



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE COUNCIL

Tuesday, 29 October 1996

Legislative Council

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

BILLS (5): ASSENT

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

1. Acts Amendment (ICWA) Bill
2. Railway Discontinuance Bill
3. Government Railways Amendment Bill
4. Revenue Laws Amendment (Assessment) Bill (No 2)
5. Financial Legislation Amendment Bill

PETITION - FROM JAMES ALLISON

Hon Derrick Tomlinson presented a petition from Mr James Allison praying for relief.

[See paper No 78.]

MOTION - URGENCY

Small Business Difficulties

THE PRESIDENT (Hon Clive Griffiths): I have received the following letter dated 29 October -

Dear Mr President

At today's sitting, it is my intention to move under SO 72 that the House at its rising adjourn until 9.00 am on 25 December 1996 for the purpose of discussing the continuing plight of small business in Western Australia and the Government's inability to implement policy to enable the small business sector to overcome the difficulties it is experiencing.

Yours sincerely

Kim Chance MLC
Leader of the Opposition in the Legislative Council

In order to discuss this matter, it will be necessary for at least four members to indicate their support by rising in their places.

[At least four members rose in their places.]

HON KIM CHANCE (Agricultural - Leader of the Opposition) [3.36 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December.

Even a casual observer cannot have failed to notice that, despite a nominal boom in the economy, activity in the small business sector, particularly the retail sector is, to put it in the vernacular, as flat as a pancake. No real activity is occurring in small business. Recently during mid-week I visited a shopping centre in Geraldton. It was at the same time that I had visited the shopping centre on a number of occasions previously, but on this occasion I noticed the lack of activity. The centre was close to empty at a time when one would not expect it to be humming with activity, but one would expect a moderate level of activity. I made that observation to the manager of a medium size business in Geraldton. He said that it had been like it for three months, and he had no idea why business should be so flat. He said that people were not sure about where they were going. That was about the extent of his view.

I had to go away and think about that, because I had not made the observation that business was as flat as it was until that occasion. It seemed to me that if there were a boom in the economy - most of us are able to note the figures relevant to the economy and current large scale capital investment, and that Western Australia has a significantly lower level of unemployment than have other States - one could assume that the benefits would be reaching the small business sector, but that is not the case. The data which people would normally consult in order to reach conclusions about the health of the small business sector, supports the opinion of the small business manager to whom I spoke in Geraldton: Something is wrong with the system. That observation is backed by statistical data relevant to the

September quarter released by the Commonwealth Attorney-General recently. His figures indicate that more than 600 Western Australians were declared bankrupt in the recent September quarter compared with 389 bankruptcies in the September quarter last year - a 60 per cent increase.

Hon E.J. Charlton: Why did they go bankrupt?

Hon KIM CHANCE: The Attorney-General did not report on that matter. I will get to that, but at this stage I do not want to confuse the remarks of other commentators with those of the Attorney-General.

I find that level of increase disturbing. I imagine that all of us will find it disturbing considering it has been said that we are experiencing a resources boom. The equation is even stronger in the light of the national figures where, although the level of bankruptcies has increased for the September 1966 quarter at 34 per cent, it is about half that of Western Australia's increase of 60 per cent.

It has been said, in the words of an anonymous commentator, that the disturbingly high levels of bankruptcies can be attributed to two factors: First, the high personal debt level in Western Australia. There is no evidence that it is any higher in Western Australia than anywhere else. Second, there has been sudden and/or unexpected unemployment in Western Australia. Why unemployment? As I said, Western Australia's rate is nominally quite a lot better than the national rate. In fact, in that quarter Western Australia's unemployment figure decreased by 0.2 of 1 per cent to 7.5 per cent. That casts doubt on those identified reasons for bankruptcies in Western Australia.

However, that article in *The West Australian* - it had a Canberra dateline but did not identify the journalist - referred to "sudden unemployment" as a reason. A reasonable extension of that is that much of the depressing data reflecting the causes of the flat retail sector derives from not only unemployment as such but also the fear of unemployment - that lack of security of employment prevalent in both the public and private sectors. I do not know whether it is worse in Western Australia than in other States. However, in Western Australia there is a definite feeling that when people go to work this week they are not too sure whether their job will exist next week. It is a level of uncertainty that I have found unmatched in other times except in outright recessions. To the extent we had a recession in 1991 - technically it was not a recession in Western Australia but it was as near as we have been to one for a long time - there was a greater feeling of job security in most sectors than there is today.

A natural consequence of uncertainty about the future is for people to defer purchases which are by their nature deferrable. They do not buy a vehicle which they can probably put off for another year. They certainly do not buy furniture, carpets, or even housing if they can possibly put it off. They lack sufficient confidence in their own future to make the commitment that they will be able keep up their repayments. I believe this Government must share a large part of the blame for that lack of confidence, as a result of not only downsizing, which has been the hallmark of this Government performance if indeed it could be said to have a hallmark, but also the whole question of contracting out, including workplace agreements and short term contracts.

All these factors have combined to make people feel less secure in their workplace. Members do not have to take my word for that. Without necessarily identifying who they are and why they want to know, they need only ask people what they think about where their job is going and how secure they feel on workplace agreements. I have done that and, although people could argue that my point of view may be ideologically driven to some extent, I certainly found that people did not feel safe in their job and did not intend to buy a car or undertake any other investment on the basis of their contract of employment.

It is not only employees or small business people who are affected by this but also bankers. They factor all these issues into the equation when making decisions about lending money, particularly in the consumer goods field. Before a banker makes a loan which has minimal or even no security, such as a personal loan, he must feel assured that his client has the capacity to repay that loan over the period of the contract, be it one, two or three years. To do that he must have some assurance that the person will earn an adequate amount of money throughout the term of the loan. Generally, a banker cannot make that assumption about his clients, nor can clients on work related contracts give any assurance to their banker that they will be able to fulfil the loan contract; therefore it does not happen. I am not blaming the banks for that. Why would bankers lend money to someone without an assurance that he will have a job until the cessation of the loan period?

I referred earlier to some depressing statistics which are affecting economic activity in the small business sector. Some interesting comments are made about business investment in "The BankWest Review" dated October 1996. At page 23 it outlines the paradox we are facing -

Business investment . . . was the key driver of Western Australia's recovery from recession, and continues to underwrite growth in the broader economy. Both non-dwelling construction and equipment investment made solid contributions of 1.1 and 1.3 percentage points respectively to GSP growth of 6.3 per cent in 1995-96.

That draws the general healthy picture of the economy. It then goes on to say -

In sharp contrast to business investment, the cyclical downturn in residential construction activity is reflected in a 17.5 per cent decline in dwelling investment, which subtracted 1.1 percentage points from economic growth.

The comments continue in the same way. In the June quarter in Western Australia the growth rate in retail turnover was a negative at minus 0.2 of 1 per cent. Further to that the growth rate - members should be careful of interpreting the way I am using these words; I am talking about growth rate rather than outright sales - has declined in Western Australia in four successive quarters. This is not a short term thing. The real value of Western Australia's retail turnover is explained at pages 29 and 30 as follows -

The real value of Western Australia's retail turnover grew by 5.4 per cent in 1995-96, up from 3.2 per cent from 1994-95. However, comparison of financial year growth rates masks a sharp decleration in the rate of growth in the March quarter of 1996, and a provisional decline in the volume of sales in the June quarter.

The story continues in the same way on motor vehicle registrations, which provisionally declined in both July and August.

The indicative planning council for the housing industry forecasts that residential commencement numbers will rise by about 3 per cent in 1996-97 to around 15 900 units after falling from the recent peak of almost 25 000 in 1993-94 to 15 200 in 1995-96. Housing levels are at a five year low and, with the exception of the recession year of 1990-91, they are at a 12 year low. I could go on at some length, but I prefer not to. It is not my function to publicise depressing statistics. We have the dichotomy of an apparently bubbling economy in some senses but no trickle-down happening because it is not getting down to the employee and as a result it is not getting to the small business sector.

It is almost trite to say that our economy's stability relies heavily on the small business sector. This Government's policies have not delivered to small business what the Government said they would. The Government cannot turn its back and say it was an unintended consequence, when it made all kinds of promises to the small business sector pending its election in 1993. It delivered on very few of those promises. We had promises about reviews of land tax and water charges, but it never happened. Ask the King Street businessmen.

Hon E.J. Charlton: It is the reverse. You know that land tax has been changed substantially.

Hon KIM CHANCE: It has not been reviewed.

Hon E.J. Charlton: Yes it has.

Hon KIM CHANCE: This is the highest taxing Government in Western Australian history.

HON B.K. DONALDSON (Agricultural) [3.52 pm]: I am not too sure whether I am in the same State as Hon Kim Chance.

Several members interjected.

Hon Kim Chance: Only on Friday nights!

Hon B.K. DONALDSON: Quite possibly. I am sure that Hon Kim Chance does not believe all he reads. I sometimes wonder whether I am living in Western Australia. The media indicate that nothing is happening in Western Australia and there are no benefits to small businesses. I can tell the House something quite different, as I am sure the Minister will in a few moments.

Hon Kim Chance: You cannot doubt the economic data.

Hon B.K. DONALDSON: There is a flat period in any economy. Sometimes it is consumer driven, as some of the retail sector is finding out. There are cycles of household expenditure of surplus income. Priorities change and figures shift in the retail sector -

Hon Kim Chance: Why are bankruptcies rising?

