the island as a family group or people visiting the island for educational purposes at Kingstown Barracks. There is no attempt to set out to fund Rottnest by imposing fines or to make it a place impossible to enjoy because people were looking at getting funds through fines. That is not the case at all, and if members look at clause 12, they will find that the Government is trying to make Rottnest a place where families can enjoy themselves as much as possible free of interference.

Clause put and passed.

Clauses 44 to 47 put and passed.

Clause 48: Use of "Rottnest Island", "Rottnest" and "Rotto" in title --

Hon P.G. PENDAL: Nothing the Minister said in the second reading debate convinced me that this clause is necessary. Therefore I hope that when the Committee comes to vote on this clause, it will defeat the clause.

It appears to me that the sort of information the Opposition sought and received from the Minister about the use of this clause and its reason for existence has done nothing to mollify those fears. During the second reading debate, someone reminded me that a similar situation could be seen, for example, in the well-known geographic location of Harvey in Western Australia. It is often equated as a place for producing very fine beef, and taking the argument the Government has used to suggest -- to use the Minister's own words -- that one should go to Harvey to taste Harvey beef rather than go somewhere else in the State, members will recall that the Minister used the argument about the elusive Rotto pie stall. It was not a very good argument.

Hon Graham Edwards: It certainly upset the people at the time on Rottnest.

Hon P.G. PENDAL: It may have upset the people on Rottnest who ran the bakery, but there is no reason to base this very important clause on that. I have no doubt that it did upset the people on Rottnest, but there are lots of things in our society that upset any of us that do not result in the quite gigantic overkill the Minister is talking about in this clause.

Hon Mark Nevill: I hope you remember those words.

Hon P.G. PENDAL: More than one person in this Chamber has lived to regret his words. I think the present Attorney General learnt to go a bit quiet about his remarks on a Bill last week which were in direct contrast to remarks he made four or five years ago. That does not particularly bother me.

Hon J.M. Berinson: Things change over a period like that.

Hon P.G. PENDAL: They especially change according to the colour and length of a ministerial car, the length of time in office, and things like that.

If necessary I will go through the argument again, if it is a question of convincing the Committee that the Minister and the Government are wrong on this point. It really is a gigantic overkill to bring in a legislative provision that says no-one in Western Australia is allowed to use the words "Rottnest Island", "Rottnest", or "Rotto" except with the permission of the new authority and under the very stringent set of conditions that are outlined.

I hope members will vote against this provision.

Hon GRAHAM EDWARDS: I hope that members will support this clause. If members are concerned about existing groups or bodies who are using this name, they need to remember that within the terms of this Bill, if the Minister is concerned about the way in which groups are using those names, she needs to give them three months' notice of a need for an application. I guess in the course of the information provided in that application, that group or body would give reasons for wanting to continue to use one of those names. If, after the

expiration of 12 months, the Minister had not requested them to do that, they would automatically be granted that name. I cannot see any difficulty with that at all. There is a real need to protect the good name of Rottnest that we are trying to build. That is one of the things that this Bill and the management plans are all about.

There will be times, which we cannot foresee, when confusion may arise. However, we need to remember that we are talking about a combination of a marine and an "A"-class reserve which is being held in trust for the people of this State, not to be used for unfair commercial opportunity which has nothing to do with, nor is it related to, the activities or provision of services on the island.

Hon P.G. PENDAL: The more the Minister talks the more suspicious I am that someone or some group is in his sights.

Hon Graham Edwards: That is exactly what I am saying is not the case. I am giving you the protections that are there.

Hon P.G. PENDAL: I will come to the protections now. We are told in this clause that there is an appeals mechanism. It is extremely weak. Page 23 of the Bill states that the only grounds for a refusal of approval to use the name of Rottnest are those that the Minister considers when a person or body does not have a proper or sufficient connection with the island. To whom is the appeal made? It is made to the Minister. If that is not a case of Caesar to Caesar, I do not know what is. An outside person cannot even take an objective view of the matter. In fact, the provision could be used in a vindictive way. If people say that I am drawing a long bow, I remind them that, only a year or so ago, some strange circumstances surrounded the incorporation of the Rottnest Island Yacht Club. Many people did not want to see that go ahead and went to unorthodox and even illegal lengths to prevent that from happening.

No strong or cogent reason has been put by the Government in this House or in the other House for the Government wanting to place a restriction or prohibition on people along these lines.

Hon GRAHAM EDWARDS: The Opposition is often saying that Ministers have to be accountable. They are and they are open to public scrutiny by members of Parliament. I am not aware of anything that could even be remotely described as untoward, and I am not aware of anyone having any group or body in their sights. I believe this is a reasonable clause. As I said earlier, we are spending public moneys in promoting the name of Rottnest or Rotto, and it seems to be appropriate for the authority to be able to protect that which it is promoting in the interests and for the use of all Western Australians.

Hon G.E. MASTERS: We have to be a bit sensible about this. If we were relating this argument to the Swan River Management Authority, for example, we would not be talking about preventing people from using the word "Swan" in business trade names. The Fremantle City Council would not prevent businesses which operate outside Fremantle from using the word "Fremantle" in their trade names. The telephone directory shows companies in Beaconsfield, Melville, and Rossmoyne using the word "Fremantle" in their business names.

Why is clause 48(2) in the Bill? Why does the Minister want to include retrospective provisions? We have to support the argument put forward by Mr Pendal that there is a reason for it, and that reason seems to be that the Government wants to prevent people from using the word "Rottnest" in business names. Looking at the telephone directory again, 21 business names begin with the word "Rottnest". Will the Minister delete the word from any of those names?

Hon Graham Edwards: Of course not.

Hon G.E. MASTERS: And he is right. However, there are two names listed in the directory which are not on Rottnest Island. The first is the Rottnest Island Yacht Club Inc, which has its address at Randell Place, North Perth; and the other is Rottnest Marine Salvage, which has its address at Spearwood. With that information in mind, I believe the Minister has a reason for introducing this retrospective legislation. There must be a target, otherwise it would not be included. I suggest that target is the Rottnest Island Yacht Club. I believe that the Minister will use this provision as a weapon to force the yacht club to drop the word "Rottnest" from its name.

Hon C.J. BELL: The area which concerns me is that which relates to the power to move in on names. A potential scenario would be where a small operator decides to set up as a water tours operator in the Rottnest area. He does so and continues to operate and the business continues to grow. However, the business becomes a minor part of the total operation but perhaps he will continue to use the word "Rottnest" in the business name. The powers that be then decide they do not want people touring and it is no longer appropriate to call the firm "Rottnest" Tours. In that situation the viability of businesses could be constructed around the name "Rottnest" and thus be penalised unfairly by the powers of this clause. The legislation could have the potential to totally destroy the viability of the business, for no good reason.

Hon GRAHAM EDWARDS: I do not accept that proposition at all. We need to get back to the reality of the Bill; that is, the grounds for refusal are that the authority, or the Minister, as the case may be, considers the person or body in question does not have proper or sufficient connection with the island or name, or the title is not being used in good faith. The use of the name "Fremantle" or "Swan" cannot be seen in the same vein, given the fact that Rottnest is a Government reserve managed by an authority for the people of the State and the betterment of the State.

Hon G.E. Masters: What about retrospectivity?

Hon GRAHAM EDWARDS: Look at the people currently using the name. We could not put forward a Bill and exclude the ability to do that.

Hon G.E. Masters: Mr Bell's point was that people could be operating under a name for a long time --

Hon GRAHAM EDWARDS: But someone is not operating under those circumstances. If we do not have the Bill put forward in the way it is, Mr Deputy Chairman, we would rob ourselves of at least the ability to look at names currently being used.

Hon P.G. PENDAL: Could the Minister say who originated the clause? What has been the inspiration behind clause 48? The clause must have come from somewhere. I cannot find it in the management plan; I cannot find it in the summary of public statements, and if the Opposition is suspicious it is only because of the business which occurred last year with the Rottnest Island Yacht Club. Hon Des Dans said in his second reading speech that this area will all be overcome with goodwill. If we rely on that we would not need a Parliament, the law courts and so on -- we would all be redundant.

Hon G.E. Masters: And we would not need this clause.

Hon P.G. PENDAL: And we would not need this clause. The clause is a puzzle and in the absence of any answer to that we are still not convinced. Where did this clause come from?

Hon GRAHAM EDWARDS: I understand the clause came about in the compilation of the Bill due to the belief that it is in the best interests of the management of the island. I could sit here all night putting forward the same arguments which are good and reasonable as to why the clause should be in the Bill. I cannot help the Opposition to accept that which it does not want to accept. If the Opposition wants to deny good arguments, so be it. I cannot change the arguments or make them more attractive to the Opposition.

Hon P.G. PENDAL: The Minister is right; the Opposition has not been convinced. We know the clause has come in through some odd way in the compilation of the Bill.

Hon Graham Edwards: I did not say odd way; it is the member's own interpretation.

Hon P.G. PENDAL: The clause does not come about as part of public input; it was not part of the management plan, as the experts did not see any difficulty. It has come in from somewhere in an odd sort of way. As the Leader of the Opposition asked, if it is necessary to give the Minister the power to say who can and who cannot use the name "Rottnest", why is it needed to be retrospective? That question has not been answered, which is not surprising because none of the others has been either. The point of retrospectivity is sensitive to most people in this Chamber because I have heard many members discuss the principle of retrospectivity.

Hon GRAHAM EDWARDS: I do not believe this clause has come forward in an odd sort of way at all. I have given the prime reason, and I have quoted the situation with the Rotto pies but honourable members have dismissed that out of hand as not being a problem. That may

well be the case if a member is not the person who has worked for many years to create goodwill and a better product which is sold on Rottnest. If members think it is fair for someone to come along and steal that goodwill, that is up to them -- I certainly do not.

I repeat that if we do not have this clause in the Bill we will not be in a position to review those firm names which are currently using the word "Rotto" or "Rottnest".

Hon G.E. MASTERS: Why is the retrospectivity subclause needed? The Opposition has listed 21 groups or companies which use the name "Rottnest" as a lead-in to the company or trading name. Of those 21 there are only two which are not directly related to Rottnest and who may have their premises away from Rottnest but still use that name. These are the only two that could be affected by the retrospectivity clause.

Hon P.G. Pendal: Or the yacht club.

Hon G.E. MASTERS: No. I have read the two out. The reason for retrospectivity is that it can be, and almost certainly will be, applied to one of those two groups. This subclause is directed to the Rottnest Island Yacht Club. I see no other purpose on earth for this subclause to be included. If there is no intention to use the retrospectivity clause, why put it in? The Government has gone to a lot of trouble for no reason otherwise.

Hon GRAHAM EDWARDS: I cannot answer the Opposition's suspicions. I can only answer those things contained in the Bill. I have done that three times already.

Hon H.W. GAYFER: This clause concerns me as the retrospectivity provision is rather ominous. During my second reading speech I asked for a full explanation on where the Rottnest Island Yacht Club stands. Hon Des Dans made the point that it makes no difference to him whether clause 48 is in the Bill or not. The National Party is prepared to support this clause provided it is given a reason for the retrospectivity. Can the Minister tell us whether it is levelled against the Rottnest Island Yacht Club, and, if so, why? I know nothing of the Rottnest Island Yacht Club except that I learned a short while ago that its address is in North Perth. That seems a rather strange address for a yacht club, but nevertheless that is the registered address of the incorporated body. The National Party will vote with the Government if the Minister will tell us why the retrospectivity is included in the clause.

Hon GRAHAM EDWARDS: The clause is simply a legitimate means of giving the Minister an opportunity to review all the bodies using the name "Rottnest" immediately before this Bill is enacted. I am not aware of anyone wanting to target any group, but it is a necessary clause. If the provision is not included, the Minister cannot review the bodies or groups currently using the name. It is not aimed at any particular group but will enable the Minister to review any of the 21 or 22 groups using the name. The Minister is required to give three months' notice of a need for an application. If, after 12 months the people currently using the name have not been asked for an application, they will automatically be granted the right to continue using the name. I see nothing untoward or suspicious in this clause.

Hon G.E. Masters: There is no purpose for it.

Hon GRAHAM EDWARDS: That is a matter of opinion. It gives the Minister the opportunity to review the groups currently using the name. The Opposition is putting some argument that the Minister has a body or group in her sights; I do not accept that.

Hon H.W. GAYFER: I suggest that the Minister reports progress so that we can have a further look at this clause and make more inquiries because I am not satisfied with the progress of the Bill.

Hon GRAHAM EDWARDS: It is not necessary to report progress. A fair amount of time has been spent considering the provisions of this Bill. The Minister does not have any group or body in her sights. Without this clause there will be no opportunity to review the groups currently using the name. I wonder why the Opposition is so keen to rob the Minister of the ability to review those people. The clause is worthy and it should stand and be supported.

Clause put and a division called for.

Bells rung and the Committee divided.

The DEPUTY CHAIRMAN (Hon John Williams): Before the tellers tell I give my vote with the Noes.

Division resulted as follows --

Ayes (12)

Hon J.M. Berinson	Hon Tom Helm	Hon Doug Wenn
Hon J.M. Brown	Hon Robert Hetherington	Hon Fred McKenzie
Hon T.G. Butler	Hon Mark Nevill	*(Teller)*
Hon Graham Edwards	Hon S.M. Piantadosi	
Hon Kay Hallahan	Hon Tom Stephens	

Noes (13)

Hon C.J. Bell	Hon H.W. Gayfer	Hon P.G. Pendal	Hon Margaret McAleer
Hon J.N. Caldwell	Hon B.J. House	Hon W.N. Stretch	*(Teller)*
Hon E.J. Charlton	Hon G.E. Masters	Hon John Williams	
Hon Max Evans	Hon N.F. Moore	Hon D.J. Wordsworth	

Pairs

Ayes	Noes
Hon John Halden	Hon Neil Oliver
Hon B.L. Jones	Hon A.A. Lewis
Hon Garry Kelly	Hon P.H. Lockyer
Hon D.K. Dans	Hon Tom McNeil

Clause thus negatived.

Clause 49: Regulations --

Hon D.J. WORDSWORTH: Earlier I asked the Minister to explain where the reef or the coral is protected, particularly with regard to blasting for moorings. I am not necessarily referring to a well-known friend of the Government who was accused of blasting near his site.

Hon Graham Edwards: Who are you talking about?

Hon D.J. WORDSWORTH: I will not go into that any further. I think members are aware of whom I am talking about. I am referring to the board blasting a hole through the reef.

Hon Graham Edwards: You have just knocked out retrospectivity; there is nothing that we can do about something that the board did some time ago.

Hon D.J. WORDSWORTH: The Minister is too sensitive about this whole matter. I am asking how this can be stopped from happening in future. I think that this is a logical question. The Minister has given me the answer that it is contained in clause 49. That regulation does not cover the ocean. If one looks at the definition of reserve one sees that it says that for the purposes of the Act Rottnest Island is the land, and it describes the land, and the water, which is also describes as including the seabed and the subsoil beneath such waters.

There is nothing in this Bill's clause 49 to cover the water. This is probably one of the first Bills to incorporate the sea in a reserve. There has been much argument as to whether the sea could be included in a national park. This Bill does not cover the ability of the board to protect the area of reserve that is out to sea. Everything refers to protecting the flora and fauna of the island, and the like. It is to maintain and protect the natural environment of the island, once again.

Perhaps the Minister can argue that the sea surrounding the island is the natural environment of that island. I do not believe that that argument would stand up in a court of law. I am referring to the board wishing to stop others from doing things. I believe that it should be laid down strongly in the legislation that the board is not allowed to get out and blast the reef. Although the legislation states that people are not allowed to move sand and rock it says nothing about coral. I think that it should be more explicit.

If nothing else, this regulatory clause should be rewritten -- we are looking at the situation of how the board can control people other than themselves, and it would be more suitable to refer to the maintenance and control of good order in the reserve, the protection and repair of the natural environment, flora and fauna and man-made resources in the reserve. I do not believe that the word "island" as it appears in the Bill is good enough.

Hon GRAHAM EDWARDS: The board is controlled by the management plan and is not exempt from the definition of Rottnest Island reserve. I understand that there is an area which takes in a minimum of 800 metres of water surrounding the island. That is considered to be sufficient to control what it is required to control. The definition describes that particular area. I am not sure what the member means, because clause 49 states that the Governor may make regulations prescribing all matters that are required or permitted by the Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of the Act.

Hon D.J. WORDSWORTH: I thank the Minister for repeating what I have already said. The definition makes reference to land and water. There is also reference to a reserve. The definition in clause 49 of the Bill does not use the word "reserve" and goes out of its way to use the word "Island".

Hon Graham Edwards: The island is defined as that area including that section of water that I previously described.