Hon B.K. DONALDSON: Many small businesses have started in many areas. We have a huge number of restaurants in Western Australia, and yet we continue to see a continual growth in that area where people do get into trouble. In some shopping centres people establish a business which is highly competitive with other businesses of a like nature, such as a large supermarket chain, and then they get into great difficulty. To be in a small business as one's own boss is a great attraction which perhaps many of us aspire to at some time in our lives. I had the privilege the other night of attending the launch of the WA operations of GEO-ENG, which is a Victoria based consultancy firm.

Hon Kim Chance: One of the booming industries.

Hon B.K. DONALDSON: The consultants will help small business in Western Australia. They were involved with the Kennett Government and the changes to the state electricity supplier in Victoria. The business has grown from 12 or 15 people to something like 115 at the moment, 15 of whom are based in Perth and operate in Western Australia. More than likely this will be the base for their interests in Sarawak and other parts of Asia and also China. They won the consultancy for the Water Corporation for hydroelectric dams and any other surface water projects in which the Water Corporation might become involved. In a venture with the Water Corporation they are tendering for work at Sarawak on the Gerogugu dam which is to be built there. We have seen 12 employees from the Water Corporation with the necessary skills joining the consultancy firm. In two years the firm has grown to employ 115 people. They are dynamic, skilled people in their mid-30s with degrees behind them and great vision and drive. This will augur well for small business in Western Australia.

If one looks at what is happening with the Building Management Authority and the results there, one will see most of the work in the metropolitan building maintenance program, \$32m, is going to contractors, whereas \$8m is staying in-house. That in-house part of \$8m gives the BMA the opportunity to benchmark pricing and the quality of work that is delivered. It can keep a very tight control on the quality of work or the of management of its contract. That is the position in 1996. In 1990, \$4m went out to contractors and \$16m stayed in-house. This represents a significant ratio change in six years of \$4m to contractors increasing to \$32m, and \$16m in-house reducing to \$8m. Over 100 former employees of the BMA are operating in that area supplying that service by using their expertise as small business people. They are pretty happy. They are like the 12 people I spoke to from the Water Corporation, who almost 12 months ago said that they were nervous about the future. They say now that they could not wish for better than to be where they are now with GEO-ENG.

The contracting out, outsourcing or whatever one likes to call it, is in our interest too. I am sure Hon Tom Helm would agree this applies to the amount of steel work on the site at Pilbara for the BHP beneficiation and direct reduced iron plant. Just recently 70 000 tonnes of steel fabrication was up on that site. Most of it has been carted up by road and the semi-trailers are going in day in and day out. Money must be being spent and it has been be trickling out somewhere.

Hon Tom Helm: It is over east and overseas.

Hon B.K. DONALDSON: No, a lot has been spent in Perth. In Port Hedland \$2m a day will be spent on that site as the development comes together. Subcontractors are flying in and out to those sites. People are benefitting. The media would like the general public to think that nothing is happening in Western Australia. One has only to look around. Anybody who has the opportunity should go to the north west and look at the liquid natural gas development in the Burrup Peninsula.

Hon Tom Helm interjected.

Hon B.K. DONALDSON: The member will have time to tell his story. It is quite fallacious to say that small business is going to the wall and nothing is happening in Western Australia. Hon Kim Chance does not believe what he reads in newspapers. *The West Australian* has painted a picture of doom and gloom. If we look at the rolling, average bankruptcy figures over five years, we will see they escalated during the recession. Time has come good. We usually find when time has come good that a lot of people want to be part of the new success. People are getting their fingers burnt because, in some cases, they do not have the managerial skills to run a small business and they get into all sorts of trouble. That is a sad reflection on our society. An awful lot of people benefit from the Government's outsourcing to small business. I dispute what is reported in the newspaper. There may not be a overflow, such as that at the Mundaring Weir recently, but more than a trickle of money is filtering through to the small business sector. For every unfortunate story the media could find 10 or 15 good stories where small business benefits. I can assure members opposite that the true figures will reflect that immense benefits are accruing to small business in Western Australia.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [4.00 pm]: I thank Hon Bruce Donaldson, who touched on the other side of the equation. Nobody would suggest that small business people are not feeling the pinch. We need to look at why they are in that position. Hon Kim Chance talked about uncertainty. The greatest uncertainty in small business is the worry that this Government might not be in government after the next election.

Hon Kim Chance: That is not what they are telling me. Perhaps the Minister should speak to them again.

Hon E.J. CHARLTON: People have not forgotten that for a decade the former Government wasted their taxes paying interest on what it had borrowed rather than providing services. Consumers are not spending their money in small businesses. Today many families spend money on travel. One has only to consider the significant increase in tourism and the success of businesses that support tourism. The retail trade has not been as successful as some of the tourist

related activities. New hotels are being constructed in Perth and as a consequence the service industry that supports the hotel industry will benefit. People's spending patterns have changed. Rather than buy a new car people take an overseas holiday or travel around Australia or they spend their money to educate their children.

Hon Tom Helm: They have to.

Hon E.J. CHARLTON: They want them to have worthwhile jobs. They do not want their children to be riggers in the mining industry up north!

Members opposite will acknowledge that small business in Western Australia has grown by 21 per cent over the past five years. The national growth rate is 8 per cent. Small business operations in Western Australia have grown by two and a half times the rate in the rest of the nation. People go bankrupt, not businesses. I do not mean that in a derogatory sense. Someone else could continue to operate the business, and on it goes. Various reasons such as poor management, over-borrowing and family problems contribute to people getting into that unhappy position.

Hon Kim Chance: The Family Court is involved in a lot of them.

Hon E.J. CHARLTON: The Small Business Development Corporation is doing a lot of work to assist people who set up their businesses. People even get into financial difficulty because their businesses have been profitable and their taxes have been assessed at an unexpectedly high rate. They have not budgeted for that along the way, but it must be paid. Taxation is another important factor in bankruptcies. Some businesses are succeeding so quickly, their capital input has been of such significant proportion that they do not have sufficient funds to meet unexpected tax requirements. On the positive side, we see a decline in interest rates, and low inflation, so small business can look forward to lower operating costs.

Hon Kim Chance: It makes the figures all the more surprising.

Hon E.J. CHARLTON: We want to encourage the public to spend its money in the broad spectrum of small business. Another important factor is the housing industry. That industry is fundamental to a strong economy. If the housing industry is strong the flow-on will be felt throughout small business. A strong housing sector benefits ancillary and other associated businesses that provide goods and services to people.

The retail sector has not been as buoyant as the resource sector. The resource sector in Western Australia is carrying the nation. Western Australia has the strongest economic growth in the nation. Small business operations have increased at a rate that is two and a half times greater than the rest of the nation. That growth has not been matched in the housing industry. People are not buying houses or cars, because they are travelling more and spending their money on other goods and services. In the past few weeks we have seen the impact on the economy of a turnaround in the housing industry. The number of houses being built has increased along with the availability of rental accommodation - they dovetail with each other.

The Opposition says the public has no confidence in the Government. The Government has created 100 000 new jobs. That is substantial proof of the Government's success in recent times. I agree with Hon Bruce Donaldson that the media report only negative stories. The media would prefer to report a story on theft than 10 good news stories. The media does not want to report on the economy moving forward, but about someone who is having a problem. That is how the media generate conflict and a belief that things are not well. It seems that the media believe that nobody wants to read good news.

Members opposite should also acknowledge the positive actions of this Government. The payroll tax threshold has increased from \$450 000 to \$625 000 since we came to government. That means that 96 per cent of businesses in Western Australia do not pay payroll tax. That is pretty significant. In addition, the Government removed the State Energy Commission of WA security deposit for small business. When we were in opposition many small business operators complained about the SECWA bond. It was dead money that could have been stock on the shelves. In the past two state Budgets utility charges have had no real increases.

Hon Kim Chance stated that the small business unit at Curtin University of Technology claimed there was a four year low in business confidence. That is based on a yet unsighted piece of research on a report involving 120 firms.

Hon Kim Chance: I did not quote that; I read it.

Hon E.J. CHARLTON: Those things have no basis or credibility. The Opposition should base its arguments on some facts. In 1994-95 Western Australia recorded an average annual growth in the number of small businesses of 4.8 per cent. That was the highest growth rate of all the States. In the five years from 1991 there has been a 21 per cent increase in small businesses in Western Australia; that is two and a half times the national average. Members opposite should also recognise that Western Australia's retail sales per head of population as at March 1996 were significantly ahead of the national average, and have been since 1993. Those are Australian Bureau of Statistics'

figures on small business in Australia. Those facts are contained in a number of significant and accurate documentation. However, if members opposite look for the negatives, they will find them. I am not standing here on behalf of the Minister in this place or the Government and saying that small business is booming; we all acknowledge that it is not. However, there are very relevant reasons for that and this situation is not as a result of this Government's activities.

HON P.R. LIGHTFOOT (North Metropolitan) [4.10 pm]: I question whether the motion before the House is a true urgency motion. Nonetheless, I am pleased to have the opportunity to rebut most of what Hon Kim Chance said and to offer an alternative.

The honourable member failed to impress me with his one-sided figures. He stated that there is a high level of bankruptcies in Western Australia. Indeed, I do not disagree with that, but one cannot present the figures in isolation without offering figures showing how many new businesses have been established, the unemployment rate that is forcing people to go into business for themselves, and the part that the banks play. In other words, although interest rates may have recently been at their lowest this decade in some areas, that does not hide the true bank borrowing costs. Since deregulation, all Australian banks have become preoccupied with the bottom line. I can think of no exceptions. We have brought in carnivorous bank managers from overseas on performance salaries; that is, the more they make for the bank the more they make for themselves. It is all of the hidden charges imposed by banks that add to the costs of small business; it is not just the borrowing rates but the start up costs, overdraft costs, the federal bank account debit, financial institutions duty and the fringe benefits tax and the other add-ons that the Government and the banks impose that are making it virtually impossible for small businesses to borrow money and succeed today. The 8 per cent or 10 per cent margin on small business turnover goes to repay banks and there is nothing for them to live on or to use for expansion.