Hon D.J. WORDSWORTH: I will not rip my hair out over this matter, but I am damn sure that if there is a court case the Government will lose it. It would be wise for the Government to look carefully at this matter.

Hon Graham Edwards: It is adequately and clearly defined.

Clause put and passed.

Clauses 50 to 52 put and passed.

Schedules 1 to 3 put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Graham Edwards (Minister for Sport and Recreation), and returned to the Assembly with an amendment.

ACTS AMENDMENT (IMPRISONMENT AND PAROLE) BILL

Order Discharged

HON J.M. BERINSON (North Central Metropolitan -- Leader of the House) [9.38 pm]: I move --

That Order of the Day No 1 be discharged from the Notice Paper.

I will explain briefly the position that we have reached in relation to this legislation. Members will recall that, at the end of my second reading speech, I invited comment both from within the Parliament and from outside on this matter. Considerable comment was received. That led the Government to propose two main amendments to the Bill, one related to the way in which cumulative sentences should be treated for the purposes of calculating parole periods and the second related to the range of cases which should be subjected to Parole Board review.

The Bill as originally drafted effectively provided that parole calculations would apply automatically apart from the exceptional cases of indeterminate sentences and those cases where the Executive Director of the Department of Corrective Services expressed a view to the Parole Board that automatic release on parole should not apply. The amendment proposed by the Government extends the Parole Board's discretion further by requiring that it should also consider cases where offenders have been imprisoned for offences of violence and for a period of more than five years. Those are the two areas leading to the proposal by the Government that the original Bill should be amended. Much to our surprise, those relatively limited provisions required the draughtsman to draw not less than seven pages of amendments. Involved in that process was a mass of consequential amendments, and these reached the stage where I believe it would have been very difficult indeed for the House to apply itself in a sensible way to proper consideration of the issues involved.

In those circumstances, and after discussion with Hon John Williams as the leading speaker for the Opposition, I came to the conclusion that the original Bill should be withdrawn, with the intention of immediately moving to a new Bill which incorporates all the amendments which have been circulated previously. I believe this will have the effect of making the position much easier for discussion. I point out to honourable members that there is nothing in the Bill which I propose to move in a few moments which is not in the original Bill, which has been available for consideration now for a number of weeks, together with the amendments which also have been listed for a couple of weeks.

This is an unusual procedure in this House, Mr President, but I am moving to it in what I believe are the best interests of orderly understanding and discussion of a very important piece of legislation.

HON JOHN WILLIAMS (Metropolitan) [9.42 pm]: I must concur with what the Attorney General has just explained to the House. To have dealt with the Bill once those amendments to the two main clauses had come through would have involved the Opposition in a period of consultation -- a period, I consider, of no less than perhaps the next 10 days, so horrendous were the numbers and implications of them. As the House would know, the Opposition does not have those resources.

I place on record that from the start of this move the Attorney General kept me fully informed and provided me with all the information necessary for me to support his motion.

Question put and passed.

Order discharged.

ACTS AMENDMENT (IMPRISONMENT AND PAROLE) BILL

Introduction and First Reading

Bill introduced, on motion by Hon J.M. Berinson (Attorney General), and read a first time.

Second Reading

HON J.M. BERINSON (North Central Metropolitan -- Attorney General) [9.43 pm]: I move --

That the Bill be now read a second time.

The present parole system was implemented in 1964. It has the effect that, where imprisonment is imposed, the former single fixed term is replaced in most cases by both a minimum and maximum term. The maximum term is intended to reflect the seriousness of the offence, but on completion of the minimum term it is open to the Parole Board to release the prisoner on parole for the period to the expiry of the maximum term. The board can impose such conditions on the parolee as it determines. Parole is meant, in part, to assist the prisoner's orderly return to the community. Because it limits his freedom in a number of respects, it also serves as an extension of the main prison penalty served. A parolee is still under sentence.

Over the years, a number of difficulties have emerged with respect to the parole system, and it has been the subject of considerable attention and criticism. This criticism has led to or been the subject of a number of reports. These include the Parker report in 1979, and a report on that document in 1980 by the Law Society of Western Australia. The conclusions of both these documents were considered by the 1981 Dixon committee on the rate of imprisonment and by an ad hoc interdepartmental committee on the rate of imprisonment in 1983. Further substantial work has been done on an interdepartmental basis in more recent years.

This Bill is intended to change the parole system to meet the main points of the criticism of it. However, the basic philosophy of parole is retained. Some have argued in fact that parole should be abolished. That view is rejected by the Government on the basis that parole, in practice, has proved useful and constructive in very many cases. It remains an important alternative in the available range of prison and community-based penalties.

This Bill preserves the nature of parole as a part of the period under sentence, but a part which is served under supervision in the community rather than in prison. The system will

continue to be supported by the sanction that a serious breach of parole returns the offender to prison.

While parole, as modified by the Bill, will in future be virtually automatic in the great majority of cases, the Parole Board will have an unfettered discretion to defer, refuse, or cancel parole where special considerations, particularly questions of public safety, arise. Minimum non-parole periods for the most serious offenders, including those under life sentence, will increase. On the other hand, there will be some reduction in the average non-parole periods applying to shorter terms.

Under the Bill, it will be for the court to decide in its absolute discretion whether a term of imprisonment should include a component of parole. If the court does not positively order that parole is to apply to a sentence, the prisoner cannot be released on parole. Under the present system a court which decides that parole should apply to a sentence has, in effect, to fix two sentences for one offence: the head sentence and then the minimum term. This creates a number of difficulties, including a public perception that the real sentence is the minimum term. There has also been a tendency for a wide disparity to develop between minimum terms and head sentences.

In addition, there has been real difficulty in applying regular criteria to determining the proportion which the minimum term should bear to the head sentence. There have been wide variations in practice, which have led to impressions and charges of inconsistent sentencing. Where minimum terms have been a very small proportion of the respective head sentences, there has been some criticism of the head sentences as a farce. In such cases, a breach of parole can also create a disproportionate number of "days owing" to the Parole Board.

In the past, courts have sometimes given the impression that mitigating factors have been taken account of only when fixing the minimum term, that being the period which the court considers that the offender must spend in custody. This has often been the apparent basis of the wide disparity between a particular head sentence and the associated minimum term.

To deal with these difficulties, the Bill proposes that courts, in future, should impose a head sentence only. Where the court also orders parole, a statutory formula will then apply to determine the date of release on parole. The court will weigh mitigating factors in fixing the head sentence. This was, of course, the position before parole was first introduced.

The statutory formula provided in the Bill for determining the date of release on parole takes into account a number of important considerations. These include the following --

(a) the current and continuing system of remission of one-third of a head sentence as introduced into the Prisons Act in 1981;

(b) the effect of the present system in a number of cases of creating very long periods on parole. Professional opinion supports the view that parole beyond a period of two years is unlikely to be of value and can well be counterproductive;

(c) that professional opinion also suggests that a period of parole can be too short, and that less than six months is probably pointless.

The existing Act reflects this view by precluding parole for sentences of less than a year unless in exceptional circumstances. This limitation is proposed to continue, but without the provision for exceptions.

The proposed statutory formula for determining the date of release on parole is on the following basis --

Where the court orders that parole will apply to sentences of less than six years, the prisoner will serve a non-parole period in custody of one-third of the sentence. This will be followed by a period on parole which is equal to the time spent in custody, or six months, whichever is the longer. There will be no power to order parole for sentences less than one year except where there the total of a number of short sentences is more than one year.

Where the court orders that parole will apply to determinate sentences longer than six years, the prisoner will serve a non-parole period in custody of two years less than two-thirds of the sentence. The period on parole in such cases will be two years.

> Where a number of sentences are to be served cumulatively, then the calculation already referred to may result in a parole period longer than two years. Therefore, the Bill provides that in such cases a prisoner is not eligible to be released until such time as the parole period does not exceed two years. That period before release on parole is referred to in the Bill as "the extended service period".

This is one of the major changes to the original Bill to which I have previously referred. To continue --

> Where an offender completes his parole without incident, it will be seen that the total of his time in prison, plus time on parole, will have brought him to the date when he would have been released in any event -- as a result of the standard remission -- had a head sentence only been imposed.

Under current sentencing practice, minimum terms, on average, are a little over 40 per cent of their head sentences. As a result of the proposed changes, prisoners convicted of the more serious offences will spend more time in custody than is now usually the case, while some of the shorter-term prisoners will spend less.

In summary, the method of calculation will have the effect that --

> a head sentence only will be imposed by the court;
>
> the non-parole period in custody -- where parole is ordered -- will be calculated on the basis of the statutory formula;
>
> apart from indeterminate -- including life -- sentences, the period on parole will equal the period in custody subject to a minimum parole period of six months and a maximum parole period of two years.

The present scheme requires the Parole Board to consider every case in detail before ordering release. This occurs just before the end of the minimum term and has also produced some difficulty. While the great majority of cases -- over 90 per cent -- are routine, and lead to release within days of the earliest eligibility date, the system engenders uncertainty and tension, affecting all prisoners until the decision is made. This makes it difficult to prepare prisoners for release and creates unnecessary hardship for prisoners and their families. The Bill seeks to minimise these problems by provisions which only require the Parole Board, as such, to consider the difficult special cases, and enable the routine cases to be dealt with by a single member of the board or its secretary.

The Bill ensures that the Parole Board will give full consideration to individual cases in the following circumstances --

> (1) where the prisoner is serving a term of imprisonment of not less than five years for those serious offences against the person which are set out in the definition of "special term" in subsection 40B(1); and
>
> (2) in other cases, where there are special circumstances or reasons for concern in respect of a prisoner, and these are reported to the Parole Board -- whether by prisons, the police, or others.

In such limited cases the board will retain a power to refuse to order release on parole or to defer release. An example of the situation which this process will meet is where the prisoner's release is seen as presenting too great a risk to the community.

Under the scheme proposed by the Bill, and subject only to such special cases, release on parole at the end of the fixed non-parole period will be routine and virtually automatic for the ordinary prisoner. The Bill also requires that a prisoner, before being released on parole, give a written undertaking to comply with the terms of the parole order.

I now turn to the question of Parole Board procedures. Recent decisions of the High Court and the Full Court of the Supreme Court in the case of Birnie v WA Parole Board, September 1987, have created further difficulties for the Parole Board. The decisions have the effect that when the board is considering many of the matters requiring its decision, the parolee or applicant for parole has a right to be heard under the rules of natural justice.

The Birnie decision was rather surprising because the board has operated without hearings, as this Parliament clearly intended, for almost a quarter of a century. Nonetheless, in

keeping with recent developments in the field of administrative law, the High Court has ruled that unless the rules of natural justice are expressly excluded by Parliament they will be held to apply to a variety of decisions under the Parole Act. The High Court has said, in effect, that if Parliament does not like this result it must amend the Statute to expressly exclude the rules of natural justice. As the Government has previously made clear, we propose to do so.

To do otherwise would require a full-time board with drastic effects on the present decision-making process and greatly increased costs. That, however, is a relatively minor consideration. More fundamentally, the Government takes the view that parole should continue to be available as a privilege and not a right. This requires the board to have maximum discretion in arriving at its decisions, and in the process by which it does so.

Where a parolee successfully completes the period on parole, his liability under the sentence imposed upon him ends. However, where a parolee breaches parole, he may -- and in some cases must -- be returned to prison. Under the present system the time spent on parole up to the date of breach is not credited in any way, and the parolee has to serve the whole of the rest of the term of imprisonment -- that is, the whole of the head sentence -- less only the time previously spent in custody. In such a case, the one-third remission otherwise available under the Prisons Act is also lost.

The Bill aims to mitigate this position and to provide an incentive for continued good behaviour on parole, by allowing half of the time successfully completed on parole -- the so called "clean street time" -- to be credited against the remainder of the sentence.

Changes leading to longer non-parole periods in prison are proposed for persons under sentence of life imprisonment. Under the present system, where a prisoner is sentenced to life imprisonment for wilful murder, he will not normally be considered for release on parole until 10 years after the date of sentencing. That period is to be increased to 12 years.

Where life imprisonment is imposed for an offence other than wilful murder, the current system allows consideration of parole after five years. This is to be increased to seven years. Where a prisoner is sentenced to strict security life imprisonment, consideration of release on parole cannot now occur less than 20 years after the date of sentencing. The Bill maintains this stringent standard.

As is the case in the present Act, the Bill provides that the Minister, in respect of any prisoner, may request a written report at any time as to whether the prisoner should be released on parole. Where there are circumstances that seem to the board to be exceptional, the board may also provide a written report to the Minister on its own initiative.

Where it recommends the release of a person sentenced to life imprisonment or strict security life imprisonment, the board will be required to report, among other matters, on the degree of risk to an individual or the community that the release of the prisoner appears to present. On receiving a report, the Governor may order the release of the prisoner on parole. In every case where the prisoner is subject to a sentence of strict security life imprisonment, the Minister must table the order together with an explanatory note in each House within 15 sitting days.

Where a prisoner sentenced to life, or strict security life imprisonment, is released on parole, the Bill provides that the period on parole is a period, not more than five years, to be specified by the Governor in the order. The special nature of these cases may well require parole periods longer than two years. Should that person's parole be cancelled, any subsequent release on parole is governed by the same procedures. The Bill provides for the release on parole of persons serving indeterminate sentences. The present position is substantially preserved except that, on release, the parole period is not to exceed two years. The transitional provisions aim to promote the standard of a maximum two year period on parole by applying it to current prisoners and parolees.

Hon H.W. Gayfer: Is that the only retrospective part?

Hon J.M. BERINSON: I will be dealing with the crediting of half clean street time.

The Bill includes consequential amendments to the Prisons Act, Criminal Code and Parole Orders (Transfer) Act. It also includes amendments to the Criminal Code to improve the scope of provisions which allow juvenile offenders to be kept in institutions of the Department for Community Services, rather than in adult prisons. Under these provisions, a

child sentenced for an indictable offence may serve part of the sentence in a juvenile institution if the court so directs.

The Bill effects significant improvements to the parole system while preserving its fundamental features. The main changes resulting from the Bill may be summarised as follows --

Courts in future will impose a single sentence appropriate to the offence.

The need to impose minimum terms as well will be abolished.

Parole will only be available where a court makes a positive order to that effect. In such circumstances, the date of eligibility for parole will be fixed by application of a statutory formula.

Parole periods, in general, will be subject to a minimum of six months and a maximum of two years.

In the great majority of cases, release on parole on the due date will be virtually automatic.

The Parole Board, however, will have an unfettered discretion to determine its own procedures, and can defer, refuse, or cancel parole.

As an added incentive to continued good behaviour on parole, credit will be given against head sentences of one-half of clean street time.

I commend the Bill to the House.

Debate adjourned to a later stage of the sitting, on motion by Hon John Williams.

(Continued on page 6365.)

ACTS AMENDMENT (MEAT INDUSTRY) BILL

Second Reading

Debate resumed from 17 November.

HON GRAHAM EDWARDS (North Metropolitan -- Minister for Sport and Recreation) [10.03 pm]: I thank members opposite for their contribution to this debate. I wish to clarify a couple of comments raised by members.

Early in his speech Hon Bill Stretch referred to the Western Australian Meat Marketing Corporation being able to deal in offal. I think he meant the Western Australian Meat Commission, and I can understand how he made the mistake. I do not know whether he was aware of that mistake.

With reference to the issues involved it is important we recognise that the amendment was recommended by the interim meat marketing advisory committee, which was established in 1985 to advise the Government on the format of the WA Meat Marketing Corporation. The Pastoralists and Graziers Association, along with others, was represented on that committee. I am quite happy to run through the names of the people who made up that committee, although I assume that most members are aware of who they were. The chairman of the committee was the late Fred Hamilton, who was a former Chairman of the WA Meat Commission. In addition to him was Mr A. Boultbee, who is the current chairman of the meat and livestock committee of the Pastoralists and Graziers Association. The association did not, during the seven meetings that were held, oppose this amendment. The other members were Mr J. Burston, General Manager of the WA Lamb Marketing Board; Mr J. Flack, Chief Executive of the WA Meat Commission; Mr B. Gabbedy, Assistant Director of the Department of Agriculture; Mr P. Griffiths, Chamberlain Industries; Mr J. Newman, producer representative of the WA Lamb Marketing Board; Mr I. Johnston, Department of the Premier and Cabinet; Mr M. Norton, WA Farmers Federation and meat committee; Mr J. Schaffer, Calsil Industries; Mr D. Tighe, producer representative of the WA Lamb Marketing Board; Dr D. Treloar, University of WA and chairman of the Treloar committee; and Mr E. O'Loughlin, Department of Agriculture.

As I said, the committee met on seven occasions as well as setting up various subcommittees and working parties. The committee made recommendations on legislation, staffing, and

funding, and indeed these proposed amendments were recommended by that committee. An abundance of consultation has been entered into and the committee is representative of most interests. I recognise that there is some division of opinion and I think that the Minister has done the right thing in setting a lead, making a decision, and bringing this Bill before the Parliament.

The Government acknowledges the importance of the live sheep export trade to Western Australia and the market development by private exporters. As I suggested, there is no intention that the WAMMC will interfere with existing trade. Certainly its aim is to improve returns to producers where opportunities exist, and it will not be engaged in price-cutting as was suggested. The likely situation is that WAMMC would offer live lambs to exporters rather than slaughter them in Western Australia if such actions result in a better price to producers. However, the WAMMC could export live lambs if a particular importer preferred to trade on a Government-to-Government basis.

A fair amount of attention was given to the purchase of lambs at auction or on farm, and this amendment was recommended by the advisory committee. Deliveries of lambs to the WAMMC will remain the main method of sale. However, the amendment will enable the WAMMC to fill contracts with premium types of lamb when numbers are short. This will provide added market flexibility and would be in the interests of the producers. They were the major issues raised in the debate.

Hon David Wordsworth made comment about lambs at Esperance. I am advised that lambs continue to be slaughtered at Esperance. Lambs have been slaughtered in every month of 1987, and for the period from July to October 1987 the slaughtering figures were 30 per cent higher than for the same period in 1986.

Hon D.J. Wordsworth: I said they were small numbers to fill Government orders.

Hon GRAHAM EDWARDS: I brought that forward for the member's information.

The Government does not support the amendments proposed by the Opposition. It believes that an immense amount of work has been put into this legislation and that the work has been carried out in consultation with the industry. While I recognise that there might be other points of view, I believe that what is contained in the Bill is in the best interests of the industry. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Hon John Williams) in the Chair; Hon Graham Edwards (Minister for Sport and Recreation) in charge of the Bill.

Clause 1: Short title --

Hon C.J. BELL: I listened with interest to the Minister's second reading speech. While I did not comment during the second reading debate, I was nevertheless supportive of the comments made by Hon Bill Stretch and the questions which he asked, but which were not fully answered to my satisfaction, regarding the shipping of live sheep. I will seek more definite answers on the shipping of live sheep or lambs. The ministerial discretion is included, and I hope that we will be told of the circumstances where it is intended that this discretion will be exercised and when it is anticipated the Minister will use the discretion he has for the shipping of live lambs.

Hon W.N. STRETCH: Some of the Minister's remarks puzzled me. He spoke of the interim report of the meat marketing advisory committee. I want to clarify that we are speaking about the same thing. Is this the document presented to Mr Evans in February 1986?

Hon Graham Edwards: That is the case.

Hon W.N. STRETCH: That being so, I draw the Minister's attention to pages 7 and 8 of that report where the committee said that an additional two areas intended to increase further the trading powers of the Meat Marketing Corporation and recommended by the WAMMC were not acceptable to the Government. These were, firstly, to enable the WAMMC to purchase lambs in the saleyard, and secondly, to enable the WAMMC to engage in the live lamb trade.

If they were unacceptable to Mr Evans last year, what has happened in the interim to make them acceptable to Government and the industry a year and a half later?

Hon GRAHAM EDWARDS: It is a question of timing, and perhaps some strategy as well. That may well have been the position of the Government and the Minister at that stage, but that is not to say that things will not change, as they have.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Section 15 amended --

Hon W.N. STRETCH: I thank the Minister for picking up the part in my speech where I confused the commission and the corporation. We accept that the commission needs to move into the area of the sale of offal by-products for human consumption because the market has been slipping.

Clause put and passed.

Clauses 4 and 5 put and passed.

Clause 6 postponed until after the consideration of clause 12, on motion by Hon Graham Edwards (Minister for Sport and Recreation).

Clauses 7 to 10 put and passed.

Clause 11: Section 15 amended --

Hon W.N. STRETCH: This clause has caused a great deal of concern in the industry outside. The Minister, in summing up the second reading debate, left me a little puzzled when he pointed out that the corporation did not intend to export live lambs itself, but would put them through an agent, which is what we suggested would be the sensible thing to do. If the board does not intend to sell these live lambs outside the State, it is not acting as an exporter of live lambs. I wonder why this clause is included; or is it an oversight?

The discussions we have had with the live sheep exporting industry since this Bill hit the headlines, mainly as a result of the *Sunday Times* last weekend, have shown that there is no sensible, economic way to envisage the corporation's getting into the live exporting of its own lambs. We had always anticipated, and so had the industry, that fairly small shipments of lamb would occasionally become available from the corporation, and it was only logical that these be put through the existing shipping outlets. The Minister virtually backed that up. In view of that, I wonder whether there is any need for this power to be granted to the corporation at all.

Hon GRAHAM EDWARDS: It is advisable to have that power. The likely situation is that the WAMMC would offer live lambs to exporters rather than slaughter them in Western Australia, if this resulted in a better price to producers. It is important that this power be there in case of the possibility of a deal coming up. If the corporation was in a position to respond to it, surely it would be in the interests of producers to pursue that matter and the corporation should be given the flexibility for that to occur, remembering that it already has that power for older sheep.

Hon E.J. CHARLTON: While acknowledging what Hon Bill Stretch and the Minister have said, I am puzzled. One should never be surprised about what comes forward in cases like this, where logic and commonsense go out of the window and a few people in the State start promoting something which has nothing to do with the case in hand. I wonder why, in the last week or so, there has been this rush of blood from some people in the industry who have become upset about the proposed changes to the meat corporation.

On the one hand a minority of these people have been critical of the operations of the meat corporation and of what it has or has not done to the industry. There are a couple of changes proposed to this legislation which open up and give a broader scope to the operations of the corporation.

The people promoting free marketing and less restrictions suddenly found problems associated with this and said that it was going to be detrimental to the industry. I do not understand that logic. Many comments have been reported in the rural Press over the past week or so, and if a commodity such as live lambs that are not suitable for slaughter markets

are better placed by being exported live or put back through the system to a grazier or whoever, then everyone should accept that with open arms and say it is a sensible and logical thing to do.

I cannot understand why people have been gnawing away and have been critical all the way along the line since the corporation's operations came into being. When this proposal was put forward, I would have thought they would jump at it and said that it was a change and that although they did not like it it was a change for the better. We have seen what I can only describe as an unbelievable pie in the sky or head in the sand attitude to the proposed changes. This makes me wonder what the next move will be and whether this is just part of an ongoing white-anting process.

I said during the second reading debate in relation to this and other clauses of the Bill that we must always acknowledge that we want change, not just for the sake of change but because situations and the circumstances are not always the same. Therefore, because of efficiencies and other logical changes, we need to be broad-minded enough to put them in place. This Bill should not be allowed to pass because of the mammoth amount of media reporting in the rural Press that has taken place over the past week or so in relation to comments made by longstanding opponents of the corporation's activities.

I am the first to agree there are anomalies and problems that should be addressed and that this legislation should be fixed up. I point out to interested parties that in other sections of the meat industry where there are no restrictions -- and I am talking about the sheep meat and beef industries -- there are large problems with marketing. The problem to which I refer is that of price, the most significant problem of all. Things have happened in the beef industry in this State for all sorts of reasons, and I am not blaming the marketers, or anyone else, because prices have fallen in recent times. We all know that this is associated with the matter of pesticides.

I was told a few days ago by a stock firm agent from Pinjarra that there is a classic situation existing in Western Australia of only one large exporter with no competition and that because of the scare tactics that have gone on and have frightened people out of the market in Western Australia -- unlike the Eastern States -- prices have fallen on the export market.

This Bill enlarges that operation. If one wanted to remove competition, they should get rid of the whole thing because in these sorts of matters one cannot have a little bit of one and a little bit of another -- one must have one or the other, and that is the way it goes.

Hon C.J. BELL: I thank the Minister for the points he has made. It is important that we follow through on the areas where we anticipate that the Minister will seek to approve the shipment of live sheep. I have not yet heard anybody in the industry say that the live sheep shipping industry is in trouble and needs major surgery.

The Minister has indicated that he does not see matters in that way and has said that the commission would only be likely to sell lambs in a situation where it had accumulated a small number of them in its normal commercial operations or, alternatively, in the situation where it may be seen to be advantageous in a Government-to-Government contract.

The Minister then entered an area about which I have reservations, given there has been no expression of dissatisfaction about the live sheep industry, when he spoke of the possibility of seeing an opportunity. One of the points made was that if the market is operating effectively and another seller enters that market, that can cause the market to turn downwards.

Although I am happy to see this operator come on the rails in the marketplace because there is another buyer in it, the very fact that one goes into a marketing situation where there is a single seller so that theoretically there is no downward pricing and there is not a multiplicity of sellers, means that we are proposing to put another seller into the market, into an area which appears to be well served according to information we have at the moment. Will the Minister clarify in what areas he sees the Minister for Agriculture approving the selling of live lambs outside the State, as the Committee would then be more likely to accept the arrangement proposed in the Bill before us? If there is to be a wholesale attack on live lamb exports, then a very different attitude might well prevail.

Hon GRAHAM EDWARDS: It is not intended that there be any large-scale attack on the existing situation. It is important to give this flexibility to the corporation so that it can make

market judgments in future. We are not in a position to sit here and make market judgments. That is why we have the corporation. It is important that it is given he power, opportunity, and flexibility to make market judgments as they arise in future. It is a matter for decision as to whether we are or are not going to give them that opportunity.

Hon W.N. STRETCH: I have taken on board the comments of the Minister and Mr Charlton, who let go with a broadside that could hit a lot of people including members of the Liberal Party. I take it his comments were aimed at things such as the article that appeared in *Countryman* last week. It must be made clear that we accept the debate in the Press, but it is our job to look closely at legislation that comes through this place and at why things are put forward. To give the Committee an example of our concern in this area, we have in this legislation the corporation wanting to extend its powers into selling overseas; and in another piece of legislation coming up shortly in the grain marketing area, we have an operation wanting to limit the exporting of live grains overseas; so we have the Government wanting to do one thing on the one hand and another thing on the other. We do not have a particular difficulty with either, but we want to know where the Minister sees the corporation can seize these opportunities overseas.

We also take on board the comments made by the industry, particularly dealing with the Middle East where the market is highly sensitive and can be easily upset, and comments were put forward that the only way the industry could see any inroads being made into that market would be in a period of price cutting, and its comment was if one is going to have price cutting, it would be difficult to see how there could be benefits to the industry.

I am not making an attack on the industry or any sector of it, but I am simply following the purpose of Parliament where the Government puts up a proposition and it is our role to play the devil's advocate and explore the areas of the legislation that we are not happy with. A lot of people outside the industry are not happy with this legislation and have questions about it.

Another question which has not been answered is how many lambs the corporation is getting. In a month's trading, how many overweight lambs would come through the corporation that would be suitable for shipping overseas, or does it mean that the corporation may see an advantage in holding producers' lambs longer, putting them on a feedlot somewhere, and selling them on as heavyweight shipping lambs? If that is the case, is it the corporation's role to be a feedlot feeder or to sell at best advantage the lambs as presented to it?

I accept that in earlier amendments to the corporation's operating Act the power was given to it to hold lambs if they were not ready for market, but I would be concerned if by this Bill we were authorising the corporation to go forward into a feedlot operation, with all the financial dangers and risks associated with that industry, because it is not always beer and skittles and it is not always as easy as it looks.

I would like an indication from the Minister of the corporation's general strategy. I have a lot of respect for Jonathan Burston, and I am sure he has good reasons for wanting this sort of legislation, but it is only right that we know what the situation is.

Hon GRAHAM EDWARDS: There is no intention to duplicate existing services. There is, however, a necessity to maximise opportunity. The corporation currently would only be looking at a very small percentage of the market, and the situation may come about where some lambs have been purchased and where it is figured that -- for a host of reasons -- the corporation might be able to pick up or obtain a better return if it were able to export those lambs. That is the situation as it applies now, but it may be that in the future an opportunity exists that the corporation could move into where it could maximise a return and should therefore be given the opportunity to do so. I reiterate again that it is not the corporation's intention to duplicate services and thereby get involved in any price-cutting exercises.

Hon C.J. BELL: Has there been any expression of dissatisfaction with the live shipping industry? It seems to me that is the paramount question in this area where the Government is seeking to involve itself in this aspect of industry.

Hon GRAHAM EDWARDS: No, there is no dissatisfaction with the current situation. However, by the same token it should not preclude the corporation from being given that flexibility, should the opportunity arise for it to get involved in it, remembering that it already has this opportunity in other areas of livestock export.

Clause put and passed.

Clause 12: Section 22A inserted --

Hon W.N. STRETCH: This clause runs along similar lines to the previous clause, and it deals with the power to purchase lambs at auction or on farms. I accept the reason for this clause so far as lambs to fill orders for slaughtering are concerned. Let us get our facts straight; the lamb marketing corporation is set up to handle lambs for slaughter; that is its charter. I agree that nobody would have any objection to the corporation, if it is short on an order, going to Katanning or Midland and purchasing lambs at auction. From the farmers' point of view, it is another buyer on the rails, as we say, adding competition to the market.

We then get back to the other purposes. I presume that the corporation will only use this power to buy lambs for orders. My concern -- and this is shared by a lot of the people from the bush who communicate with me -- is that we do not want the corporation extending its charter beyond the handling of lambs for slaughter; we do not want to see it going into the situation of shipping live lambs, or feeding lambs on a feedlot, because a lot of people out there have the expertise and access to feed, and they can do the job better.

If the corporation believes that the lambs should not be sent forward and they would be better on a feedlot for two months or something, it should tell the owner, and the owner can either feed them himself or sell them to a neighbour who runs a feedlot operation -- and there are a lot of them in the country now. A lot of people in the private sector are buying lambs from a saleyard and putting them into a feedlot situation and selling off pretty good lamb, mostly through the corporation.

I would like an indication from the Minister of the corporation's intentions. I would not have any objection if the corporation is to purely fill orders where it is short of lambs of a certain weight, but if it is going to extend into other fields, I would be very concerned.

Hon GRAHAM EDWARDS: Yes, the amendment to this Bill would enable the corporation to make up premium types of lamb for contracts, or to fill numbers for a contract where delivery to the corporation under normal arrangements is short. This would provide the added market flexibility to which the member referred earlier, and it would be in the producers' interests; but it would be where the normal arrangements are short. We must remember that this amendment was also recommended by the interim meat industry advisory committee.

Hon W.N. STRETCH: I accept that if the corporation is buying to order, that is only sensible, and I know it has been difficult for the corporation at certain times because I understand its frustration when it is really waiting on an order of suitable lambs and the damed things are just not coming forward, and the corporation is terribly frustrated when it knows the stock is in the bush. This gives it the power to obtain that stock.

I have an amendment to clause 12, which has been circulated and which relates to the difficulties I mentioned in my second reading speech for some of the small abattoirs and country butchers. I move an amendment --

Page 4 -- To insert after line 13 the following new section --

Private purchase not to attract charges in certain cases

22B. (1) A non-export abattoir in any period of 7 days may slaughter and process not more than 100 lambs without attracting Corporation charges or levies.

(2) It is lawful for any person having the control or management of a retail butchery situated outside the metropolitan area to have slaughtered and processed (at a non-export abattoir) without attracting Corporation levies and charges relating to such slaughtering and processing, not more than 20 lambs, in any 7 day period, intended for sale, and in fact sold, in that butchery.

(3) For the purposes of subsection (2), "metropolitan area" means the region that at January 1 1987 was described in the third schedule to the *Metropolitan Region Town Planning Scheme Act 1959* and includes Rottnest Island.

(4) Within 21 days of the end of each calendar month a return showing the number of lambs slaughtered and processed during that month under the authority of subsection (2) shall be provided by each abattoir and person to which or to whom that subsection applies.

The reason for this amendment is to be found in some of the comments I made in my second reading speech, which touched on the difficulties that some of the non-export abattoirs and small country abattoirs have. Some of them are very small but are quite efficient and good operators. However they have difficulty in meeting their needs because they have higher costs and have certain difficulties in handling the smaller numbers; on top of that they also have to pay the levy to the corporation, which they feel, I think quite fairly, is unjustified in view of the fact that the lambs never go near the corporation. However they still attract these charges.

The requests we have had from the bush over many years have been far more ambitious than the small amendment put forward. Their preference would be to be able to handle any number of lambs. It has been a long argument and, as I said in my second reading speech, the marketplace is fairly evenly divided; probably 55 per cent of farmers support the corporation and 45 oppose it. I do not really believe that that is a big enough majority for anyone to say with all fairness that one side is right and the other side is wrong. This amendment is an attempt to give this small sector of the industry a chance to see how it can operate on a slightly deregulated basis. I accept what Hon E.J. Charlton said before -- that is, that one cannot have a little bit of this and a little bit of that. I do not totally agree with him because, along with his other comment, I believe we have to be prepared to change a little bit and we can envisage small alterations like this that give us some sort of a chance to monitor what the effect will be.