It is true that small businesses are the backbone of this nation. Any one of the indigenous big businesses in Australia - Hon E.J. Charlton: They employ 50 per cent of workers.

Hon P.R. LIGHTFOOT: Yes, but they all invariably started as small businesses. I quote, uncharacteristically, from Chairman Mao Tse-tung, who said that the Long March began with a single step. So it is with big businesses.

There is some validity in what Hon Kim Chance said about the high level of bankruptcies. I do not believe that we are nurturing small businesses enough at a state or federal level. We must look after them. The concept that looking after big business will lead to the benefits filtering down to small business and to the man in the street is inaccurate. It does not necessarily follow the logical course it has followed in the past. For example, BHP Minerals has invested \$1.5b, but others should have followed. We should have CRA's Hismelt Corporation Pty Ltd emulating BHP as it often does in its investment in the mining industry. That has not happened yet. We have AUSI Ltd headed by Sir Roderick Carnegie and Sir Russell Madigan saying that it will invest \$1.5b. However, that project has not yet got off the ground. Asia Steel needs to look at certain aspects of its investments to spend \$2b, but it has not yet got off the ground. That is concerning me.

Kingstream must be very close to proceeding, and we will welcome the state agreement Bill wholeheartedly when it is introduced into this House. I know it will be supported by every member, but I do not know when the Bill will be introduced. Someone said that it would be this but year, but I would be surprised if that were the case. Compact Steel spent an enormous amount of taxpayers' money but it is yet to announce what it will do, and I will not hold my breath on that. The CRA wholly-owned subsidiary Hismelt showed great promise. However, instead of being established at Kwinana it has now been decided that it will be in the Pilbara and, if logic prevails, it will almost certainly use natural gas rather than coal in the conversion of iron ore to steel. I do not have inside information about that; it is speculation.

These things need to happen so that small businesses in Western Australia can take advantage. The benefits will ultimately filter down. The Government has done the very best it can and the statistics bear that out. The Minister pointed out that we have the highest growth rate of any State; the lowest unemployment; the highest per capita rate of establishment of small businesses; the highest rate of earning per capita; the highest export earnings per capita in the nation by far; and the lowest youth unemployment. That has happened right here in Western Australia.

It is working, but it must be done better. We must get the big projects off the ground. Banks and finances are but one part of that. The other issue creating uncertainty is native title. We are not sure yet whether one can get a bankable document to establish some of the big industries to which I referred - Ausi Steel, Asia Steel, Compact Steel, Hismelt, Kingstream and others. In these cases there is an element of risk in that there is no clear title to the infrastructure site. If one cannot get a bankable title over the infrastructure site one cannot get a loan. If a business cannot get a loan - unless it is BHP or CRA, which are usually self-funding - the project will not get off the ground. I had the fortune to have breakfast with Sir Roderick Carnegie recently and he said that while Ausi can find \$500m

internally it needs to find another \$1b from institutions. It cannot get that money unless it has title to the infrastructure site in the Pilbara. It has its product from CRA - 7 million tonnes per year - but no title because a native title claim will prohibit the creation of a bankable document. That is an issue for this place. Until we introduce an agreement Bill expressly saying there is unequivocal title to the project site then we cannot agree to the proposed Bill. If we do that, the agreement will be subject to the title's being clear and clean. Once that happens some of these projects will proceed.

I do not want to mislead the House by saying that everything is smooth sailing; there are problems. However, with the companies I mentioned that involves nearly \$10b worth of expenditure; that is 1.5 times the Budget of this State. Those projects could all be off the ground at once and we would see a boom in the State that we have never previously experienced. This is where the Government must be strong, but it is also where we need the cooperation of the Federal Government. We do not need the fringe benefits tax. Members have heard the Minister say that we have raised the payroll tax threshold considerably - almost double what it was. It is a tax on employment. Why do we do that? Of course, we have other areas to fund. To the Government's credit, it has raised the threshold to \$600 000 from \$300 000 before payroll tax is imposed.

That is a very important tax, but the sooner it can be removed, the better, and I trust with cooperation between Canberra and the Western Australian Government this will be seen as a priority. It is a tax on employment and it hurts small business. Small business is a tool between powerful union organisations and powerful major industries. Unless there is cooperation at both ends of the spectrum, small business suffers as a result of that lack of cooperation. This Government's responsibility, together with that of the Federal Government, is to ensure that not only the big companies feel comfortable with their bottom line, but also the avaricious banks do not inhibit development of this country, as is unquestionably happening now. An atmosphere that is conducive to flourishing small business must be created by Governments - they are the only ones that can do so - because the real wealth in Australia, and obviously Western Australia, lies with small businesses.

HON DOUG WENN (South West) [4.21 pm]: As most of my colleagues on this side know, I sometimes am very concerned about the subject of urgency motions; however, this is a very important one, and I thank Hon Kim Chance for bringing it forward.

I will take a different tack from those of other speakers. I am involved in small business; I do not think too many members in this place are. If my comments are too wide ranging, I am sure, Mr President, you will bring me back on track. I refer to the small business sector in Bunbury and the south west because that area is covered in my electorate. Many people go into small business with a lack of knowledge of what they are about. They may understand the market in which they wish to be involved, but they do not understand the intricacies of setting up shop, the leasing arrangements and agreements, and the tax side of things, which is particularly difficult. I have not heard any speaker in this debate say that people who want to be in business must pay much more to the Australian Taxation Department than would be considered a reasonable amount. However, small business must conform to the guidelines set for their operation.

I am concerned about the number of people in Bunbury who go into business without having first sought advice from a consultant. In 1987-88, Hon Ernie Bridge, who was the relevant Minister at the time, established the small business authorities. Those organisations were located in rural areas and were a great success. I know a couple of people who operated in a small business authority. They were able to give confidence to people who were going into business by providing advice about how best to manage their business. Sadly those small business authorities are being withdrawn from rural areas; one after another they being closed down. The Government's argument is that enough private enterprise operators are carrying out that role, so the Government should not have to subsidise that activity. That is a loss to those who are trying to set up a small business, especially when they must then pay large amounts in a user pays system. Previously these people were the beneficiaries of a government subsidy when setting up a business. That is a very sad loss.

I ask the Minister for Commerce and Trade to consider changing this proposal and to reinstate this subsidy. I compliment this Minister, Hon Hendy Cowan, for finding out that this urgency motion was to be debated today, and for taking the time to come into the Chamber and to listen to our comments. He deserves to be commended for that. He is one of the best Ministers by far.

I see many people who are forced into bankruptcy, particularly in country areas, largely as a result of the intrusion by major companies. In particular, I refer to Coles Supermarkets, a company that has no scruples whatsoever. Hon Ross Lightfoot said that banks look only at the bottom line; they do not care about people in any way. The same can be said about Coles - all it wants is for dollars to go through the till. I have seen a number of small business people open a shop in a major shopping complex and then be destroyed totally because the major supermarket - it may be Coles or Woolworths (WA) Pty Ltd - within the complex makes a decision to sell the same goods as the small shop, and much cheaper, notwithstanding that the quality may not be as good. These small shop owners are being

sent to the wall because the big organisations just do not care. Many times in country areas I have seen large companies - especially Coles - operating without any scruples when it comes to the dollar.

The attitude of landlords in major shopping centres is becoming noticeable. I remind members that a Minister in this place destroyed a small business when he opened up a similar business just down the road. He rezoned the area to get rid of the small business.

Hon Tom Helm: Who was that?

Hon DOUG WENN: I think it was Mr Lewis.

The PRESIDENT: Order! The member is now doing what he foreshadowed earlier; that is, he is talking about something he should not be talking about in this debate.

Hon DOUG WENN: I refer to people who build major shopping centres, the premises in which are leased at inflated rents. If one thing sends small retail businesses to the wall, it is high rents. In the past in Bunbury people could lease a small shop for a reasonable rental, but that is not the case now. The rentals in Bunbury are equal to those in Perth. That may be acceptable if the retail shops were serving a similar size population, but they are not. I have expressed concern before about certain individuals but, given your ruling, Mr President, I will not mention Geoff Prosser.

Since the reports about the agreement on the federal industrial relations legislation appeared in the media recently, it has been put to me by several people that it is absolutely diabolical. It has created a lack of confidence in the small business sector in our community. At this stage, small business people do not know what they are in for. As members of this place, we might have some understanding of it because the current state industrial relations legislation is soon to be amended by the second wave of industrial relations. These pieces of legislation, both federal and state, will merely create a massive lack of confidence for small business in the employment of staff.

The wage structure has been devastated by the industrial relations reforms that have gone through this place, especially the introduction of workplace agreements. The people in small business do not understand them. Businesses that employ a number of staff may be able to understand the operation of this legislation, but workplace agreements do not work for those that have only one employee. I hope members on the other side will get behind the small business sector and explain the implications of the proposed federal industrial relations legislation for the people of Western Australia, especially those in small business. If anyone should do that, it should be the Australian Democrats. They have come out with this you-beaut agreement, and they will regret the day they did.

Hon Kim Chance: Stabbing the workers in the back.

Hon DOUG WENN: Absolutely, and yet they say they are representing the interests of the people.

Hon N.F. Moore: Don't you like them very much?

Hon Kim Chance: Not now.

Hon N.F. Moore: Will you tell them?

Hon DOUG WENN: I intend to tell them very loudly, particularly if that party puts up candidates in my area to run for State Parliament. The Australian Democrats will be recognised for the damage they have done to this country.

Hon N.F. Moore: You are going to get stuck into them.

Hon DOUG WENN: Yes, but not quite as much as I will get stuck into the lot opposite. With those few words, I thank Hon Kim Chance for bringing the motion forward.

HON I.D. MacLEAN (North Metropolitan) [4.28 pm]: I listened with interest to the rhetoric of Hon Kim Chance. One thing that has not been pointed out is this: The Australian Labor Party is born again in relation to small business. I am very pleased. In its 10 years in office, it ignored small business to such an extent that it was almost dying.

Hon Kim Chance: We have always been supporters of small business.

Hon I.D. MacLEAN: Hon Kim Chance has had his opportunity to speak. Those opposite are a very confused lot. It was not long ago that they brought forward an urgency motion in this place that said business was going so well that we were running out of skilled tradespeople and the Government should do something about it.

Hon Kim Chance: That is big business; small business is different.

[The motion lapsed, pursuant to Standing Order No 72.]

JOINT STANDING COMMITTEE ON OFFICIAL CORRUPTION COMMISSION - APPOINTMENT*Assembly's Resolution*

Message from the Assembly requesting concurrence in the following resolution now considered -

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution -

- (a) that a Joint Standing Committee of the Legislative Assembly and the Legislative Council be appointed -
 - (i) to monitor and review the performance of the functions of the Official Corruption Commission established under the Official Corruption Commission Act 1988;
 - (ii) to consider and report to Parliament on issues affecting the prevention and detection of official corruption;
 - (iii) to monitor the effectiveness or otherwise of official corruption prevention programmes;
 - (iv) to examine such annual and other reports as the Joint Standing Committee thinks fit of the Official Corruption Commission and all public sector offices, agencies and authorities for any matter which appears in, or arises out of, any such report and is relevant to the terms of reference of the Joint Standing Committee;
 - (v) in connection with the activities of the Official Corruption Commission and the official corruption prevention programmes of all public sector offices, agencies and authorities, to consider and report to Parliament on means by which duplication of effort may be avoided and mutually beneficial cooperation between the Official Corruption Commission and those agencies and authorities may be encouraged;
 - (vi) to assess the framework for public sector accountability from time to time in order to make recommendations to Parliament for the improvement of that framework for the purpose of reducing the likelihood of official corruption; and
 - (vii) to report to Parliament as to whether any changes should be made to relevant legislation;
- (b) that the Joint Standing Committee shall not -
 - (i) investigate a matter relating to particular information received by the Official Corruption Commission or particular conduct or involvement considered by the Official Corruption Commission;
 - (ii) reconsider a decision made or action taken by the Official Corruption Commission in the performance of its functions in relation to particular information received or particular conduct or involvement considered by the Official Corruption Commission; or
 - (iii) have access to detailed operational information or become involved in operational matters;
- (c) that the Joint Standing Committee consist of 6 members, of whom -
 - (i) 3 shall be members of the Legislative Assembly; and
 - (ii) 3 shall be members of the Legislative Council;
- (d) that no Minister of the Crown or Parliamentary Secretary to a Minister of the Crown be eligible to be a member of the Joint Standing Committee;
- (e) that a quorum for a meeting of the Joint Standing Committee be 3 members, each House of Parliament being represented by at least one member;
- (f) that the Joint Standing Committee have power to send for persons, papers and records, to adjourn from time to time and from place to place, and, except as hereinafter provided, to sit on any day and at any time and to report from time to time;
- (g) that the Joint Standing Committee not sit while either House of Parliament is actually sitting unless leave is granted by that House;

- (h) that a report of the Joint Standing Committee be presented to each House of Parliament by a member of the Joint Standing Committee nominated by it for that purpose; and
- (i) that in respect of matters not provided for in this resolution, the Standing Orders of the Legislative Assembly relating to select committees be followed as far as they can be applied.

The Legislative Assembly now presents the same to the Legislative Council for its concurrence and requests the appointment of three members of the Legislative Council accordingly.

Committee

The Chairman of Committees (Hon Barry House) in the Chair; Hon N. F. Moore (Leader of the House) in charge of the message.

Motion to Concur

Hon N.F. MOORE: I move -

That the resolution contained in Assembly message No 5 be agreed to.

On 4 April 1996 the Legislative Assembly resolved that a joint standing committee of the Legislative Assembly and Legislative Council be appointed for the terms of reference set out in message No 5 received from the Legislative Assembly. The motion forms an important part of the Government's anti-corruption package. Since the motion was passed by the Legislative Assembly, the Parliament has passed the Official Corruption Commission Amendment Act. That Act changes the name of the Official Corruption Commission to the Anti-Corruption Commission. The name of the Official Corruption Commission Act 1988 has also been changed to the Anti-Corruption Commission Act. As was outlined in the second reading speech for that Act, the reason for this change of name is that the new name will more clearly identify to the community the nature of the commission's role and functions in relation to corruption.

This motion contains reference to the Official Corruption Commission. I understand that it will be a Clerk's amendment to change that name to the Anti-Corruption Commission. I will not move to change that; it will simply happen as a matter of course.

Members will be familiar with the provisions of the Official Corruption Commission Amendment Act. The Act gives the commission extensive new powers to conduct an independent investigation into allegations of corrupt, criminal and serious improper conduct by public officers. In order to perform its function of an independent investigative body, the commission must function independently of the Executive and direct ministerial control. The commission cannot, however, perform its functions and exercise its extensive powers, including coercive powers, to compel the production of documents in the giving of evidence without an appropriate level of oversight.

The Anti-Corruption Commission Act was amended in 1994. Those amendments were as a result of two parliamentary reports - the report of the Legislative Assembly Select Committee on the Official Corruption Commission Act in March 1992 and the report of the Legislative Assembly Select Committee on Official Corruption Recommendations on 24 September 1992. The March 1992 report recommended that a joint parliamentary standing committee be established to monitor the performance of the commission and to consider and report to Parliament on issues affecting the prevention and detection of official corruption in the public sector. It recommended also that the joint parliamentary standing committee should not be empowered to involve itself in operational matters of the commission or to have access to detailed operational information; it should monitor all public sector agencies to assess the effectiveness of agency corruption prevention programs; and it should also address areas of overlap between the commission and the other bodies with responsibility in the anti-corruption area to avoid unnecessary duplication and to encourage cooperation between such bodies that is mutually beneficial.

In reaching that recommendation the select committee was strongly of the view that any parliamentary committee should not become involved in operational matters or have access to detailed operational information, as can occur in Queensland, but rather should be established to receive reports from the commission and to monitor and consider key issues such as the need for further legislative amendments. The March 1992 report also recommended that the joint parliamentary standing committee develop a public sector accountability framework to reduce the potential for official corruption and make recommendations to address any gaps identified in the framework. The September 1992 report recommends that both Houses of Parliament of Western Australia resolve to establish a joint standing committee on corruption, in accordance with a draft resolution at appendix IV of that report.

The draft resolution sets out matters relating to the establishment and functions of the committee. In particular, it proposes that the committee have a wideranging brief, encompassing the prevention and detection of official corruption relating to the Anti-Corruption Commission, and also the Police Force, the Ombudsman, the Director of

Public Prosecutions, the Auditor General, the department of Public Service Commissioner, now the Commissioner for Public Sector Standards, and all other public sector agencies and authorities.

The resolution of the Legislative Assembly modified the draft resolution by, firstly, deleting specific reference in (ii)(b) of the draft resolution - to the Police Force, the Ombudsman, the Director of Public Prosecutions, the Auditor General, and the department of Public Service Commissioner. The intention is that the committee shall have a wideranging brief across all agencies. Secondly, it modified it by removing term of reference (d). This term of reference would have required the committee to consider and report to Parliament on the effectiveness or otherwise of the systems for dealing with complaints against members of the Police Force. An administrative arrangement is now in place between the Commissioner of Police and the Ombudsman, pursuant to which the Ombudsman oversees police investigations and complaints against the police. Where complaints involve potentially corrupt conduct or serious and improper conduct, the amendments to the Official Corruption Commission Act 1988 require them to be notified to the Anti-Corruption Commission. Conduct that is potentially corrupt or criminal conduct or criminal involvement are required to be notified as soon as practicable. I will move an amendment to the Legislative Assembly's resolution that will make it clear that corrupt and criminal conduct, as well as serious improper conduct, will be included in the terms of reference of the joint standing committee. Thirdly, a new term of reference (vii) has been added to require the committee to report to Parliament on whether any changes should be made to relevant legislation. Fourthly, a new paragraph (b) has been added to make it clear that it is not the role of the committee to become involved in investigations or reviewing decisions of the ACC, to have access to detailed operational information, or to become involved in operational matters.

The Act does not mandate or require the establishment of a parliamentary standing committee or a joint standing committee or a committee from either House. However, the Act does contemplate a standing committee will be appointed. Section 11(3) indicates that a person who is a member of the Anti-Corruption Commission may, for the purposes of the Act, for example, divulge to any standing committee appointed to monitor and review the performance of the functions of the commission, information received by him in his capacity as a member of the commission. The recent amendments to the Act also include references to a standing committee in sections 7HM(3), 7HO and 7HR, which all relate to reporting by the commission. In particular, section 7HR provides that rules for Parliament under section 12 may require the commission to report to each House of Parliament or a standing committee, as and when prescribed in the rules, as to the general activities and operation of the commission. "Standing committee" is defined in section 3 of the Act to mean a standing committee of either House of Parliament or a joint standing committee of both Houses of Parliament. The amendments have added to this definition the words "appointed to monitor or review the performance of the functions of the commission".