Members will note that we are shortening the review clause of the whole of this legislation so that these effects can be monitored. I think members representing rural seats who have talked to the abattoir industry would understand some of the difficulties the industry has. It is not easy for people in these smaller towns and I think we are now at a stage where we can look at what the effect will be in a realistic manner, where we have an actual test plot situation. We can see what is happening. Members will also note in my amendment that the abattoir has to submit a return of the lambs slaughtered so that the corporation has some idea of what is coming forward and going through the other side of the system.

Part (2) of the amendment covers some of the difficulties I pointed out in respect of the retail butchers. The supplies into their shops become very dear with the owner-grower paying virtually double for his own lambs once they have been through the abattoir situation. My objective is like everyone else's -- that is, to make the housewife buy more lamb. Plenty of country butchers have said to me, "Look, we believe we can put lamb on the market at a much lower price in these localised situations and make it an attractive alternative to beef, chicken and other meats, but we can't do it while we are paying this levy." I say, "Yes, righto, but you know all the arguments", and they say, "Yes I know, but they are lambs the corporation never sees."

Again there is this disquiet in that sector. I really believe that the only way we will settle it once and for all is to try it out for a couple of years. We are not talking about large quantities of lambs; we are giving the dissidents from the corporation a chance to try it out, and a chance for the corporation to try it out and to measure what the effects will be. Everybody has hypothesised about the effect of having or not having a corporation for 16 years but nobody has given it a fair trial. A similar situation arose in respect of the old Potato Marketing Board. We had the same thing. Growers were growing a specialised specific product and had to put it through the Potato Marketing Board. It was a disincentive for them; they all grew the good old average potato -- the Delaware -- which went through for an average price, and yet we were getting complaints from the marketplace that Western Australian potatoes were awful. The reason they were awful was because no innovation was allowed in the industry and there was no incentive for the specialist grower to grow what the market wanted. He was back to a fair, average quality product.

We have seen this happen with the corporation and we have seen a change in the lamb industry and in the actual quality of lamb carcases. The way it has changed is interesting. I believe that this gives us some measure of how effective changes could be without dismantling the corporation. I do not believe that a significant number will destroy the corporation overnight. I believe that after 16 years one can put one's toe in the water, and see what is happening in the real world and how much sales of lamb can be increased in isolated areas.

Members will note that proposed subsection (2) of the amendment applies only to butcheries outside the metropolitan area. I think the Minister would agree that it would be absurd to have all the butchers in the metropolitan area rushing out to try to obtain supplies from country areas. I have tried to be as fair as I can be with this; I have put in the amendment that butchers and abattoir operators must submit a return within 21 days of the end of each calendar month showing what lambs they have slaughtered. I believe it is a fair and reasonable amendment. I urge the Committee to think very deeply about the effect it will have. I do not believe we are talking about sufficient numbers to cause much grief to the corporation. I believe we have a chance to be a little imaginative and innovative and, after 16 years, to say that a large number of people -- I believe 45 per cent -- are dissatisfied with the operation. I think those people are entitled to a chance too, and this is our opportunity to present them with a challenge.

I urge the Committee to support the amendment.

Hon J.N. CALDWELL: Like Hon Bill Stretch, I am concerned about the small growers, the small butchers, and the small abattoirs. This amendment will mean that small abattoirs will be able to process 100 lambs. I have been led to believe that there are about 40 small abattoirs outside the metropolitan area. I therefore have reservations about what that may do to the Meat Marketing Corporation. If those figures are correct, about 4 000 lambs will be killed a week which, if an off-period, would be very detrimental because up to 50 per cent of the lambs would not go through the corporation.

I have grave reservations about the amendment and would like Hon Bill Stretch to explain it further. A clause similar to the amendment was inserted in the 1974 Bill to protect the small abattoirs. However, it became completely unworkable and was withdrawn from the Act.

Hon GRAHAM EDWARDS: The Government is opposed to the amendment with good reason. The amendment would create a situation that depended on a line on a map. That may well grow into something akin to that which has been experienced with the bread legislation and I would not want the sort of confusion that has been rife with that legislation to apply in this case.

The commission has a responsibility for the marketing of lambs produced below the 26th parallel. It is important that we look at the commission's areas of responsibilities and its operations. Hon John Caldwell hit the nail fairly and squarely on the head. He said it could amount to about 4 000 lambs a week in that area. I believe it would. There is no doubt about what would happen with the carrying of this amendment. I accept there is always a need to try to induce the consumers to consume more lamb. That is happening now. Consumption in July-October 1987 in Western Australia of Western Australian produced lamb increased by seven per cent when compared with July-October 1986. In the same period, an 11 per cent decline in consumption was reported in the Eastern States. That fact, coupled with the fact that in 1983 a referendum was conducted and approximately 66 per cent of lamb producers voted in favour of the current situation, indicates that we would be making a mistake to revert to the difficulties and the problems that were experienced at that time.

We oppose the amendment.

Hon W.N. STRETCH: I accept Hon John Caldwell's figure of 4 000; in fact, I thought it could be higher. I thought there were about 54 abattoirs operating outside the metropolitan area. If they are not all operating, it may well be because of this problem. I am concerned about employment in the bush and the number of abattoirs that are closing concerns everybody. I do not lay all the blame for that at the feet of the corporation. I think other contributing factors should be looked at. Perhaps 100 lambs is too many!

The new powers given to the corporation under clause 15 allow the corporation to enter the marketplace and compete with abattoirs. If that happens, Hon John Caldwell would receive more for his lambs. As Eric Charlton said, who can complain about another competitor. I could not agree more. It is very difficult, when trying to set up a test operation like this, to hit on the right number of lambs. Maybe the number is 50, I do not know. However, I think 100 for a two-year trial period is not unreasonable. I do not know what the Minister meant when he said we could be looking at a line on a map.

Hon Graham Edwards: We are talking about the metropolitan area.

Hon W.N. STRETCH: The MRPA line is fairly distinct. I believe the butchers outside the line would know where they are.

Hon Graham Edwards: That would not be the problem. I am talking about those inside the line knowing where those outside are situated.

Hon W.N. STRETCH: I guess we are all human, otherwise we would not have any use for this legislation.

The Minister knows as well as I do that there was a great deal of dissatisfaction in relation to the franchise and the 66 per cent result in that referendum. That is history. I am not suggesting that the Minister's figures are wrong or that mine are right, but I believe that mine are not too far from being correct. Until we know what numbers of lambs the growers were delivering and how significant their vote was, it is hard to know the significance of the vote on the industry. In other words, a grower who sold 150 lambs a year and a grower who sold 20 000 and 30 000 lambs a year had the same vote.

I would be disappointed if the Committee voted against this amendment because I believe it is a chance for us to be innovative. If it is not prepared to have a go I hope it will consider separately the plight of country butchers. Anyone who has walked down the street of country towns of any size has seen plenty of empty butcher shops which have been forced out of business by bigger operators. Every family leaving town adds to the distress and difficulties in country towns, relating to schools, hospitals, and all the things we have heard about so many times. If the Committee allows the slaughter at non-export abattoirs as they are, I urge it to consider the plight of the people who grow their own lambs, treat them through the abattoirs, and have to buy them back at double the price. It adds to the cost of living in country towns. It has led to the closure of many butcher shops in many towns. The Committee has a chance to turn the wheel forward a little and give them a chance to compete in their own towns. There is no better meat than freshly killed and handled meat in country towns, and these butchers deserve a chance.

I can see the way the forces are lined up in this Committee and it disappoints me. One can lead a horse to water but one cannot make it drink. If there is no place for the non-export abattoirs, I urge some consideration for the small butcher and, if it is possible, to deal with this amendment in proposed subsections (1), (2), (3), and (4). If the Committee throws out the first subsection, I hope we can salvage the second.

Hon D.J. WORDSWORTH: I believe the proposal from Hon Bill Stretch is sound. Unfortunately, if the butchers do not want to handle our product, they will not do so. That is exactly what I said in the second reading debate. I know the butcher in Esperance goes out of his way not to handle lamb. He may kill one or two so that if he is questioned as to whether or not it was lamb he can always point to the lambs that have been killed. We have seen butchers import more than 100 000 lambs into this State because they refused to get caught out by this ridiculous situation in which they are paying money to the board for services the board does not provide. We are not referring to glut conditions but rather to when there is a shortage, and that covers most of the year.

It would have been very wise for this Parliament to consider encouraging butchers to sell lamb rather than two-teeth. If that is the way the representatives of the producers in this place feel, so be it. I got out of the industry largely because of the Lamb Marketing Board. It is completely wrong, and there has been very little benefit. If there was any benefit, it was in the earlier years. It has now become a millstone around the neck of the industry producers who are left.

Hon E.J. CHARLTON: I recognise that we must address some of the anomalies. Some are being addressed now and others have been in the past. I fully agree that country butchers, producers, and other people involved in this industry need to look at the question raised by Hon Bill Stretch. I would welcome that. However I do not think this is the time to do it, for obvious reasons.

This Bill has been before the Parliament since September, and the amendments proposed by Hon Bill Stretch were circulated to members in the last week. They will have a significant impact on the Bill, and I do not think sufficient time has been allowed for them to be debated by the various organisations involved in this industry.

Hon W.N. Stretch: The people have been raising it with me for 10 years, but this is my first chance to do anything.

Hon E.J. CHARLTON: Have the Farmers Federation, the Pastoralists and Graziers Association, and the corporation had an input and made comment on these amendments?

Hon W.N. Stretch: They have come to me and my colleagues in various forms.

Hon E.J. CHARLTON: I accept that, and I will go into it no further. We should have an ongoing review of these sorts of proposals and come up with something that will benefit country butchers provided it does not weaken the operation of the corporation.

My experience with the Meat Marketing Corporation is quite different from that of Hon David Wordsworth. Originally I did not produce crossbreed fat lambs, but I have done so for the last few years because it has been rewarding enough financially to do so. Although I do not disagree with the reasons put forward by Hon D.J. Wordsworth, which are his valid economic reasons, I have reached a different conclusion on the basis of my experience.

I do not support the amendments proposed by Hon Bill Stretch for the reasons outlined. We should be involved in the changes that are taking place and certainly those that have taken place as far as small country butchers are concerned. I acknowledge the problems confronting them in small country towns. Some changes have been made enabling producers to have lambs killed at local abattoirs, but that has been abused. That is the shame of it; as soon as people are given an option that is beneficial to certain groups, someone takes advantage of the situation at the expense of other people. In recent days a host of activities has been generated with a view to freeing up certain things and making them better. However, it is all in theory. I do not have too much respect for the way Coles operates. All they want to do is corner and control the market so that they can buy meat as cheaply as they can get their hands on it.

Hon D.J. Wordsworth: I mentioned Coles and small country butchers.

Hon E.J. CHARLTON: I acknowledge that. I am now talking about an individual in the marketplace which controls, in round figures, almost half of the retail meat outlets in the State. That retailer, along with one or two others, covers 75 per cent of the retail market. Coles is in a position of not giving two hoots about country butchers, producers, or anyone else -- it just wants to be in a position to buy as cheaply as it can, and to outdo everyone else.

I know people in the abattoirs industry who are killing lambs and are held to ransom by these individual firms. They have no faith in or benefit for the industry; they just want to control the market. While I am around I will make sure that we do not allow activities to take place that will erode the situation. I have acknowledged that there are ongoing reasons why we must be flexible enough to implement ways to cater for this matter. We will not do this simply to satisfy the large firms that walk over the little blokes whom we are trying to protect.

Hon W.N. STRETCH: I am not representing the big bloke. I am a small lamb producer and sell some sheep to the board and some through the auction system. There is very little difference in price. People who buy my lambs at auctions say that were we not paying the levy we could be paying up to $8 more.

Hon E.J. Charlton: But would they?

Hon W.N. STRETCH: I do not know -- are these unscrupulous people buying the lambs and ripping the farmers off?

Hon E.J. Charlton: I said that they would do it if they had half an opportunity. That is why they brought them in from the Eastern States.

Hon W.N. STRETCH: It seems to me that if we had another abattoir outlet, if it is only 5 000 or 4 000 lambs, maybe they would be bought by the supermarkets and people would be eating Western Australian lamb instead of lamb imported from the Eastern States. My colleague's logic shatters me and staggers me because we are in the business of selling Western Australian lambs for Western Australian people. We are trying to get a product onto the market more cheaply to encourage demand for it. We are trying a sliver off the edge of the market with all the safeguards that I can think of built in to ascertain whether we might have been wrong on other occasions.

Can we not remove our ideological blinkers and say that statutory marketing is the only way to go? For 16 years a large section of the consuming community has been saying that lamb is too dear, that they will not buy it; and butchers were saying two years ago that it was too dear and that they were throwing away dollars on carcases.

Hon E.J. Charlton: The reason why butchers have gone out of business is Coles, not because they cannot buy the lamb cheaply enough.

Hon W.N. STRETCH: I am saying that there are lot of unanswered questions in the marketplace. Hon Mr Stretch and Hon Mr Charlton do not have all the answers. I do not believe that the corporation has all the answers. The member should take off his ideological blinkers and look at the matter fairly. We have built in a review clause and a return whereby the corporation will know exactly what is going on. If this is found to have a deleterious effect on the corporation, it will go to the Minister and say "You are destroying our operation. You have upset statutory marketing. The whole thing is going down the drain. We must take steps immediately."

The Minister would then produce documentary evidence to both Houses of Parliament, which would be fair in their assessment of the matter. Do not be hidebound. Give it a try. If members cannot give the abattoirs a try, at least give the small country butcher a go. Country towns have had a belting and here is a chance to help them get back. Let us start talking about the people out there who really matter and who keep country towns and services going for country people. I have designed this to specifically help the sorts of people whom I thought Hon Eric Charlton and Hon John Caldwell would want to help too, and I am staggered that they do not think that this is at least worth a try. If members are to help non-exporting abattoirs and provide them with a chance to get into a market members say is being eroded by Coles, then for goodness sake let them.

Amendment put and a division taken with the following result --

Ayes (10)

Hon C.J. Bell	Hon G.E. Masters	Hon W.N. Stretch	Hon Margaret McAleer
Hon Max Evans	Hon N.F. Moore	Hon John Williams	*(Teller)*
Hon B.J. House	Hon P.G. Pendal	Hon D.J. Wordsworth	

Noes (15)

Hon J.M. Berinson	Hon E.J Charlton	Hon Tom Helm	Hon Tom Stephens
Hon J.M. Brown	Hon Graham Edwards	Hon Robert Hetherington	Hon Doug Wenn
Hon T.G. Butler	Hon H.W. Gayfer	Hon Mark Nevill	Hon Fred McKenzie
Hon J.N. Caldwell	Hon Kay Hallahan	Hon S.M. Piantadosi	*(Teller)*

Pairs

Ayes	Noes
Hon Neil Oliver	Hon Garry Kelly
Hon P.H. Lockyer	Hon B.L. Jones
Hon A.A. Lewis	Hon John Halden
Hon Tom McNeil	Hon D.K. Dans

Amendment thus negatived.

Clause put and passed.

Postponed clause 6 put and passed.

Clause 13: Section 31 amended --

Hon D.J. WORDSWORTH: This clause is to amend section 31 of the principal Act which concerns regulations. Section 31(2)(b) of the Act states that "Regulations may be made requiring producers, or persons dealing or trafficking in lambs or lamb products. . . ". The word "products" appears twice in this paragraph. It would appear that there are two places where these words would be inserted.

The DEPUTY CHAIRMAN: The question is that clause 13 stand as printed.

Hon W.N. Stretch: We have a very bad piece of drafting.

Hon D.J. WORDSWORTH: I made a remark. I pointed out that there are two places in that paragraph where the word "products" appears. I will ask the Minister to read out what he sees as proposed paragraph 31(2)(b). I might be incorrect because as usual there is a handful of amendments and I have not been able to write in every amendment. The Minister would have a copy of the Act as amended. In the principal Act the word "products" is mentioned twice.

Hon GRAHAM EDWARDS: I do not agree that this is bad drafting as such. It may be a little cumbersome, but I am advised it is okay.

Hon D.J. WORDSWORTH: There may be an easier solution. I am looking at the original Marketing of Lamb Act which later changed to the Marketing of Meat Act. We have been asked to amend section 31(2)(b) which says --

> requiring producers, or persons dealing or trafficking in lambs or lamb products. . .

That is the first time the word is used. The paragraph continues --

> . . . or persons having the management or control of lands or premises used for or in connection with the slaughtering of lambs, or the treatment, storage or chilling of lamb products. . .

In other words, there are two places in which the word "products" appears.

Hon GRAHAM EDWARDS: "Products" with a comma. I am advised there is no difficulty with that. It may be cumbersome but there is absolutely no difficulty.

Hon D.J. WORDSWORTH: In other words, the Minister wishes to amend section 31(2)(b) on both occasions where the word "products" appears?

Hon Graham Edwards: No, only where it first appears.

Hon D.J. WORDSWORTH: Then the Minister should read out what it should say. The amended paragraph will read --

> requiring producers, or persons dealing or trafficking in lambs or lamb products, or persons having the management or control of lands or premises for or in connection with the holding of live lambs until their sale either within the State or elsewhere, or persons having the management or control of lands or premises used for or in connection with the slaughtering of lambs, or the treatment, storage or chilling of lamb products or persons having the management or control of lands or premises. . .

And so on. It would appear -- and I hope Hon Eric Charlton is listening to this -- that every person who produces a lamb could be required to put in monthly reports to the Lamb Board. I believe that if one has a lamb on one's property one would be seen to be a person having the management of lands -- in other words, a farm or premises used in connection with the holding of live lambs until they are sold. I believe Hon Eric Charlton, Hon Mick Gayfer and everyone else will come into that category.

Hon E.J. Charlton: That is not very good!

Hon GRAHAM EDWARDS: This is just an additional insertion required following that amendment dealing with live lambs.

Hon D.J. WORDSWORTH: That is dead right. Everyone has got them, that is the point. In other words, what we are really saying is that before, if one killed a lamb one had to put in a return. That is fair enough. Now, because we are having live sheep, a return is required from anyone who handles live sheep and that is me, Hon Eric Charlton, and everyone else in Western Australia who are persons having the management or control of lands or premises used for or in connection with the holding of live lambs until their sale.

Hon E.J. Charlton: "The holding".

Hon D.J. WORDSWORTH: Does Hon Eric Charlton not think he is holding a live lamb until its sale? I am pretty sure he is.

Hon E.J. CHARLTON: Obviously the point does need to be clarified. The holding of a lamb is a matter of which way one takes it. If we say the "holding" of a lamb, bearing in mind the other amendments that have been made already -- and I am not saying this is directly related to that -- but the "holding" of a commodity is not where it is produced. The terminology does not necessarily mean where it is produced but where it is being held for that period, remembering that the board can buy or have transactions take place and that that particular animal might not be slaughtered forthwith.

Hon GRAHAM EDWARDS: The section of the Act we are amending deals with slaughtered lambs. The amendment we are inserting deals with live lambs.

Hon E.J. Charlton: The ones that are bought by the board?

Hon GRAHAM EDWARDS: That is right.

Hon D.J. WORDSWORTH: That is a great answer. It indicates the Lamb Board has to send a return to itself saying how many lambs it has.

Hon Graham Edwards: That is not the intent of the amendment.

Hon D.J. WORDSWORTH: Under the Minister's interpretation, either the farmers who are holding lambs intended for sale have to send in a return, or the Lamb Board has to send it in; it is one of the two.

Hon C.J. BELL: This is a very serious matter, and it is not something to walk away from on the basis that perhaps it may be what the Minister means by "holding". I interpret the holding of a lamb to mean from the day it is born until one sells it, whether it is feeding from its mother or on grass or lupins while one is fattening it. In those circumstances, one is holding the lamb. I would like this clarified; the Minister cannot say he thinks it is right. He is talking about the possibility of 10 000 producers having to file a return on the basis that the Government, quite legitimately, has tried to cover one aspect but suddenly has put an imposition on every producer in the State. If there is any possibility of that interpretation being correct, we should know about it.

Hon GRAHAM EDWARDS: I do not know why members opposite are getting hot under the collar. I do not think they understand the clause. This enables the regulations to be drawn up. The difficulty I am having is in trying to conceive that what members are suggesting could possibly happen. No-one is walking away from anything. We are trying hard to understand the point that is being made.

Hon E.J. CHARLTON: Is the Minister saying that it is in connection with the slaughter of lambs and that therefore the point made earlier about lambs held on a farm does not apply?

Hon GRAHAM EDWARDS: That is right. We are talking about the power to make regulations dealing with the holding of live lambs owned by the corporation. I cannot see the concern members are raising. I would not want to mislead anyone.

Hon D.J. WORDSWORTH: As I see it the current situation is that if the Esperance butcher kills some lambs he has to put in a return to the board so it can charge him for it. I am quite happy about that. It requires producers to furnish a return if they are killing, or persons dealing or trafficking in lamb or lamb products or those who own premises where the slaughter of lambs takes place. In that way the board can say someone has killed 100 lambs this week and it wants that person to pay 100 times $8. Now the Minister wants to include those who handle live sheep, "or persons having the management or control of lands or premises used for or in connection with the holding of live lambs until their sale either within the State or elsewhere".

Hon Graham Edwards: This is talking about a corporation not individuals.

Hon D.J. WORDSWORTH: Why would the Minister want the corporation to put in a return?

Sitting suspended from 11.38 to 11.45 pm

Hon GRAHAM EDWARDS: I apologise for the delay but I wanted to make sure that my answer to the question was accurate. The amendment is recommended mainly from a drafting point of view, not necessarily from an operational point of view. The clause refers to lambs which are owned by the corporation but which it may wish to put out for agistment. The clause still gives control to the corporation, although the lambs may well be held on the property of a farmer from whom the corporation originally purchased the lambs, or indeed on the property of any other farmer for agistment.

The amendment could be withdrawn and the matter handled by contract between the corporation and the other parties involved.

Hon D.J. WORDSWORTH: I have forgotten in the nursery rhyme whether it is Mary who loses her little lamb. The suggestion is that if one has lambs belonging to the corporation on his property, one should put in a return. I do not know why the corporation wants to know where the lambs are unless it has lost its lambs.

Hon C.J. BELL: The point the Minister made is a worthwhile one; that is, for the

corporation to pursue this matter on the basis of a contract. If there is a contract for a number of lambs in a certain location, the corporation will be able to keep track of them without, as Hon D.J. Wordsworth mentioned, the requirement for a return on the location of the lambs. A standard contract clause would be more logical than the clause as it stands. The old story is that if a situation is capable of being interpreted in a certain way, it will one day be done. The corporation has a much easier method of controlling the lambs in its possession, by using a contract rather than this cumbersome method requiring those in physical control of the lambs to furnish a return. I urge the Minister to seriously consider that option as a logical way to handle the situation.

Hon GRAHAM EDWARDS: It is not the case of the corporation losing the lambs. It is silly to suggest such a thing. I would guess that if members opposite had livestock they had agisted they may, from time to time, want information that would convey to them assurances that that livestock is looked after in a proper manner. That is basically what this amendment seeks to do. I cannot understand the Opposition's attempt to rubbish the corporation for wanting to have that information at its fingertips as the corporation may, from time to time, consider necessary. As a matter of fact, I think it is a responsible and reasonable thing to do. In view of the Opposition's concern that it is creating a difficulty, I will not move the amendment.

Hon D.J. WORDSWORTH: While it is a nice way for the Minister to say, "Let us withdraw it before it gets too embarrassing" --

Hon Graham Edwards: I am trying to respond in a genuine way to the concern you have raised.

Hon D.J. WORDSWORTH: In actual fact, I believe that the WA Meat Marketing Corporation is trying to extend its powers beyond that of dressed meat into the live sheep industry. It is endeavouring to find out what lambs are being traded by the industry. I think that is what members will find is the objective of this clause.

Hon W.N. STRETCH: I am afraid it comes back to where I started in relation to this Bill: What is the corporation trying to do? I think Hon David Wordsworth has hit the nail on the head. Are we looking at extended powers? If that is the case, the Committee will rue the day this legislation is passed and when we come to the final amendment I have on the Notice Paper members will realise what they have done. We really do not know whether the corporation will be fiddling around with the live sheep export market and whether returns will be submitted to it. We do not know what it is after. It is a mess, and the whole debate has been rather disgraceful.

Hon GRAHAM EDWARDS: I reject the member's comments out of hand. From time to time the Opposition requests the Government to be reasonable and to respond to amendments that are put forward. In this case the Government has done exactly that. Because we have been reasonable and have responded to the concerns which we do not share, the Opposition wants to put a completely different interpretation on the action we have taken, for what purpose, I cannot guess, except I suppose it is an opportunity for the Opposition to hammer home an attack on the corporation. It is not, even in this context, reasonable or considerate in relation to the action the Government has taken.

Hon W.N. STRETCH: I apologise, I was slightly intemperate. I am concerned about what is happening. I have no complaint against the corporation in its operations. My attitude to this legislation is to try to be innovative. I was expressing, rather too strongly, my disappointment of this debate and I do apologise. I did not mean it to be a reflection on the Minister -- he has been reasonable -- or the corporation.

Hon GRAHAM EDWARDS: I move an amendment --

Page 4, lines 19 to 23 -- To delete proposed paragraph (b).

Amendment put and passed.

Clause, as amended, put and passed.

New clause 14:

Hon W.N. STRETCH: I move --

Page 4 -- To insert after line 23, the following new clause --

Section 32 amended

14. Section 32 of the principal Act is amended in subsection (1) by deleting "5 years" and substituting "2 years".

If members turn to the 1985 amendments to the Marketing of Meat Act they will see that a review clause was included. In view of the concern that has been expressed and the fact that my colleagues in the National Party have stated that they have problems with this matter and want more time to look at it, I have moved this amendment to reduce the review date from five years to two years.

Hon GRAHAM EDWARDS: I do not think that two years is a reasonable time in which to evaluate the things that these amendments seek. Five years is a reasonable time and it is over the course of those five years that a fair and reasonable evaluation of the activities could take place. Two years is simply too short.

It may well be that in the course of those two years everything goes extremely well, but the following two years are not quite as good. It is simply a matter of allowing a reasonable time. We have already expressed how reasonable the Government is prepared to be in relation to the Opposition's amendments to this Bill. I do not think that two years is a fair time, and I ask that the Committee not accept the recommendation.

Hon E.J. CHARLTON: What is more important than the review -- whether it be after two years or five years -- is that as we have seen and as has been demonstrated right from the very early stages of this Act right up until tonight, amendments come forward to streamline and make the operation of the corporation better.

It is not a matter of waiting two years or five years to see whether the review is going to make some significant changes, or any changes at all; I take it that this is a situation that if the industry or the Parliament decides that there is an anomaly that needs to be addressed, then one moves an amendment to fix it up, and I would rather view it that way than put all my expectations into deciding that here it is in place for two years, or here it is in place for five years. We should not put the emphasis on the review for two or five years because we have had ongoing changes in the form of amendments that have taken place, whether they have been in the form of regulations or in the form of changes to the actual legislation.

New clause put and negatived.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Graham Edwards (Minister for Sport and Recreation), and returned to the Assembly with an amendment.

ACTS AMENDMENT (LAND ADMINISTRATION) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Kay Hallahan (Minister for Community Services), read a first time.

JUDGES' SALARIES AND PENSIONS AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

ACTS AMENDMENT (IMPRISONMENT AND PAROLE) BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

HON H.W. GAYFER (Central) [12.07 am]: This Bill, which has been introduced into this Chamber following the withdrawal of the previous Bill earlier this evening, has in principle

the same qualifications that the other Bill had. The Minister's speech on the Bill points out that the parole system was implemented in 1964, and the Bill is aimed at changing the system to meet some of the criticisms that have been made of it.

The main features of the Bill would appear to be that the courts will impose a single sentence appropriate to the offence, and minimum terms will be abolished; secondly, that parole will be granted only where a court has made a positive order to that effect, with the date of eligibility being fixed by the application of a statutory formula; and parole periods will have a minimum of six months and a maximum of two years. Release on parole on the due date will be virtually automatic, although the Parole Board will still have the discretion to defer, reduce, or cancel parole or to determine its own procedures.

We had a look at the mirror of the Bill in front of us during the course of the last debate, and I see nothing new that should make the National Party change its mind; and unless any other person who is more learned on the subject wishes to give any reason why there should be a change in our thinking, we will support the Bill.

HON JOHN WILLIAMS (Metropolitan) [12.08 am]: I reassure Hon H.W. Gayfer that I will not present anything which will suggest that we should not support the Government in this Bill. In fact, I find this Bill extremely welcome. I take it as part of a package that the Government is presenting for reform in the corrective services area.

I saw an horrific programme on television the other day called, "Out of Sight, Out of Mind", which showed the conditions of prisons and the anomalies that have occurred in prisons and prison sentencing in Australia over the past few years. It made one feel quite ashamed of some of the conditions in other States, not only of the prisons but also the prisoners and the way they were treated.

I take it that this is a package aimed towards the total reform of the system. This reform was first started by previous Governments, and particularly by my Government, and this Bill echoes our philosophy about what should be done. The present Government has followed this through admirably. While this Bill looks quite thick and large, a lot of it is consequential to what is to happen under the main clauses of the legislation. Kevin Parker, QC, started research into this subject back in 1979, and one finds that successive groups have worked upon it. Several recommendations have been made and I think perhaps, without gilding the lily, the fact is that I am pleased that the philosophy of parole has been retained and not rejected by some of the elements in our society who feel that it is quite useless. I have to be very careful when I say that, because many people were confused and felt that criminals were getting it too easy.

The Bill clears up the anomaly that, after 1964, people did not understand what sentencing was all about. It was a complicated affair, and the Minister for Corrective Services rightly drew attention to that in the Bill. When the judiciary now passes sentence, it can be seen by the general public that the sentence is, for example, nine years' imprisonment. A very good option has been built into the legislation. Often when newspapers report proceedings, because of restrictions of space and so on, not every case is explained as to what the court heard and what the judge or magistrate took into account. The experience of the judge alone entitles him to calculate what sort of sentence should be given. If a person gets three years' imprisonment and there is a minimum term of 12 months before the prisoner is eligible for parole, it is generally felt that all that person got was 12 months' imprisonment.

It is quite amazing to sit in a court and listen to the antecedents of the convicted person after guilt has been pronounced and the verdict given. Often he would have a string of offences going back goodness knows how long. Recently I heard one case in which it took the judge's associate something like 20 minutes to read out the prisoner's previous convictions. It was quite staggering. Now the onus is upon the judiciary to decide, in its wisdom and experience, what sort of head sentence shall be given. I welcome that, but more do I welcome something which appeared in the Minister's speech. I will quote that because I think the general public should know about it in future. It reads in part as follows --

> . . . the Parole Board will have an unfettered discretion to defer, refuse, or cancel parole where special considerations, particularly questions of public safety, arise.

In other words, the Parole Board will become omnipotent and, as such, will offer to the public the protection it needs. In fact it goes further because the Bill allows that where

someone has been sentenced to strict security life imprisonment, this Parliament will have the chance of looking at the reasons for a Parole Board decision to release such a prisoner on parole.

More importantly, if the judiciary feels that the person does not warrant parole -- because of the type of offence -- and does not order it, the person serves the head sentence less the normal one-third remission he would normally get for being in prison. Many people fail to understand that the parole period is a prison sentence still being served. In this Bill, we are being given the chance to see whether the Parole Board will give the conditions under which the prisoners get that parole and, when they get that parole, they will have to sign a document which says that they agree to the conditions of the parole. The old term was that one let them out on licence. Parole is virtually a licence; it is a privilege. Prisoners must serve their time. There have been some very unfortunate cases in which a prisoner has been let out on parole too early.

The other welcome amendment is that which deals with parole of not less than six months and not greater than two years. I agree with the opinion given by the Minister for Corrective Services. Less than six months will be ineffective, while over two years will create other problems. It has happened time and again that the parole period goes on and on and the prisoner is still serving his sentence. In those circumstances, the prisoner may be doing his best when suddenly a family crisis, for example, occurs. Let us say that one of the conditions of parole is that the prisoner cannot leave the State; he may have relatives in another State who may communicate with him and tell him that they are in desperate trouble and need his help. Under that sort of pressure, the prisoner, instead of going to his parole officer, may be of the ilk to say, "I will come immediately." Under the old system, the prisoner would be brought back to the State and would have to start his sentence again from the day he broke his parole. Upon occasion -- and parole officers are wise to these things -- when a prisoner has been doing his best for, say, 18 months of a two-year parole period when a sudden and unfortunate set of circumstances make him break parole, that prisoner could be credited with half of what is called "clean street time". In other words, that is much better than the situation in which the prisoner got nothing and reverted back to his original parole period.

Some prisoners can be rehabilitated, and I think the figure may be as high as 70 per cent, although some reports from the Institute of Criminology suggest that recidivism can be at an equally high rate. The prisoner will have a chance to rehabilitate himself, and the trauma of being in prison may be overcome. It is traumatic to be imprisoned, particularly when one has a family and must consider the implications. I always feel that, while the prisoner may lose his liberty, the family loses everything. It loses the bread winner and the father figure, and the family tends to get into all sorts of strife. We have a particular set of circumstances within this State which make imprisonment even harder, and perhaps part of the reforms that are to come at a later stage may deal with that.