The Government's record of introducing measures for the prevention and exposure of corruption and improper conduct is very strong. Measures taken include the establishment of the Commission on Government, enactment of a new Public Sector Management Act, appointment of a new Commissioner of Police, and 1994 amendments to the Official Corruption Commission Act. During 1996 the Government has implemented the strongest package of anticorruption measures in the history of Western Australia. The establishment of the joint standing committee is a key component of the Government's anticorruption package.

I commend the motion to the House and seek members' support for it. At the appropriate time I will move an amendment to paragraph (a)(ii), which will effectively add the definitions contained in the new Anti-Corruption Commission legislation.

Hon J.A. COWDELL: The Minister has advanced reasons for agreeing to message No 5 from the Legislative Assembly with amendment; he noted in passing that changes would be made to the message to alter references from the Official Corruption Commission to the Anti-Corruption Commission. I agree with the reasons advanced by the Minister, but I propose to support the motion with further amendment.

Message No 5, as the Chairman so eloquently stated, envisages a parliamentary committee to oversee the Anti-Corruption Commission. The Australian Labor Party supports the establishment of a parliamentary supervisory committee, but it believes there can be improvements in the form of that committee. The ALP agrees with the findings of the Royal Commission into Commercial Activities of Government and Other Matters on the need for parliamentary oversight. The royal commission stated that a joint parliamentary committee should be responsible for monitoring the performance of the commissioner, and should consider and report to Parliament on issues affecting the prevention and detection of official corruption and improper conduct in the public sector. It also stated that a joint parliamentary committee should be established in accordance with the standing orders of the Parliament governing the establishment of such committees. Of course, the Opposition supports this, as it is also in line with the Commission on Government's recommendation on the need for parliamentary oversight. It stated -

In Section 4.1 the role and powers of the New South Wales Joint Parliamentary Committee on the ICAC and the Legal Constitutional and Administrative Review Committee which has replaced the Criminal Justice

Commission Parliamentary Committee in Queensland in overseeing the CJC, were described. In the interests of openness and accountability both of these committees have a significant role in monitoring the activities of the ICAC and the CJC and in acting as a conduit for allegations of improper conduct in general, and on occasion, regarding the ICAC or the CJC themselves. The deliberations of the committees are held in public and transcripts are available, thereby making the ICAC, the CJC and the committees accountable to the public. For the reasons outlined above, a clear distinction is made between operations and policy. The ICAC and the CJC do not make their respective committees privy to ongoing operational activity.

The formal submission of the Commission on Government in this regard is contained in recommendation 70 as follows -

That the Legislative Council Standing Committee on Public Administration, proposed in Chapter 9, should be responsible for the oversight and monitoring of the Commission for the Investigation, Exposure and Prevention of Improper Conduct, proposed in section 4.3.2, with which it should meet at least twice yearly.

The Opposition supports a parliamentary supervisory role in line with the proposal of the Royal Commission into Commercial Activities of Government and Other Matters, the recommendations of the Commission on Government, and with those of our own Select Committee on the Western Australian Police Service. Although our select committee referred to a committee with a slightly different orientation, it covered most of the same areas. It stated a standing committee of the Legislative Council to oversight the WA Police Service should be established and that the terms of reference of the committee should include the oversight of the police anticorruption commission. No such body has been established by the Government. The nearest we have is the Anti-Corruption Commission. The committee's report stated that it would recommend matters for investigation, but it would not have the power to direct the PACC. It stated that it would oversight all policing matters including matters relating to complaints against police and allegations of corruption including all other areas of public concern relating to the WA Police Force although not impinging on the operational responsibility of the Commissioner of Police. It then recommended that the standing committee comprise four members representative of the makeup of the Legislative Council at that time.

Although as the Minister has pointed out there is no absolute requirement under the Act, all our royal commissions and select committees have solidly recommended oversight by a parliamentary committee. The Opposition supports such oversight - it has a record of consistent support. It has attempted in the past to initiate such oversight. The role of a parliamentary committee was envisaged in the Official Corruption Commission Act 1988, and it has been envisaged in subsequent legislation. The Opposition supported the recommendation of the Legislative Assembly select committee. There were two reports of the Legislative Assembly select committee on official corruption recommendations.

Hon Reg Davies: Chaired by an Independent.

Hon J.A. COWDELL: Indeed, an Independent did chair that. If Hon Reg Davies is angling for a job in a subsequent life, yes, we have established that fact.

Hon N.F. Moore: I think they are trying to knock you off in your seat!

Hon Reg Davies: As an aside!

Hon J.A. COWDELL: Purely an aside, Minister. What an appropriate aside on an anticorruption measure! While the honourable member is trying to keep the bastards honest, the political scavengers are not.

The March 1992 report of the Legislative Assembly committee recommended that a joint parliamentary standing committee be established to monitor the performance of the commission and to consider and report to Parliament on issues affecting the prevention and detection of official corruption in the public sector. It stated that the joint parliamentary standing committee should not be empowered to involve itself in operational matters of the commission or have access to detailed operational information. It further stated that the standing committee should monitor all public sector agencies to assess the effectiveness of agency corruption prevention programs. It stated also that the standing committee should address areas of overlap between the commission and other bodies with responsibility in the anticorruption area to avoid unnecessary duplication and encourage cooperation between such bodies where it is mutually beneficial. The September report of the Legislative Assembly select committee contained in appendix 4 the detailed recommendation for setting up a joint standing committee of the Legislative Assembly and Legislative Council.

The Opposition supported the initiative of that select committee. That was done in the dying stages of the previous Parliament. The Opposition moved motions to establish a parliamentary supervisory committee in this Parliament. That was done in the Legislative Assembly by Mr Bill Thomas. A motion was put on the Notice Paper in 1993 to give effect to the report of the standing committee. When that lapsed another motion was put on the Notice Paper

of another place in 1995. Hon Alannah MacTiernan put a motion on the Notice Paper of this place last year where it languished for some time. The motion requested the establishment of a supervisory parliamentary committee.

Hon A.J.G. MacTiernan: We debated it.

Hon J.A. COWDELL: We did not achieve the ends that we set out to achieve.

Hon A.J.G. MacTiernan: They have not been struck down like Saul on the road to Damascus.

Hon J.A. COWDELL: Apart from the attempts by motion in both Chambers to establish a joint parliamentary committee, attempts to set up such a committee were promoted by the Opposition in legislative form. That was done through the Commissioner for the Investigation of Corrupt or Improper Conduct Bill introduced into the Legislative Assembly in 1996, part 9 of which specified that there would be a joint parliamentary committee and the form that the joint parliamentary committee should take. The Opposition attempted in the Official Corruption Commission Amendment Bill to specify the operation of a parliamentary supervisory committee. As I said, the Opposition has supported the setting up of this supervisory committee in line with successive committee recommendations and has a consistent record of support through motions and Bills in both Chambers.

This motion considers the form of parliamentary supervision in some detail. I invite the Minister's comment on some aspects of form that are embodied in the motion to which we are responding. The first question about form is why the joint committee model was adopted rather than the single House committee model.

[Questions without notice taken.]

Hon J.A. COWDELL: I have suggested that the Minister may explain to us the reason we should accept the Assembly's motion in its current form, considering some of the specifications contained in it. One specification is that the relevant parliamentary supervisory committee should be a joint committee. Members should be aware of the recommendations of the Commission on Government, at page 108 of report 2 part 1. The commissioners state -

We believe that it is essential to have a parliamentary committee to monitor the activities of the CIEPIC -

That is approximated to the Anti-Corruption Commission as passed by Parliament -

and to this end we have proposed that the CIEPIC be made accountable to a Legislative Council Standing Committee on Public Administration.

The Commission on Government envisaged a Legislative Council standing committee, as did the Select Committee on Western Australian Police Service. There are some advantages to the formation of a single House committee, particularly with the Legislative Council being a House of Review -

Hon N.D. Griffiths interjected.

Hon J.A. COWDELL: I thank Hon Nick Griffiths for his offer of voluntary service. This House has a particular level of expertise in its staff professionalism, legal qualifications and so on -

Hon Reg Davies interjected.

Hon J.A. COWDELL: And age! I thank Hon Reg Davies. Was that availability too?

The joint committee envisaged by this message will be administered by the Assembly. I do not wish to reflect on the other place or the resources it has available, but it seems to be rather more limited. It has a problem with its standing orders, under which everything is secret unless determined otherwise, whereas with standing committees of the Legislative Council everything is open unless determined otherwise. Standing Order No 358 provides some level of witness protection under the charter of witness rights. With this message from the Assembly, the Government has abandoned the concept of a Legislative Council committee to deal with this matter, because it has gone for a joint standing committee. I seek the Minister's advice regarding why this is the better and preferred course.

In the form of the message before us, we will have a single purpose committee. Once again, the COG proposed that it not be a single purpose committee but that the parliamentary supervisory committee should be a public administration committee. There are obvious advantages, given there are several areas of public administration dealing with anticorruption activities. We would have one committee that could have oversight of the various bodies and instrumentalities rather than a discrete single committee that will deal with little more than the Anti-Corruption Committee - it is a single issue committee. Therefore, we have a committee that will essentially be seen as the ACC committee and obviously it will build up a relationship with the Anti-Corruption Commission and perhaps not take as wide a view as many may want in putting the ACC in perspective with other agencies. It will build up an interest. Having a single issue committee, of course, puts added strain on the resources of this House; not only do we provide the personnel and resources for the public administration committee, but also now for this special purpose committee.