I refer to prisoners who do very well in prison and are transferred to an outstation, which could be as far away as Pardelup. The strain on the financial resources of the family of visiting the prisoner can be quite onerous and, consequently, the prisoner might go into what I would call a form of mental decline, when contact visits and those sorts of things are denied to him, and his progress is retarded. It forces a family to provide for some form of relief so that he can cope with that. Generally speaking, the family suffers.

There is no other part of the Bill to which I object. The Minister for Corrective Services has merely tidied up some formulae in the Bill. I would say that in respect of parole this is a good Bill.

The other thing which is commendable in the Bill is the fact that what I call the automatics can be dealt with by one member of the Parole Board or its secretary. In other words, it is a formal situation which only requires a signature. To call the whole board just to put a signature on a piece of paper is time-wasting, inefficient and unnecessary, and this Bill eliminates that necessity.

I have already mentioned the fact that Parliament will be informed when there are special cases. Also, the Minister can call at any time for a report on a prisoner as to why he is, or is not, eligible for parole.

I welcome the amendment to the Criminal Code which allows for juvenile offenders not to

be put into adult prisons. It is traumatic enough for an adult to go through that process, but for a child to be exposed to it, no matter how heinous the crime, is ridiculous in my book. There are children's institutions which, with a little modification, can be made very secure to cope with the more serious cases. One only has to think back, not too long ago, to a 16-year-old male who murdered in this State. There was no place to put him in the first instance except for Fremantle. The sentence on that boy was indeterminate. There must be some reason for a boy of 16 to behave like that, and over a period of time psychiatric evaluations may indicate that he can be moulded into an acceptable member of society again. If he is put into an adult prison, there is no telling what further problems will have to be eradicated, as well as the cause for the original crime.

There is nothing further to say about the Bill, except that the Opposition supports and welcomes it, and regards it as a forerunner of perhaps a number of penal reforms which will be based on sound commonsense, and not just on emotions. Any Bill which deals with the police or prisoners tends to become an emotive issue. There is not much emotion left at 20 minutes past 12 on a Wednesday morning. We, on this side, have much pleasure in supporting the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

HON J.M. BERINSON (North Central Metropolitan -- Minister for Corrective Services) [12.25 am]: I move --

The Bill be now read a third time.

I thank, first of all, the members of the Opposition and the National Party for their support of this Bill. As they have indicated, it is an important Bill. I do not need to stress to members that it covers a difficult and complex area. The first proposals for this Bill were initiated something like three years ago. It has been a difficult and concentrated process to accommodate the very many problems that have arisen in trying to establish the system we have now arrived at.

I want to place on record, in particular, my appreciation for the assistance of the Solicitor General, Mr Kevin Parker QC, and the Deputy Parliamentary Counsel, Mr Greg Calcutt, who had a very difficult and frustrating task, and many redrafts to go through. My thanks also to other officers of the Crown Law Department, the Department of Corrective Services, and the staff of my ministerial office. I again thank members of the House for their support of this legislation.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

ACTS AMENDMENT (GRAIN MARKETING) BILL

Second Reading

Debate resumed from 17 November.

HON W.N. STRETCH (Lower Central) [12.27 am]: This Bill is somewhat similar to the one we have been dealing with concerning meat marketing, in that it deals with a semi-Government body wishing to extend powers into the marketing of grains. The two grains involved are barley and lupins. The barley amendment is fairly straightforward. It moves to allow the sale of stockfeed barley without the regulations that have been necessary before. It has been drafted in such a way as to align it with the sale of stockfeed wheat that has been working for many years.

The situation concerning lupins is a little more complex. Since lupins have become a prescribed grain they have been brought under the control of the Grain Pool, and the actual nature of lupin usage in the farming community has changed. We have to consider whether

we acted hastily in making lupins such a grain. I do not think anybody anticipated, when that grain was nominated, that it would gain such popularity as a stockfeed as it has.

The lupin is a very high protein grain and is in great demand in the sheep and cattle industry. It is used a lot in pig rations as well. It is a very safe grain to use. It is tolerably easy to grow, and providing it has no rain it is a very effective stubble, as Hon Robert Hetherington will understand, having delivered a very worthy and lengthy treatise on the subject of stubble in his earlier career. We look forward to his speech on stubble -- he has promised to give us one, and I am sure it will be good.

The lupin industry has blossomed since its very early days. When it first started I was one of the early contributors to the pool of lupins run by the Grain Pool. It is amazing how that pool has built up now.

This Bill will extend the role of the Grain Pool, past what has been its traditional role of controlling the sale of raw grain, to the marketing of semi-processed grains. This disturbs me a little, because if there is one thing we do need in Australia to get the economy moving, it is value-added products. A considerable amount of money is being spent by not only the Grain Pool, but also by several other enterprises in developing these value-added products such as lupin meal and lupin flour. Some of the lupin hulls are ground very finely and used in bread. It gives a very pleasant flavour and texture to specialised breads, for example.

I worry a little about just how far we can allow the Grain Pool to extend its powers into the semi-processed grains. When one considers different breakfast cereals and other semi-processed products, one should consider how far we should extend the charter of the Grain Pool. I believe that, as with the Lamb Marketing Corporation, we should be concerned about extending its powers into fields outside its original charter.

I make no apology for the fact that I believe that private enterprise is more efficient and more cost-effective than some of the bigger Government organisations. I also believe that situations arise where the products can be better handled by a centralised body. However, I query any moves to extend those powers beyond the charters originally set up.

As we go through the Bill we consider the powers that have been extended. The first few clauses relate to the marketing of barley. These provisions do not really concern the Liberal Party greatly. We welcome that part of the Bill and believe it will give a certain freedom to the trading of barley which also has an important place in the livestock-feeding industry, and particularly the pig industry.

Clause 5 deals with permits needed to purchase prescribed grains. That is okay to a point. However, when we come to the dealings between the various commercial enterprises that have spent a lot of money on developing lupins and the details that they have to put on their permits, we run into the area of company law and the divulging of commercial confidentialities. The guidelines for the drawing up of the permit requests information relating to the date of issue of the permit, the name and address of the person to whom it is issued, the season, and the quantity of prescribed grain authorised by the permit. These are all acceptable and normal. I also have no difficulties with clause 5(3)(e) relating to the uses to which the prescribed grain may be put as long as it is not too specific, because if we are to have an overall centralised control, it is important that the organisation have some sort of knowledge of roughly where the grain is going. The subclause to which I object is subclause (3)(f) which states, "any other conditions that may be prescribed by regulations". That sort of wording worries me in any legislation because it is an open-ended condition that allows the controlling body to demand any details that it wishes to be supplied.

One commercial organisation that has been working on lupin dehulling processes has spent in the vicinity of $3 million or $4 million. Ironically it received a $250 000 research and development grant from the Federal Government but is now being limited by what it can buy from the Grain Pool. It can be controlled by the price it will pay and is concerned that, under the conditions of the permit, it can be asked to divulge confidential information on its processes. I think that is unreasonable and really goes beyond the necessary details that a general control of an industry would require.

The same conditions apply to the return it is required to supply after it buys the grain. It has to supply information on the quantity of prescribed grain constituting each purchase, the use to which the prescribed grain was put, and any other matter prescribed for the purpose of

clause 5(4)(e). That is nothing to worry about if we know the conditions that apply beforehand. However, when words like "any other matter" or "any other condition" are placed at the bottom of a permit application, I wonder what information will be requested next and how many details we will have to supply. I understand the concerns of the industry when it is confronted with that sort of a permit. I hope the Minister will be able to give us an idea of how the permit will look and the sorts of conditions that will apply.

There are many great improvements in this Bill compared with the Bill that was drafted about a year ago and not proceeded with. We will greatly welcome the review clause. We also welcome the appeal clause. I believe that when an authority is operating under the control of the Minister and has the right to refuse a permit, it is only proper that an appeal avenue be set up to the Minister or to another authority. In this case the Government has seen fit to allow appeals to go to the Minister and that is welcomed. I think it will also work to the advantage of the producers and farmers as well as against them because, in a season of short grain supplies, a situation could well arise where a farmer was refused a permit for obtaining grain for his own use for stockfeed. He should also have the right of appeal in that case.

I believe that all legislation should contain appeals clauses. I have received conflicting advice on whether an appeal is allowed at common law against a decision by the Minister. One opinion I received was that an appeal would be allowed, and another was that it would not be. I would like the Minister to clarify the matter. It is always expensive to proceed to law. It usually ends up costing a lot of money in the long run. It is far better that we legislate now so that lawyers do not have to be involved in such decisions.

Some of the proposed amendments concern the Opposition. It is appropriate to discuss the amendments now even though they will be dealt with in detail during the Committee stage. The first amendment put forward by Hon E.J. Charlton, on behalf of the National Party, amends the Bulk Handling Act, and it puzzles me a little because it refers to section 39 of the Bulk Handling Act 1967 which currently gives Co-operative Bulk Handling Ltd the sole right to handle grain. On my reading of the legislation it appears that if the amendment is passed we will not be able to proceed with other parts of the Government's Bill. The amendment appears to countermand the rest of the Bill, and I would be glad to receive advice from the Minister when he responds.

The National Party also proposes an amendment to include a review clause in the Bill, and it is very appropriate. I had my amendment drafted along similar lines to that of Hon E.J. Charlton's amendment, which I accept. I would like to move a small amendment to include part III as well as proposed sections 22A and 22B because it should be a littler broader with regard to the role of different grains and how they are operating in the marketplace. I will support the National Party's amendment, but will move a small addendum to it.

I am sure the Minister will agree with me and see the sense in moving a small amendment with reference to the appeal to the Minister. A provision should be included in the legislation which provides that all parties to an appeal are notified of the decision the Minister makes. It is fair that an appellant should know why his application was refused. It is also a very good way to give an indication to the industry and to the community as to the guidelines under which the Minister will accept future appeals. I hope the Minister accepts my amendment in the spirit it is intended. Along with the provisions in the Bill, it will ensure that everyone is as happy as can be expected with an appeal decision from the Minister.

A great deal was said in the debate in the other place about the provision of grain to the live sheep shipping trade. Of course, that is a very important end use of lupins. The lupins are manufactured into pellets which are fed to the sheep on the sometimes long sea journeys, and it is very important that the continuity of supply is maintained for that industry. The Minister in another place has given an indication that that will be forthcoming.

The manufacturers working in the marketplace are very concerned about this Bill. They expressed their concern to me last year when we examined the amendments the Government had considered. When I rang them recently, they said they were a little happier with the Bill, but were still concerned at what they see as an overlap. They do not want to see too many controls put on the development of the semi-processed and processed lupin industry. They feel that it has moved out of the realm of the traditional Grain Pool role, and they want it to

be handled fairly delicately. They believe they have a role to play in the development of these markets, and generally the Grain Pool tends to deal with larger tonnages than the smaller processors who, as I said, are working in a more specialised area and are exporting in one or two container loads to smaller markets.

Like the last Bill that was debated in this House, this Bill is also a Committee Bill. I have foreshadowed the amendments I propose to move and have spoken about the amendments proposed by the National Party. I will be interested to hear Hon E.J. Charlton's comments about his amendments, which we support in part. I indicate the Opposition's concern with many parts of this Bill; but it is prepared to deal with these in greater detail during the Committee stage.

HON E.J. CHARLTON (Central) [12.47 am]: The contents of this Bill and the proposed amendments may appear to some members to be fairly minimal and have been put in place to streamline operations to allow a permit to be granted for these particular grains to be handled other than in a way that has taken place in recent times. I refer to a permit sought by the purchaser. Everyone agrees that the purchaser is the person who procures a permit from the Grain Pool. While acknowledging the fact that a purchaser obtains a permit, it places the Grain Pool in a position where it can monitor the situation. Obviously that is the very basis of the amendments.

In this State we have a very successful marketing organisation in coarse grain; that is, the Grain Pool of WA. As far as the marketing of grains is concerned, particularly in the form of export markets that have been established in recent times, obviously, as has been stated, the lupin industry is a prime example. As far as barley is concerned, the Grain Pool has had outstanding success in its operations. In the last 10 to 15 years years we have seen the development of a lupin industry, and it has become a dominant operation in the export industry.

One of the basic reasons for having a permit system to allow the use of grains within the nation and to monitor where the grains are used, is an aspect I mentioned recently in another debate in this place. I had the pleasure of being involved in a deputation to the Minister with regard to the ability of the lupin industry to collect research moneys that are so vital for the continued research that is required to keep up with the demands of lupin production in the State.

In the last year or two, particularly in the northern areas of the State, we have seen in this growing industry, which has been the backbone of lupin production in Western Australia, disease and other establishment problems reach a stage where it will take fairly significant research to enable the people with that responsibility to get on top of the increasing problems.

In addition to that, the Department of Agriculture has been involved in the establishment of lupin production in the southern areas of this State, which have had problems with this crop. For that reason the value of lupins to that part of the State has created an ever-increasing demand by farmers and feeders for lupins. As a result, ongoing changes must be made when such demands are made on an industry or commodity. That is the reason for establishing a permit system for the feed merchants and others who buy large quantities of lupins in particular.

The National Party fully endorses and supports the operations of the Grain Pool. This organisation is solely responsible for the management and marketing of these grains. In the wheat industry in Australia, people have an opportunity to sell feed wheat at the home consumption price across the nation, and the permit system allows them to trade without using the handling system or becoming involved in some other aspects of the industry. It allows people to completely use the system which includes other necessary aspects of the industry such as monitoring, gaining research moneys, and making some contribution in some of the States to part of the capital cost of the handling authorities.

It is very easy for us to point to individual people, such as the growers, or other groups which want to use the commodity and suggest that as long as they are given a permit and the research levy is collected, everything is okay. We feel very strongly that in Western Australia we have a Rolls Royce system of handling grain. The Grain Pool has been given the authority to be the marketer of that grain and CBH has been given the sole right and

responsibility -- it is very important that we recognise that aspect -- of accepting into store all grains covered by this legislation. If a person is given the responsibility and the charter to receive and handle that grain in a given year, that is very different from a totally free and open market situation in which an agent or an individual decides that if he has the room, the work force, the facilities, or the capital investment at a given time to take at a certain price, he will do so. The two situations must not be confused.

The amendments proposed by the National Party were put forward in the other place; the National Party feels strongly on this point and will pursue them vigorously to ensure that members in this Chamber give consideration to and accept those amendments. We want people, both on the producer side and in other areas of this industry, to have an opportunity to sell that commodity or to receive it. If we are to put in place a structure which will allow the collection of the research money, we must also put in place a structure whereby a certain proportion of the capital input goes to the grain handling authority.

It is easy to forget rural Western Australia as we sit in this place or as we drive around the metropolitan area. Many people do forget it for all sorts of reasons. The system of handling grain in this State was established for one valid reason -- because the producers of this State wanted it. They wanted it, they have it, they own it, and they run it. No-one else profits from that system. The facility has been in operation for many years and provides a service to the farmers in the handling of certain grains. Even in 1987, farmers and producers with new commodities ask if they may deliver them to the nearest receival point; they want CBH to accept and handle the grain. Obviously the directors of that organisation must make a decision on whether or not to handle it, and they make decisions based on the needs of the shareholders, who are themselves farmers who supply the grain for that system.

As members of Parliament we are required to make a decision on this matter. It is important that we understand the unique situation in this State. This year there has been a downturn in the total throughput of grain for one very valid reason: The world price for a major commodity, wheat, has fallen to such an extent that less has been sown. Seasonal variations beyond our control also account for part of the problem and this has compounded the situation greatly in some areas of this State. We must take on board the fact that this downturn in throughput will obviously result in higher costs. If a situation exists for a number of years, nobody knows what percentage of grain -- and we are talking here of barley and lupins, and the present level may go up or down -- will be directed under the permit system thereby providing an opportunity to bypass the grain handling system.

The reasons why it is bypassing that system are twofold. Firstly, there is a ready market for small quantities. On the other hand, whether it will be next year, the year after or at some other stage in the future, we believe that there will be a demand on CBH to take that grain into storage because it has a responsibility and a charter under this legislation to do that, whether it likes it or not. That is the situation at this time, and nobody argues against that point.

It is not just a matter of taking these particular types of grain into storage and holding them until the marketing division makes a sale -- the commodity must be kept in an insect-free, segregated state, and in a place and condition so that as soon as the marketing arm makes a sale they can say that there are so many tonnes of this sort of quality readily available to put on transport, and so on.

I will not elaborate further on this matter except to say that that is the basis of a decision that members in this place have to make regarding this legislation. It is important that members acknowledge and recognise these aspects, because we have foreshadowed an amendment to signify that although this legislation and these amendments allow sales to take place under the permit system, that is not taking away anything from the existing legislation to which Hon Bill Stretch referred regarding grain handling and the Bulk Handling Act 1967.