I seek the Minister's response to why we do not establish a public administration committee, which the Government is obviously revamping, and which was seen as the most appropriate instrument by the Commission on Government?

The third question is about whether the terms in paragraph (a)(i) to (vii) are not overly prescriptive. I have no problems with those prohibitions on what the joint standing committee shall not do. However, presumably the committee is precluded from dealing with anything not listed under paragraph (a)(i) to (vii). I will move an amendment shortly because I have some concern that the prescription contained in paragraph (a)(i) to (vii) excludes a role envisaged by the Commission on Government for the parliamentary committee. At page 249 of its second report the Commission on Government said -

The proposed Legislative Council Standing Committee on Public Administration should be responsible for monitoring the performance of the proposed CIEPIC. The Parliamentary Committee should also consider and report to Parliament on issues affecting the prevention and detection of improper conduct in the public sector.

A brief under "Budget and Resources" at page 251 says -

The budget of the proposed CIEPIC -

It now equates with the ACC -

- should be the subject of a permanent appropriation. The proposed Legislative Council Standing Committee on Public Administration should determine the budget of the Office on an annual basis with consideration being given to any advice from the Treasurer. In circumstances where additional funding is required to complete the Office's work program, the proposed Legislative Council Standing Committee on Public Administration should consider the proposed CIEPIC's request. If the proposed Legislative Council Standing Committee on Public Administration determines that additional funding is warranted, a request for additional funds, to be drawn from the Treasurer's Advance Account, should be submitted to the Treasurer.

The Commission on Government envisaged a role for the parliamentary committee in choosing the Anti-Corruption Commission commissioners. That is not embodied here, but more pertinent, a role in the budgetary process also seems to be excluded. Members may be aware of that, having read the remarkable Eleventh Report of the Joint Standing Committee of the Commission on Government tabled, I believe, by Hon Barry House only the other day. It dealt with this very item without dissent. It altered the COG recommendation. It did not propose that the parliamentary committee determine the budget with the mere advice of the Treasurer, but it proposed that it at least have a say.

I will be moving an amendment which proposes a paragraph (viii); that is, that the joint standing committee may report to Parliament on the proposed annual budget of the ACC and on any additional funding requested by the ACC to discharge its obligations, in terms of the Commission on Government recommendation as adopted by the joint standing committee.

According to paragraph (c) this committee will apparently comprise four government members and two opposition members, which is perhaps not an appropriate balance for this committee. I invite the Minister to comment on that. I note approvingly the paragraph which provides that no Minister of the Crown or Parliamentary Secretary to a Minister of the Crown be eligible to be a member of the joint standing committee.

Paragraph (i) refers to the adoption of the standing orders of the Legislative Assembly. I am not sure why we must adopt the inferior standing orders of the Assembly for the conduct of such a committee, even if it is to be a joint standing committee.

The Opposition is supportive of a supervisory committee. However, it seeks the Government's advice on why, against the recommendations of COG, it is a joint and single purpose committee. I seek the Minister's response to concerns that it may have left out in paragraph (a) some essential functions envisaged by COG and his comments on the balance of the committee.

Hon REG DAVIES: I support the motion, but I am disappointed it has taken about six months for it to come before us. The Minister said in his opening remarks words to the effect that this Government has a second-to-none record in the area of fighting corruption in this State. The editorials of our newspapers over the past several months have painted a much different view. Their point is that the Premier and the Government have had to be dragged screaming into doing something about corruption in Western Australia.

This committee is long overdue. I am a little disappointed in the way the committee will be established and in the makeup of the new ACC. It seems that only the name has changed; nothing else has changed very much. It is

disappointing that we had the opportunity with this legislation to have in place an effective body of which we could be proud and to be assured that new people at the helm would have pointed it in a new direction with new initiatives. We could have had a really effective body fighting corruption in Western Australia. The Government unfortunately has let that opportunity slip by.

I do not want to comment on the personalities who have been appointed to the new board, except to say that I am disappointed that new, fresh and younger people with similar experience were not chosen to head this important body. I would have preferred an oversight committee from this House of Review. The interim report of the Select Committee on the Western Australian Police Service referred to its preferred option of a police anticorruption commission. It suggested that the oversight should be from the Legislative Council under Legislative Council Standing Orders. On page 109 it recommended -

The Standing Committee will have the power to vet candidates for the position of senior officer/Commissioner of the PACC and to veto a proposed appointment.

If that were the case with the new Anti-Corruption Commission, perhaps we would not have had Judge Wickham, a 76 year old former Supreme Court judge, controversially remaining as chairman of the commission. The new commissioner is Don Doig who is 57, and Commodore David Orr is 65. He resigned four months ago and will fill one of the three commissioner positions in the Anti-Corruption Commission. If the committee had been formed before the chairman and the others were appointed and it had the power to vet proposed appointments, I would suggest that Judge Wickham probably would not be part of the new body. We need a new staff.

I want to explore the comments of the Minister about the agreement between the Commissioner of Police and the Ombudsman. Although some people may say that the Government has taken all of the suggestions of the Select Committee on the Western Australian Police Service, I would say that very few have been picked up by the Government. The committee recognised that currently these matters form part of the administrative arrangement between the WA Police Service and the Ombudsman's office. However the committee believed that these matters must be enshrined in legislation for their authority to be recognised and should not rely on the goodwill of the incumbents of the positions of Commissioner of Police and the Ombudsman. We have the opportunity with the legislation on the Notice Paper to include that in the Ombudsman's Act through new amendments. What effect has this agreement on the anticorruption procedures for the Police Service? Do they have any security legal standing? Will the new Ombudsman enter into the same agreement? Is the new Ombudsman required to enter into the same agreement? When we have a new Police Commissioner, will the position remain the same? Is it better to have that enshrined in legislation? Does the Government intend to do that in the future?

Hon N.F. MOORE: If I may respond first to Reg Davis, the legislation has taken a long time. One of the reasons is that we were also dealing with amendments to the Official Corruption Commission legislation at the same time. I decided that we would deal with that first and then deal with this committee subsequently. Members will appreciate that the legislative program has been very busy. We could have got to this point last week but for a small technicality which deferred the motion for another couple of days.

The member referred to whether this Government has a good record on corruption. If the member believes everything that he reads in the editorials of *The West Australian*, he will have a very jaundiced view of the world. For some reason the editor of *The West Australian* has a very strange attitude to the world.

Hon N.D. Griffiths: He will be supporting you in the election.

Hon N.F. MOORE: If he is supporting us. I would hate to think of him opposing us. Good grief! I have never been subjected to, nor seen a Government subjected to, so much criticism on a regular basis as that from that newspaper, including particularly the editorial. The member must look at sources of material other than the editorials of *The West Australian* if he wants a balanced view of what the Government has done.

As to the membership of the Anti-Corruption Commission, the selection panel consists of the Chief Justice, the Chief Judge and the Solicitor General, and is required to make recommendations. It recommended Commodore Orr and Mr Doig.

Hon Reg Davies: Do you know how many nominations there were?

Hon N.F. MOORE: No, I do not. It would be quite inappropriate and, indeed, some of the members opposite would be the first to criticise us, if we did not adopt the recommendations of the panel.

Hon N.D. Griffiths: Not so. You brought them into the executive process, which is improper.

Hon N.F. MOORE: The member may be as critical as he likes. That panel consisting of those three eminent gentlemen decided that those two persons should be appointed. We have gone through the argument about Judge

Wickham and when his term expires and the question of his being reappointed at that time. The other two members were appointed on the recommendation of that panel. The member also mentioned that he would like the committee to come from the Legislative Council. Hon John Cowdell also raised that matter but did not give an opinion one way or another. His comments were very carefully put, no doubt because he did not want to offend his colleagues in the other place. If we look at the history of similar sorts of committees in other parts of Australia, there have been joint house committees. The National Crime Authority has a joint committee, as does the Independent Commission Against Corruption in New South Wales. The select committee in 1992 recommended a joint house committee. The Government has decided to go down that path on this occasion. The Government will be looking at that and the whole range of committees set up by the Parliament should we be returned at the next election.

Hon Reg Davies: On what day you will you be returning to Government?

Hon N.F. MOORE: I am pleased with the positive statement the member has made, but I am not quite sure when that will be.

Sitting suspended from 6.00 to 7.30 pm

Hon N.F. MOORE: Before the dinner suspension I said that the Government would look at the committee system in the event it was returned after the next election, and it would reassess whether this committee should remain a Joint Select Committee. We made the decision to go down this path on the basis of experience in other States and recommendations of the 1992 Joint Select Committee. As a Legislative Council member for many years I do not have any problems with a Legislative Council committee reviewing this commission.

Hon N.D. Griffiths: Given the closeness of the election, whether it be in November, December or February, why are we bothering?

Hon N.F. MOORE: The latest date for the next election is May. I do not want to get into an argument over that. I do not know when the election will be held. It could be several months away, in which case this committee will have a job to do.

Hon John Cowdell talked about its being a single purpose committee. It is necessary that the committee should have a focused role. Paragraph (a)(iv) sets out a broad range of areas and agencies right across government in which the committee could obtain information, and how they might relate to the Anti-Corruption Commission. It is important to achieve the right balance to give the committee the power to do what it needs to do without spreading it too thinly across a range of terms of reference so that it loses direction. The Government believes it has struck the right balance, and that will be seen as time goes on.