While we acknowledge and agree to this taking place under the permit system, in no way has that any effect on existing legislation controlling the handling of these types of grain. When we talk about the fee to be charged, we will request that a proportion of the full or partial value of the fixed cost component of the handling charge be included in that fee. I have explained the reasons for that. It must be understood that it is a very different situation from the one where someone builds a one-off storage for a commercial return, taking that chance and then expecting somebody to pick up the cost and help maintain the facility.

We are talking of a facility which has been strategically placed across this State and which has been given the responsibility of handling whatever tonnage comes forward year after year. That is the significant difference from the one-off situation. There is mention in the Bill of the Minister's responsibility to review the sections to which we refer. We do not think that the Minister should have a right of appeal. It has been, and will be argued, that there will always be a right of appeal to the Minister if someone does not like a decision that is handed down. There is a significant difference between a Government department, an organisation set up as part of the overall, ongoing Government operation, and something such as a grain pool which is a producer-controlled and directed organisation put in place to market, operate, and be responsible for those commodities that the Grain Pool, in this case, is responsible for.

Having set it up in that manner, having people travelling the world selling the grain, and having given the right to allocate a permit -- bearing in mind the other aspects of the permit that must be put in place -- to then turn around and say, "When you do something that someone does not like they can trot off to the Minister and overturn it," means to me that it is all very good so long as people are doing what the Government or the Minister of the day agrees with. I wonder how far this will water down operations if it is put in place. We oppose that part of the legislation.

The Grain Pool people obviously oppose it too, because there are individuals with the responsibility and worry of the whole operation, and for administering this part of the industry; yet at any time someone could say that they had not been given a permit to sell, market, or use this grain so they want an opportunity to appeal to the Minister, who could overturn that ruling. That will put the cat among the pigeons and open Pandora's box to orderly marketing legislation.

I have said in relation to similar legislation that if we are to have a marketing set up that has been put in place like this and we then give the Minister the power to override its decisions, that is inserting the thin end of the wedge to break down its operations. Many people say that other individuals can go into the marketplace and get a new market for a quantity of grain that the Grain Pool could not get. That may be partly true, but it is a one-off situation. The people could only do that because they have the backstop of the Grain Pool satisfying 99 per cent of the industry around the world. If that were not in place, where would one be if one were relying totally on individuals, as we see happen in other industries?

Hon Colin Bell, Hon Jim Brown, Hon Dave Evans, and I did a trip through the United States and Canada. One has only to see the alternative provided by private operations to know what I mean. I cannot speak for other members, but if I was not convinced before I went, after what I saw I was totally convinced by the time I was ready to come home that the Australian system is absolutely unsurpassable. Over there they have a situation of relying on private traders who have had their operations taken away from them because they have not been able to market grain at a price that keeps the producers in business.

The Government went in over the top and put in place all sorts of subsidies that I will not go into. The bottom line is that grain traders now want to come into the Australian scene because we have people in this country who have been marketing our product so successfully that other grain traders want to get in on the act here. I am the first to acknowledge and agree that the Wheat Board and the Grain Pool give the opportunity to the grain traders, if they want to sell some grain, to go along to the authority and say, "We can sell so much grain"; and they will give them the okay, and away they go, which is the way it should be. However, in this case the Grain Pool has the responsibility to do this, and that is where the responsibility should remain, and a Minister of any Government should not be able to come in over the top and say, "I think this individual might be able to go and do a good job over here", without knowing the full ramifications of where that could be leading. So with those comments, I support the Bill.

HON MARGARET McALEER (Upper West) [1.12 am]: I do have reservations about this Bill, which are almost exactly opposite to those expressed by Hon Eric Charlton. The nub of my reservations is contained in the Minister's second reading speech, where he says --

> Under the amendments, the Grain Pool will be able to exercise effective control over the permit system. The amendments will enable the Grain Pool to manage the end use and destinations of grain sold under the permit system in the overall interests of

maximising industry returns -- in particular, partially-processed grain which may be exported in competition with whole grain sold by the Grain Pool.

Before I go into that, I very freely and gladly acknowledge the important role that the Grain Pool has played in the development of the lupin industry, and I concern myself in these comments particularly with that industry. The Grain Pool has developed markets; it has taken great pains to improve the payment system to growers, with cash outs, and discounts, and so forth; and they have played a very important part by sponsoring research with funds from the levies which they raise from growers for research into the processing of lupins from the whole raw state.

This is an exciting time for lupin growers throughout the State. In recent years new varieties of lupins have been developed which have greatly increased yields, and of course most recently in the new Gunguru variety have reduced the phomopsis disease which has been a very limiting factor, particularly for growers in the wetter southern regions. In this way not only will crops be improved but the area where such lupin crops may be grown will be greatly extended.

Nevertheless, lupins are still a tricky crop to grow. It took lupin growers a long time to learn to grow lupins successfully, and even now with the seasonal variations, price fluctuations, and the increasing diseases as acreages increase, they are not a particularly safe crop. When the price is good and the season is right, everybody is enthusiastic, and larger acreages are put in; but as soon as one or other of these conditions is wrong, the lupin crops fall off. It is a very sensitive crop, not only to grow but also so far as production is concerned because of this fluctuation in acreage and tonnage. I join with Hon Eric Charlton in saying how important it is for the lupin industry that not only should the end uses of lupins be the subject of research for processing, but also that the research into diseases should be greatly increased.

We need more plant pathologists, for one thing. If we were simply able to overcome one of the diseases which lupins suffer from, which is brown spot, not only would we have better crops emerging than we are growing now, but we might even attain the situation where we could have successive crops in the same ground. In the same way that the Western Australian blue lupins can be grown year after year, it would be of tremendous advantage if white lupins could be grown on the same ground year after year, which is not now possible.

Farmers want more research to be undertaken into diseases, just as they want development of the end product, and they will gladly pay levies for that purpose. I am not so sure that they would be glad -- as Hon Eric Charlton suggested -- to pay for the use of CBH facilities which they have not in fact used. This is an amendment which the member has foreshadowed, but it is not one which I feel I would be able to support.

Western Australia is the largest exporter of lupins in the world, which sounds very impressive, but of course one has to bear in mind that the tonnage of lupins grown is still comparatively small compared with other crops. The northern regions, as Hon Eric Charlton has told us on a couple of occasions, are currently the most important lupin-growing areas in Western Australia. So well has lupin growing been accepted in the northern areas that as far as area is concerned, they are almost at their optimum production. There will be improvements through improved varieties in terms of yield, but the area to be used for lupins probably will not increase greatly. Therefore, it is very important for the northern areas that they should have the opportunity to take part in the value-added aspects of the lupin industry.

Within the last 18 months the Government has sponsored a regional development study for the Geraldton mid west region. One of the highlights of the recommendations of that study was that the Geraldton mid west region should have the opportunity to develop its own lupin processing. It has a suitable port; it has an associated live sheep trade; it has a vast reservoir of lupins; it has people who are very experienced in various facets of the lupin industry. Part of the study that was done on the matter deals with a specific opportunity which may be offered to the northern regions.

Some of the information given in this report is relevant to this Bill because it raises a question which I do not think has been answered in the second reading speech or by any of the information which has so far come out in the debate, either here or in the other place. The report says --

> The WA Grain Pool intends to call for tenders for the processing of lupins on a commercial [ie. large] scale in 1988.
>
> The tender to be offered by the Grain Pool in 1988 provides an opportunity for the Geraldton Mid West Region to establish a lupins processing industry, and become the 'lupin capital' of the world. It also provides an opportunity for other regions of the State.
>
> It is possible that a lupins processing industry could develop in the southern regions. After all, this was where the initial tender for a pilot processing plant in 1986 was awarded by the Grain Pool with export through Fremantle. The south also is where greatly expanded lupins areas are likely in the future.
>
> However this outcome is not likely to lead to great benefits for the Geraldton Mid West Region. Producers in the north will face a freight disadvantage. Moreover the proposed financial incentive in the form of a premium will not necessarily produce a substantial increase in Mid West plantings as lupins are nearing the limit of northern production.
>
> Significant benefits to the Geraldton Mid West Region will only be obtained if lupin processing facilities are established within its boundaries. These benefits are seen in terms of investment, employment and use of the port of Geraldton, including for link industries such as live sheep export.

These benefits are potentially obtainable since the case for the establishment of a lupin processing industry within the Geraldton mid-west region is strong. The lupin industry has a number of resources it could build on.

The power which this Bill will give to the Grain Pool, not only to monitor what is processed and the end uses of lupins, but also to prevent their development, is a threat to the whole concept of the growth of the processing industry in the Geraldton mid west region. Although I acknowledge that the appeal provision does go some way to safeguard the prevention of the development of such an industry in that region, it must be said that the Geraldton mid west is starting some way behind the eight-ball because it has nothing in place yet which would serve to recommend it to the Grain Pool if it calls for a specific tender next year.

At this stage it would be unlikely that a whole package could be put together, a feasibility study done, and an application made to the Grain Pool in time to make a proper tender for such a processing plant. I very much fear that if the Grain Pool sees the future of this processing as being a one-tender effort, the whole region in the north will be prevented from developing as it should.

There is one final paragraph in the study which is significant, and which it is important that I read out. It speaks of actions that should be taken by the people who are interested in the Geraldton region to develop their industry. The third action is --

> Support for the partial deregulation of lupins marketing in WA would also appear necessary with the assistance of Agriculture Department and the proposed Geraldton Mid West Development Agency.

This may be seen to be going against the whole spirit of the Bill but I do not think it should be seen as such, only that we have a long way to go yet in the lupin industry. The world market which is opening up for us is by no means fully realised and we should not bind our hands too early by allowing too great a control on the industry by handing the Grain Pool too much power to rein in any developments which might very well take place.

HON C.J. BELL (Lower West) [1.25 am]: There are some things which need to be said about this Bill. We have concentrated pretty well exclusively on the lupin issue and there is no doubt that the Bill represents a major change in the area of lupin marketing, but also within the Bill is the extension of the permit system for barley. I welcome that extension as I think it is worthwhile.

The Bill also endeavours to collect a research and development levy. I have no gripe about that, although I must say I have some concerns about the suggestion of a capital contribution. I make that particularly clear because perhaps it is a small user area of complaint. I normally buy 50 to 80 tonnes of mixed grains each year. I have no objection at all to paying a research levy because I would hope that would assist to ensure that the grain would be forthcoming in

future years for the best possible price. Obviously if growers of the grains have research, it assists them to grow bigger and better crops and that is usually reflected to some extent in the price we pay for it. While one hopes that everybody gets a little bit out of it, and it generally works that way, seeking to avoid paying that levy would be unfortunate.

However, there is one thing I picked up in the Bill which does seem to me an aspect which will aggravate many of the small users of grains. It relates to the return which will have to be submitted after one gets a permit. One receives the permit first and says how much grain one is going to buy, what one is going to use it for, and so on. A month later one has to send in a form. I can assure members that there is one thing which farmer groups are absolutely up to the eyebrows with, and that is filling in another form saying what they have already said. That is what will happen.

I understand this matter has been set in place to enable a review of bodies such as Milne Feeds Pty Ltd and Wesfeeds Pty Ltd in their areas. If that is so, and if they are the people we are concerned about, perhaps we ought to put a minimum tonnage on the return clause. I guarantee that if that clause is passed in its present form the majority of users will ignore it and will be seen to be transgressing the law. I do not think that is logical.

Probably 20 000 to 30 000 tonnes of grain are used annually in the dairy industry. It is almost fixed; one can almost bet on it. Most of that grain is stored on-farm. It goes from harvest into storage. It is perhaps surer than the rain coming next year that the demand will be there. To that extent they would use it to produce dairy products.

Hon H.W. Gayfer: Do you mean grain per se or grain as defined in the Bill, because grain means wheat and barley as well? If you mean grain including lupins --

Hon C.J. BELL: I mean grain, including wheat, barley, lupins, and oats -- I was using the normal generic term of grain. It could be any one of those, or a mixture of them all.

Hon H.W. Gayfer: If you buy wheat it may --

Hon C.J. BELL: I would not buy wheat because it would poison my cows.

Hon H.W. Gayfer: Do you buy feed barley?

Hon C.J. BELL: I buy a mixed grain which includes barley. I know the member will ask me whether I had a permit, and the answer is no.

Hon S.M. Piantadosi: Are lupins any good?

Hon C.J. BELL: They are very good. I understand that some people suggest they are good for human consumption.

Hon Doug Wenn: With or without sugar?

Hon C.J. BELL: Hon Doug Wenn would have to take that to taste.

However, the reality is that among the domestic users of grain the dairy industry would be one of the smallest. Many of the bigger industries buy their own grain; other industries, for example, the poultry industry, do so in part. The majority of industries use the major corporate mixes, as I understand it. When there is no possibility of further processing, the requirement on many of those smaller users to submit a further return saying what they used the grain for, when they have already sent in a return stating what they intend using it for, is unnecessary. We ought to look at this very closely to see whether it is absolutely essential to have it there for the corporate user. The Minister might look at the possibility of eliminating that requirement for the smaller users, perhaps those under 200 tonnes per annum.

I agree with Hon W.N. Stretch that it is important there should be an appeal provision. I cannot agree with Hon E.J. Charlton's view that because it is a producers' board, it cannot make a mistake. Unfortunately I must admit that from time to time producers do make mistakes and sometimes there needs to be a review. I have worked on a corporation board, which operated under a permit situation. There was an appeal to the Minister and we operated in many ways as is envisaged under this legislation where it says that where a permit is issued to an exporter of lupins, for example, they will determine a price which would have to be returned to the pool. That situation has prevailed in the Australian dairy industry since 1932. Virtually every tonne of produce that left Australia was shipped out by private traders on the basis of a permit issued by the board at a price determined by the pool.

There are times when traders were not happy with what the corporation perpetrated on them, as they saw it. However, they had an appeal to the Minister and there were times when the Minister approached the board. Before the Minister intervened and made a ruling, he would approach the reviewing authority in order to determine why it had made a particular decision and to find out whether the board ought to have reviewed it.

I do not think any Minister would like to make an arbitrary decision without having had consultation with the industry involved. I have very little concern about an appeal to the Minister when it is not the Minister who made the first ruling. I think that an appeal to the Minister when his department made the first ruling would be wrong, but in this case, because the Grain Pool made the first refusal, the appeal is appropriate, given that the Minister has no desire in the main to become involved in a dog fight within a bush industry. There is no problem with that. In the review area I will seek at a later stage to cause the review, as proposed, to be a review by the Parliament as distinct from the Minister. When we review the legislation, I think it is important that as a matter of policy we start to adopt a review by Parliament rather than a review by the Minister.

With those few comments, I make my views known on the Bill.

Debate adjourned, on motion by Hon D.J. Wordsworth.

House adjourned at 1.35 am (Wednesday)

QUESTIONS ON NOTICE

WATER RESOURCES: DAM

Wellington: Capacity

444. Hon W.N. STRETCH, to the Minister for Community Services representing the Minister for Water Resources:

(1) What is the present volume of water in the Wellington Dam at Collie?

(2) What is the salinity level of the Wellington water currently entering the distribution pipeline, and how does this compare with the World Health Organisation recommendations on potability for --

(a) human consumption;

(b) animal consumption?

(3) Has the Minister had prepared contingency plans to supplement water supplies from the Wellington Dam pipeline in the event of --

(a) the water quality becoming unfit for human and animal consumption;

(b) the quantity of water available from the Wellington Dam proving inadequate to meet the reasonable needs of towns and farms connected to the comprehensive water supply pipelines from that dam.

(4) If the answer to (3) is yes, will the Minister publicise such contingency plans?

(5) If the answer to (3) is no, will the Minister have his department immediately prepare such contingency plans and publicise the same?

Hon KAY HALLAHAN replied:

(1) 92 172 megalitres.

(2) (a) 1 129 mg/litre total dissolved solids;

(b) based on taste considerations, World Health Organisation guidelines 1984 specify a value of 1 000 mg/litre for total dissolved solids in drinking water supplies. The guidelines state that there is no evidence of deleterious physiological reactions occurring in persons consuming drinking water supplies that have TDS levels in excess of 1 000 mg/l.

There are no WHO guidelines in respect of salinity of water intended for animal consumption. Recommended guidelines by the Western Australian Department of Agriculture -- Farm note 3.82 -- are as follows --

Poultry	3 000 mg/l
Dairy cattle	3 500 mg/l
Pigs	4 500 mg/l
Horses	6 500 mg/l
Dairy cattle -- dry	7 000 mg/l
Sheep -- lambs	7 000 mg/l
-- weaners	7 000 mg/l
-- lactating ewes	7 000 mg/l
Beef cattle	10 000 mg/l
Sheep -- adult	10 500 - 14 000 mg/l
-- dry	10 500 - 14 000 mg/l

Water less than 3 000 mg/l can be used continuously by all livestock.