Hon John Cowdell also stated that the terms of reference might be a little prescriptive. If members read them carefully they will see they are broad. The committee will have an enormous capacity to investigate a range of areas and to oversee the way in which the commission operates. Hon John Cowdell referred to the COG recommendations which suggested that somehow or other the budget of the commission should be determined by a parliamentary committee. That issue transcends this question. It is one where Governments need to make decisions about whether Parliament will have the capacity to make decisions about budgets. It has not happened before in this State. It is a philosophical and practical issue that needs to be looked at by government as a whole. That has not happened as yet.

Hon J.A. Cowdell: I did not advocate that.

Hon N.F. MOORE: I am not saying that the member did. The terms of reference of this committee provide adequate powers for the committee to investigate all the issues it might want to investigate. Hon John Cowdell proposes to move an amendment that the Government believes is unnecessary, because the powers are contained in the first seven terms of reference. The Government has not finalised the membership, other than to say there will be three members from either House. I will discuss that with members of my own party and the National Party and, in due course, with the Labor Party and the Independents. No decision has been made. In due course I will move a motion about the committee's membership and that will happen when I have discussed the matter with members who might be interested in serving on that committee.

Finally, Hon John Cowdell raised the issue of the standing orders of the Legislative Assembly. Using the standing orders of that place has been the way in which Joint Standing Committees have operated in the past.

Hon Reg Davies: The Delegated Legislation Committee operates under our standing orders.

Hon N.F. MOORE: I may be wrong. Again, that is one of the issues we will look at in the context of the committee system in the future. The Government is committed to having a good hard look at the way in which the parliamentary committee system works. It is anxious for the Legislative Council committee system to work well. In the context

of reviewing Joint Standing Committees the Government will also consider which standing orders should apply and which are the most appropriate.

Hon Reg Davies raised some issues about the Ombudsman and the Commissioner of Police. I do not want to retread the debates on this occasion, because that is not what this motion is about. I mentioned those positions to indicate that other things were in progress, as well as this motion. In relation to appointees to the position of Ombudsman and Police Commissioner changing, I expect that the arrangements are in place between the two offices rather than individuals. It is an administrative arrangement so that any complaints made about the police are properly dealt with. I will take further advice in due course and talk to Hon Reg Davies.

Hon DERRICK TOMLINSON: I will move a motion that has been circulated in the name of the Leader of the House. I move -

In paragraph (a)(ii) - To delete "official corruption" and substitute the following -

"corrupt conduct", "criminal conduct", "criminal involvement" and "serious improper conduct" as defined in section 3 of the *Anti-Corruption Commission Act 1988*. (Conduct of any of these kinds is referred to in this resolution as 'official corruption'.);

Hon N.F. MOORE: The intention of this amendment is to include a reference to the definition of official corruption as contained in the new Anti-Corruption Commission legislation. The change is necessary so that the definitions that were not contained in the original legislation will now be in the terms of reference.

Amendment put and passed.

Motion - as Amended

Hon J.A. COWDELL: I move -

That the Legislative Council agrees to the resolution of the Legislative Assembly contained in Message No 5 subject to the following amendment -

Paragraph 8 - To insert after subparagraph (vii) the following new subparagraph -

- (viii) to report to Parliament on the proposed annual budget of the Anti-Corruption Commission and on any additional funding requested by the Anti-Corruption Commission to discharge its obligations;

I note the Minister's comments on this foreshadowed amendment and I have pointed out previously that the Commission on Government report contains recommendations that have not been pressed in respect of additional functions of the committee such as involvement in the selection process of the commissioners. However, in this amendment, the commission's recommendation does have merit. The proposal was considered by the Joint Standing Committee on the Commission on Government, and the form of my amendment is that which was adopted by the committee. Members will find that recommendation in the eleventh report, which was tabled last week.

The amendment does not propose to give the committee a budgetary role in place of the Treasurer as the Commission on Government may have envisaged, but it does propose to give the committee a role. It is an explicit function. This is an important enough area to have an explicit designation of role; that is, to report to Parliament on the proposed annual budget of the Anti-Corruption Commission and on any additional funding requested by the commission to discharge its obligations.

Of course, it may be argued that, given the provision in subparagraph (ii) that the committee may consider and report to Parliament on issues affecting the prevention and detection of corrupt conduct, there may be some role because a lack of funds provided to the ACC may affect prevention and detection. Subparagraph (iv) might be an area that the committee could use to make budgetary comment. However, if it is dealing with annual reports then that will be after the event and will be couched in terms such as, "This did not happen last year because of x or y", rather than its having a role in commenting on an upcoming budget. It is worth the exercise to make this function explicit rather than implicit. If it is implicit in subparagraphs (ii) and (iv) - and I am not sure that it is - it needs to be made explicit. It was one of the two most significant recommendations of COG in this regard. In the amended form that I have moved, it was embraced by the parliamentary committee.

Hon N.F. MOORE: This amendment is unnecessary. There are already sufficient powers within the proposed terms of reference to enable the committee to do virtually what it wishes in respect of this commission. We also have an Estimates Committee of this House that looks at the Budget when it is presented. It is not a good policy for the House to have a number of committees doing the same thing. It is quite competent for this committee to become familiar with and have access to all sorts of information that it might need in respect of its role, including being involved in

the budgetary process, as it is entitled to be. Similarly, the Estimates Committee has the capacity to look at these issues.

Paragraph (a)(i) would give the committee the capacity to investigate budgetary matters at any time. Given the substance of subparagraph (iv), Hon Mr Cowdell's proposition is unnecessary and the terms of reference are wide enough to allow the committee to do all the things he thinks it should do. What has intruded into this debate somewhat is the Commission on Government's suggestion that Parliament should be involved in establishing the Budget in the first place. The honourable member has not argued that, and I can understand why. It seems that he wants the committee to acquire information about the Budget and to ensure that it is adequate. That could be obtained simply by the committee's meeting with the Anti-Corruption Commission to discuss those matters in the context of monitoring and reviewing its performance.

We must be careful because, as I said, there are some exclusions in respect of what the committee can do, and they relate to budgetary matters that could lead to the committee's becoming familiar with some of the operational matters of the commission, which needs to be avoided. This government proposal provides the committee with more than sufficient capacity to carry out its functions, which are to oversee the Anti-Corruption Commission, and monitoring and reviewing its performance would certainly involve a consideration of its budgetary situation.

Hon J.A. COWDELL: I note the Minister's comments and it is not intended that a budgetary power - whether it be implicit as stated by the Minister or explicit as proposed in my amendment - should be used in any way to undermine the exclusions that are clearly set out. The Minister would not propose that the other powers should be used in that way, nor would my proposed amendment be used to override any of the exclusions. I note the Minister's comment but, without an explicit head of power, the committee would have no role in the budgetary process. It is given no role in the appointment process, but it should have a role in the budgetary process, albeit a limited role. I am not proposing the full role as envisaged by the Commission on Government. For those reasons, I will persist with my amendment.

Amendment put and negatived.

Question, as amended, put and passed.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

[Resolved, that the House continue to sit beyond 11.00 pm.]

FIREARMS AMENDMENT BILL

Second Reading

Resumed from 22 October.

HON N.D. GRIFFITHS (East Metropolitan) [7.51 pm]: My first point is that this Bill is substantially a bipartisan measure. It has the support of the Australian Labor Party. The Bill purports to acknowledge community desire for a safer community, brought graphically into focus by the Port Arthur tragedy. The effectiveness of the Bill will be determined by the extent to which it takes unlicensed firearms out of the community and to the degree to which desirable use of firearms is permitted. Effective laws need community compliance. If we do not have reasonable community compliance, the laws will not work. In that context legitimate concerns need to be recognised and accommodated.

The first and most important legitimate concern is that of public safety which should not be compromised. It has been said by many who have referred to this and similar measures in Australia that the resolutions of the Australasian Police Ministers' Council of May and July this year to a substantial extent established minimum standards. The Bill will not necessarily achieve those minimum standards because much of the substance of the resolutions of the Police Ministers is not contained in the Bill, but rather in a document which is, in effect, a draft of the regulations.

One argument has merit; namely, technology invites better prescription by the use of regulation. It is an argument with which I have much sympathy, but it is far from conclusive. In that context I note New South Wales has gone down a different path; its primary legislation is more prescriptive than the wording of this Bill. The weakness in the proposed implementation of the resolutions, in so far as Western Australia is concerned, can be ascertained by reference to the draft regulations. The difficulty is that we are concerned with what is contained in the Bill and not what is contained in the draft regulations. Of course, the Bill enables those regulations to be made. The fact is that, to assess the degree to which the Bill meets the standards set by the resolutions in May and July, it is necessary to have recourse to the regulations.

By way of example, I refer to documents entitled "Firearms Act 1973" dated 26 September 1996 and "Firearms Amendment Regulations 1996". I note what is said about proposed regulation 6A, which deals with categorisation of firearms and refers to the genuine need test. I acknowledge that a clause in the Bill refers to that test and the capacity to make regulations; however, the prescription is contained in the regulations. Regulation 6A invites us to examine schedule 3, which sets out the categories of firearms. Categorisation of firearms goes to the heart of the resolutions of the Police Ministers and, to a substantial extent, to the heart of the controversy that has existed in some parts of the community as a result of those resolutions. One aspect of schedule 3 bears some reference, in particular, to the restrictions of category C(1)(b) which states -

... An approval or permit can be granted or a licence can be issued for a firearm of category C only if ...