(3) (a) It is not predicted that the water from Wellington Dam will become unfit for human consumption. The Government has approved the construction of the Harris River Dam to provide drinking water to

the great southern towns water supply scheme by the 1990-91 summer;

(b) indications are that there will be an adequate quantity of water available for the great southern water supply scheme this summer. Restrictions, however, are being applied to the Collie River irrigation supplies to ensure this. The Harris River Dam will ensure adequate quantities of water in the longer term.

(4)-(5)

See answer to (3).

WATER RESOURCES: SPRINKLERS
Lee Oval, Lathlain

453. Hon P.G. PENDAL, to the Minister for Community Services representing the Minister for Water Resources:

Having received a complaint regarding the almost continuous running of sprinklers at Lee Oval, Streetley Road, Lathlain and confusion by the complainant about who is responsible, I ask --

(1) Which authority determines the length of time that sprinklers operate on the oval?

(2) Is there a recommended time period per day for the watering of such areas so that lawn is well maintained but water wastage avoided?

(3) If so, what is that period?

Hon KAY HALLAHAN replied:

(1) City of Perth.

(2)-(3)

Yes. The Water Authority recommends that watering be carried out early in the morning, or evening.

EDUCATION
Basic Learning in Primary Schools Programme

454. Hon P.G. PENDAL, to the Minister for Community Services representing the Minister for Education:

I refer to the Commonwealth basic learning in primary school programme.

(1) How have funds for this programme been spent in Western Australia?

(2) How would he assess the value of this programme to date?

Hon KAY HALLAHAN replied:

(1) The BLIPS programme in WA has been funded over a triennium. It has been focused in the areas of literacy and numeracy, particularly for target groups in early childhood education -- K-3 -- classes.

LITERACY.

1 Training of 92 teachers in all regions of the State as tutors for the early literacy in-service course -- 1985, 1986.

2 Eleven-week professional development programme for years K to three teachers throughout the State. Over 4 000 teachers have been in-serviced -- 1985, 1986, 1987.

3 Provision of follow-up ELIC link programmes in all districts based on discrete district needs as ascertained by district committees -- 1986, 1987.

4 Action research programmes in areas of literacy affecting Commonwealth-designated target groups -- 1985, 1986, 1987.

5 Development of a parent programme in understanding and assisting children's language development. This included production of a videotape -- 1985-1986.

6 The original ELIC programme which was developed in South Australia was adapted to better suit needs of Western Australian schools -- 1985.

NUMERACY

1 Development and trialling of a "Mathematics in the Early Years" programme -- MITEY. A professional development programme in early mathematics which is for K-3 teachers -- 1985, 1986, 1987.

2 Development of a K curriculum in mathematics -- 1985, 1987.

3 Development of teacher resources for the K mathematics syllabus -- 1985, 1986.

4 Training of 40 MITEY programme facilitators to cover all districts in the State and to act as consultants for the professional development programme -- 1987.

5 Development of a parent education programme -- "We didn't do Maths like that" -- in conjunction with WACSSO and the MITEY programme -- 1987.

6 Action research programmes in mathematics for target groups. Children -- 1986, 1987.

7 Computer programmes for K-3 children particularly applicable to target group children -- 1985, 1986.

8 An action research programme on transition from pre-primary to Year 1 -- 1985.

(2) 1 The programme has been responsible for implementation of the most successful teacher in-service development programme in Western Australia; the 1986 evaluation of ELIC substantiates this.

2 The model of in-service developed through the BLIPS programme has influenced in-service education planning in Western Australia with particular implications for the Government system; 1985 evaluation substantiates this.

3 The attitudes and practices of K-3 teachers have changed substantially as a result of the BLIPS programme; 1986 evaluation substantiates this.

The effects on children's attitudes to learning literacy are changing as a result of the BLIPS programme. The research to substantiate this hypothesis is being investigated in 1987 and will be made public in January 1988.

EDUCATION: PRIMARY SCHOOL
Canning Vale: Closure

455. Hon N.F. MOORE, to the Minister for Community Services representing the Minister for Education:

Further to my question 370 answered on Thursday 22 October 1987 --

(a) Will the Minister provide the reasons why the Canning Vale School is to be closed and why it is to be closed at the end of this year;

(b) why will the Minister not build a new school at the Clifton Reserve to replace the Canning Vale School?

Hon KAY HALLAHAN replied:

(a) The school was sold by the former Liberal Government to the Industrial Lands Development Authority to be part of the Canning Vale Industrial Estate. ILDA now requires the land for that purpose.

(b) The newly constructed Forest Crescent School is closer for almost all Canning Vale students than is the proposed site. The cost of relocating would be in excess of $200 000, and would only provide inferior facilities at a greater distance from the students.

EDUCATION: HIGH SCHOOL
Newton Moore: Staffing

457. Hon B.J. HOUSE, to the Minister for Community Services representing the Minister for Education:

(1) Is the Minister aware that the Newton Moore Senior High School requires a minimum 2.2 more teachers above the number allocated in its staffing formula to make the unit curriculum for that school operable for 1988?

(2) Are these extra staff to be allocated to the school?

(3) If not, why not?

Hon KAY HALLAHAN replied:

(1) Yes.

(2)-(3)
Schools frequently make requests for extra staff. However, the ministry must operate within established guidelines as well as having due regard to the size of the education budget. The particular request of Newton Moore Senior High School is currently being reviewed by ministry officers.

ROAD BRIDGE
Gascoyne River, Carnarvon

458. Hon P.H. LOCKYER, to the Minister for Sport and Recreation representing the Minister for Transport:

(1) Has a decision been taken on a site for a new bridge over the Gascoyne River at Carnarvon?

(2) If so, what is the preferred site?

Hon GRAHAM EDWARDS replied:

(1) Agreement has been reached between the Shire of Carnarvon, Water Authority of Western Australia, and Main Roads Department on a site for a new bridge over the Gascoyne River. This bridge site is dependent on construction of the Browns Range levee as part of the Gascoyne flood management strategy.

(2) The location is shown on the Carnarvon town planning scheme No 10.

CARNARVON FISHING BOAT HARBOUR
Dredging

459. Hon P.H. LOCKYER, to the Minister for Sport and Recreation representing the Minister for Transport:

(1) Are the Carnarvon fishing boat harbour and its approaches to be dredged?

(2) If so, when?

Hon GRAHAM EDWARDS replied:

(1) There are no immediate plans to dredge either the Carnarvon fishing boat harbour or its approaches. Investigations are in course regarding Teggs channel, and the appropriate action will be taken with respect to the siltation that has occurred in that channel when these studies have been completed.

(2) Not applicable.

HOMESWEST
Sale

460. Hon P.H. LOCKYER, to the Minister for Community Services representing the Minister for Housing:

(1) What arrangements are being made to dispose of Homeswest homes in Exmouth to their tenants?

(2) What price will tenants have to pay?

(3) Is the Government going to sell them as a "Where is, as is" basis?

Hon KAY HALLAHAN replied:

(1) Letters are in process of preparation and dispatch to tenants advising them of the conditions of sale.

(2) The price will be determined within the range of $30 000 to $35 000.

(3) The properties are to be sold on an as is basis.

CARNARVON SMALL BOAT HARBOUR
Boat Pens

462. Hon P.H. LOCKYER, to the Minister for Sport and Recreation representing the Minister for Transport:

(1) Are extra boat pens being installed in the Carnarvon small boat harbour?

(2) If so, when are commencement and completion dates?

Hon GRAHAM EDWARDS replied:

(1) Yes. A total of 12 new pens are proposed for the boat harbour. Six of these pens will be suitable for recreational boats up to 12 metres in length, and the remainder will be suitable for boats up to 15 metres in length.

(2) Construction is planned to commence in February 1988, with completion due in May 1988.

WILDLIFE: RED KANGAROOS
Statistics

464. Hon P.H. LOCKYER, to the Minister for Community Services representing the Minister for Conservation and Land Management:

(1) What is the estimated number of red kangaroos in Western Australia?

(2) How does this compare with the past 10 years?

Hon KAY HALLAHAN replied:

(1) 2.335 million in the pastoral range lands, based on the aerial survey conducted in 1987.

(2) Two other large-scale, systematic aerial surveys have been conducted in WA. In 1984 the population in the pastoral range lands was estimated at 2.018 million. In 1981 the population for the whole State was estimated at 1.027 million.

ABATTOIRS: GASCOYNE
Lamb Brand

465. Hon P.H. LOCKYER, to the Minister for Sport and Recreation representing the Minister for Agriculture:

(1) Has the Minister been approached regarding the use of a green lamb brand by Gascoyne Abattoirs in Carnarvon?

(2) If so, when?

(3) What steps are being taken to assist this labour-intensive business to be able to use the normal red lamb brand?

Hon GRAHAM EDWARDS replied:

(1)-(3)

The Gascoyne Abattoirs at Carnarvon is not subject to lamb acquisition arrangements and thus has a marked commercial advantage over abattoirs in the agricultural areas. The green brand was introduced in 1986 to

ensure that lamb killed at Carnarvon was not sold in the agricultural areas where it would disadvantage local processors. The brand has been accepted by consumers in the north.

A number of requests have been made to allow the Gascoyne Abattoirs to brand lamb red as in the agricultural areas. I have sought opinions from various sectors of the livestock industry, and will make a decision on the matter in due course.

CONSERVATION AND LAND MANAGEMENT DEPARTMENT
Gupyree Plant

466. Hon P.G. PENDAL, to the Minister for Community Services representing the Minister for Conservation and Land Management:

(1) Are the characteristics of the Gupyree plant known to the department?

(2) Is any research available out of the past 25 years to indicate the economics of large-scale plantings in desert regions?

(3) If so, would be indicate the general nature of that advice?

Hon KAY HALLAHAN replied:

(1) No.

(2)-(3)
Not applicable.

WANNEROO SOCIAL PLANNING YOUTH AND COMMUNITY SERVICES ASSOCIATION
Grants

467. Hon N.F. MOORE, to the Minister for Community Services:

I refer the Minister to her answer to my question without notice relating to State Government funding of youth activities in the City of Wanneroo.

(1) For what purpose has the Wanneroo Social Planning Youth and Community Services Association used the grants of $32 388 in 1985-86 and $42 461 in 1986-76?

(2) Who are the principal office bearers of this association?

Hon KAY HALLAHAN replied:

(1) Both grants were paid through the coordination and youth development structures funding programme. This programme provides support to organisations which coordinate Government and non-Government services to youth at a regional level.

(2)

Chairperson	John Halden
Deputy Chairperson	David Coward
Secretary	Norm Shakespear

EDUCATION: TEACHERS
Leave without Pay

468. Hon N.F. MOORE, to the Minister for Community Services representing the Minister for Education:

(1) How many teachers were granted leave without pay in each year from 1980 to 1987?

(2) How many teachers applied for leave without pay in –

(a) 1979 for 1980;

(b) 1980 for 1981;

(c) 1981 for 1982;

(d) 1982 for 1983;

(e) 1983 for 1984;

(f) 1984 for 1985?

Hon KAY HALLAHAN replied:

(1)-(2)

The number of teachers applying for and taking leave without pay from 1979 to 1987 is indicated on the following table --

TEACHERS LEAVE WITHOUT PAY: 1979 TO 1987

	Number Applying for Leave Without Pay	Number Taking Leave Without Pay
1986 for 1987	308	300
1985 for 1986	261	250
1984 for 1985	272	255
1983 for 1984	252	239
1982 for 1983	284	269
1981 for 1982	284	264
1980 for 1981	325	311
1979 for 1980	331	272
1978 for 1979	290	285

PRIVATISATION
Examples: Minister's Speech

469. Hon N.F. MOORE, to the Leader of the House representing the Minister for Economic Development:

It is reported that the Minister, in a speech to the Fabian Society on 6 October 1987, provided examples of the possible application of various privatisation methods in Western Australia. Will the Minister provide a list of these methods and the Government instrumentalities which were the subject of his speech?

Hon J.M. BERINSON replied:

The question is based on a wrong premise.

EDUCATION: HIGH SCHOOLS
Unit Curriculum: Consequences

470. Hon N.F. MOORE, to the Minister for Community Services representing the Minister for Education:

(1) What Government secondary schools have publicly expressed concern at the consequences of the implementation of unitisation in secondary schools in 1988?

(2) What action is the Minister taking to alleviate the problems that have been expressed?

(3) Is it possible to predict the number of students, or the percentage of students, in secondary schools who will be unable to study all of their preferred subjects in 1988?

(4) If so, what is this predicted number or percentage, and what is being done to reduce it?

Hon KAY HALLAHAN replied:

(1) A number of letters have been published in the local Press regarding the implementation of the unit curriculum. It is not clear whether these letters represent the views of the community and staff or are the opinions of selected individuals. I am not willing to accept newspaper correspondence as an index of school satisfaction with the changes.

(2) A total of $0.25 million was allocated in September to supplement the $1.70 million allocated in grants to assist schools with implementation.

Consultants are continuing to assist schools. Support materials are also being published to assist teachers.

(3) No. However, information from students in pilot schools collected during 1987 indicated a high degree of satisfaction with subject choices.

(4) The process of involving students and parents in the process of selecting units will lead to a better match between student expectations and what schools can offer. Support will continue to be given at a district and central level to assist secondary and primary schools to refine and improve the unit selection process.

QUESTIONS WITHOUT NOTICE

WANNEROO SOCIAL PLANNING YOUTH AND COMMUNITY SERVICES ASSOCIATION

Funding

440. Hon N.F. MOORE, to the Minister for Community Services:

I refer the Minister to question on notice 467 of which answer was given today in respect of the Wanneroo Social Planning Youth and Community Services Association, which association received $32 000 and $42 000 from the Government for the last two years and is chaired by Hon John Halden. Was this association set up by the Government or is it a voluntary organisation which receives Government funds?

Hon KAY HALLAHAN replied:

It is a community-based organisation, not one set up by the Government.

SUPERDROME

Opening: Invitations

441. Hon G.E. MASTERS, to the Minister for Sport and Recreation:

Who was responsible for the organisation of and invitations to the opening of the Superdrome?

Hon GRAHAM EDWARDS replied:

A subcommittee was formed -- I do not have the exact identification of the members -- to arrange the invitations to the opening of the Superdrome at noon last Sunday.

SUPERDROME

Opening: Finance

442. Hon G.E. MASTERS, to the Minister for Sport and Recreation:

Who footed the bill for the events that took place at the opening of the Superdrome?

Hon GRAHAM EDWARDS replied:

The bill for the opening of the Superdrome will be paid by the Superdrome itself.

SUPERDROME

Opening: Invitations

443. Hon G.E. MASTERS, to the Minister for Sport and Recreation:

Is he aware that a number of Western Australian champion and Olympic swimmers did not get an invitation, or if they did it was very late, and it seemed that sportsmen and women and champion swimmers of past days from the Eastern States received invitations but local swimmers of great renown did not?

Hon GRAHAM EDWARDS replied:

I am not aware of that at all. I am aware that one swimmer did not receive

an early invitation but received it two days before the opening of the Superdrome. That was an oversight. That person should have received one earlier than he did, but he decided the invitation was too late and did not attend. I am not aware of any other medal holder who did not receive an invitation, and indeed there were many Western Australians there that day, all adding to the spectacle of the opening.

SITTING OF THE HOUSE
Friday

444. Hon H.W. GAYFER, to the Leader of the House:

Is he able to give the House any indication of whether we will be sitting on Friday this week, or is it too early to say?

Hon J.M. BERINSON replied:

On present indications, we should not be sitting on Friday, but I would prefer to update that advice perhaps late on Wednesday evening.

EASTERN HILLS HIGH SCHOOL
Timetabling

445. Hon N.F. MOORE, to the Minister for Community Services representing the Minister for Education:

(1) Is it correct that the Minister was requested by the staff of the Eastern Hills Senior High School to assist with the compilation of the school's timetable for 1988?

(2) Did the Minister agree to this request?

(3) If so, has he provided the personal assistance requested, and what was the result of this assistance?

(4) If the answer to (2) is yes, will the Minister also make his expertise available to all of the other senior high schools in the State which are experiencing similar timetabling difficulties?

(5) If the answer to (3) is no, will the Minister explain why he refused to assist?

Hon KAY HALLAHAN replied:

(1) Some teachers from the school sought the Minister's assistance in a media release. No direct approach was made to his office.

(2) Yes.

(3) No. The school administration advised the department that it was able to do its own timetabling.

(4) Yes, if requested. However, the Minister has confidence in the capacity of senior high school staff to handle their own affairs.

(5) Not applicable.