- (b) it is for a rifle or shotgun, and is granted or issued to a person who ... is a primary producer or an approved nominee of a primary producer; and ... requires the rifle or shotgun for the purpose of destroying vermin or stock as described in section 8(1)(i)(ii) of the Act;

The Coalition for Gun Control brought that matter to the attention of all members. A document provided to me by this group - I understand it was provided to other members in the same terms - under the heading "Number of people able to be authorised by a primary producer" states -

While we understand the concerns of the Minister to allow appropriate use of firearms in a primary production setting, the provision 8(i)(ii) places no limits on the number or duration of exemptions able to be given by primary producers to another party to use category C firearms. We wish to see this provision tightened significantly to ensure that primary producers do not become de facto licensing agents.

That is a concern of this group. That area is not covered in the Bill; it is in the regulations. For this concern to be met, without engaging in a wholesale amendment of the legislation, it is necessary to deal with the matter when, and if, we deal with the regulations. To the extent that many matters of substance in the resolutions of the Police Ministers of May and July are dealt with in the regulations, by comparison with the New South Wales regime, there is a potential weakness in the Bill.

The Police Ministers' resolution covers many areas. I propose to mention some of them briefly and to dwell on a couple as examples of how the Bill as it is before us - not as it may be dealt with at a later stage - fails to deal adequately with the resolutions of the Police Ministers. I refer to a copy of the resolutions of the meeting of the Australasian Police Ministers' Council on 10 May. The first matter dealt with was the specific types of firearms. One regulation that has a great degree of appeal is something that is really the responsibility of the Commonwealth; that is, banning the importation of all semiautomatic, self-loading and pump action firearms and all parts, including magazines. The Commonwealth has a crucial role - some would say a threshold role - in regulating firearms in Australia. Of course, we are concerned about what is happening now with firearms that are in our community. However, to advance that, the Commonwealth must put in place appropriate measures in accord with that resolution.

The effective nationwide registration of all firearms is crucial. For the most part, Western Australia has had reasonable firearms laws. In fact, many commentators say they are the toughest in Australia and have been for some time. They have been the model for other Australian jurisdictions. However, the weakness has been that Australia has not had national firearms laws; therefore, someone could get a firearm in Queensland, as occurred some years ago, and come to Western Australia and cause great harm. If Australia had appropriate importation controls and a national scheme consistent with the controls that applied in Western Australia at that time, it is more likely than not that that harm would not have occurred.

In dealing with the effective nationwide registration of all firearms, it is interesting to note that the Police Ministers point the finger where it should be pointed - at New South Wales, Queensland and Tasmania. Those States lacked the ingredient that Western Australia has had for many years; namely, tying the use of a gun to a person. On what New South Wales in particular was concerned about, Queensland and Tasmania were, I suggest, a little more *laissez faire*. However, I do not want to deal in detail with the faults of those regimes, save so far as they relate to this legislation.

New South Wales was concerned with the personal integrity of the would be user of a firearm and that is reasonable. In that context the Police Ministers resolved that New South Wales, Queensland and Tasmania were to establish immediately a registration system for all firearms and that the other jurisdictions were to review their existing systems to ensure compatibility; that all jurisdictions were to be linked to the national exchange of police information; and that New South Wales, Tasmania, Victoria and Western Australia were to place immediately onto that system the names of all firearm licence holders in their States. In that context there is nothing inconsistent with the notion of providing in Western Australia for a system which, in addition to what it has, recognises that someone can be a fit

and proper person, and a licensing system that provides an additional element; that is, a further regulation to recognise the integrity of the would be user, owner or possessor of a firearm.

The Police Ministers made a number of resolutions. I do not propose to go through all of them, because for the most part they have been the subject of comment in the Minister's second reading speech and also elsewhere. On the matter of how this measure has a capacity not to measure up, resolution No 6 of the APMC deals with the grounds of licence refusal or cancellation and the seizure of firearms. The APMC proposes minimum standards on that. Under the category relating to general reasons it states -

not of good character; conviction for an offence involving violence within the past five years; contravene firearm law; unsafe storage; no longer genuine reason; not in public interest due to (defined) circumstances

. . .

The words "public interest" have been in our firearms law for some time and they continue to be. However, the Police Ministers refer to "not in public interest due to (defined) circumstances". They then refer to other matters. Under the section on specific reasons they refer to where the applicant licence holder has been the subject of what they call an apprehended violence order, domestic violence order, restraining order, or conviction for assault with a weapon or aggravated assault within the past five years. They deal also with other matters. However, I suggest that the Bill as it is before us fails to address properly that very important aspect of the resolutions of the Police Ministers.

The important changes to Western Australian law, proposed as a result of the resolutions of the Police Ministers, relate to four areas: The questions of genuine need, training, raising the age at which a person may have a permit or licence from 16 years to 18 years, and classification. Those are matters of substance which are worthy of, and receive, support.

The difficulty with this legislation relates to the perception on the part of many in the community. There are other difficulties but this is an important one. In my opening comments, I said that laws must have genuine public acceptance because otherwise they do not work and there is no point having them. To achieve the primary policy goal of enhanced public safety, there must be acceptance not just by the community in general - that is evident - but also on the part of those who have legitimate involvement with firearms. This is not just a matter of good public relations; although the way in which a matter has been handled is relevant. It is also a question of legislative substance. I am not sure whether the Bill deals with this aspect appropriately.

I will not go to the specifics of what can be dealt with later as we progress through the stages of the Bill, but the concept of a shooter's licence, in addition to and not in substitution for, the tagging of the gun and person, bears some examination in terms of placating concerns. I stress it will be in addition to and not in substitution for; so it is a matter of further regulation rather than a weakening of the regulatory regime. Similarly, I refer to the concept of a provisional licence under which a person who will be trained in the use of firearms will undergo a checking procedure so that he can be deemed a fit and proper person. Why should people involved in the training of others who wish to use firearms be put at risk? I cannot think of any good reason. I raise those points so that consideration can be given to them. They bear examination and they may go to the heart of placating many of the concerns of people with a legitimate involvement in the use of firearms, without in any way undermining the integrity of the legislation and the crucial objective of maximising public safety.

My colleague, the member for Balcatta, Nick Catania - the prospective first member for Yokine - and in particular my colleague Hon Graham Edwards, have given much thought to changes in our firearms legislation. Each of them has a longstanding interest in this matter, and in the forums of the Labor Party they have put forward a number of proposals. Those proposals have been put to the community in a policy paper. I briefly refer to that paper to highlight in summary form some of the matters they have raised. They refer, for example, to the introduction of a permanent amnesty whereby persons who voluntarily hand in unlicensed firearms or who apply to license an unlicensed firearm will not be prosecuted for possession of an unlicensed firearm. Many of the matters they propose were raised by the Police Ministers, and are taken up either in the legislation or in the regulations we are told may emerge. To the extent that these matters are taken up, I applaud the Government. To the extent that they are not taken up, the Bill is deficient in its policy.

The document is dated 12 June 1995. It proposes a buyback scheme to reduce the inventory of unwanted firearms, and suggests that applicants for a licence should show good reason for wanting a licence. Mr Catania and Hon Graham Edwards knew what they were talking about. They included among the good reasons the destruction of vermin on agricultural properties and membership of an approved gun club. These were not the only reasons. They advocated compulsory safety training programs, a comprehensive background check, appropriate circumstances in which licences could be cancelled, appropriate increases in penalties, mechanisms for storage, a new licensing

mechanism, a new appeal system, and increases in licensing fees. They also suggested something not dealt with in the Bill - a ban on stockpiling large amounts of ammunition.

One matter in particular put forward by Mr Catania - it is not addressed in, and is a major policy weakness of, the Bill - is the licensing of firearms, which has been and will continue to be administered by the police.

Hon B.K. Donaldson: Where will you shift it to?

Hon N.D. GRIFFITHS: It could be shifted to a body which can deal with licensing of firearms. There is no need for police officers to be involved in the administrative processes of licensing firearms. I note Hon Eric Charlton has moved that way with respect to motor vehicle licences. Much of the day to day administration is not done by senior officers with great knowledge of these matters, but by junior officers. I am not being disparaging of junior officers, but that is the case. There is a cost to the community of carrying out that administration which, arguably, is very substantial. The work does not involve police operational matters; and it does not go to the core duties of policemen. It is not a core operational matter. It has the capacity to tie up police officers in administrative licensing functions when their resources would be better spent carrying out core policing matters. We have difficulties with public safety in Western Australia, and this licensing activity could be carried out by civilian public servants, rather than police officers.

The fact that this Bill does not move forward and put in place such a regime is unfortunate. There are a number of instances of recent legislation dealing with licensing and police officers. Hon Bruce Donaldson may recall the debate on the security and related activities legislation. I do not want to go into that. However, many people are concerned with police involvement in licensing at a number of levels. I do not think there is any need to go through that. I do not think it is an appropriate function of policing for police officers to be involved in licensing and there is no need for them to be involved in the licensing of firearms.

Hon B.K. Donaldson: What has really changed? Police have been registering firearms for a long time.

Hon N.D. GRIFFITHS: I am suggesting to the member that this Bill should contain provisions to enable that function to be carried out by people other than police officers.

Hon B.K. Donaldson: So you say there is a weakness in the system now?

Hon N.D. GRIFFITHS: Yes.

Hon B.K. Donaldson: Why?

Hon N.D. GRIFFITHS: The primary weakness is that it detracts from effective policing. It is a misuse of police resources. I do not know whether the honourable member has paid much attention to a number of announcements of the Commissioner of Police over the last couple of years when he said he wants to change things in Western Australia so that police can get back to policing and not carry out bureaucratic tasks which of their essence do not have much to do with policing. That may be a view of the Government which the honourable member does not share. If he does not, so be it. However, the other aspect in respect of police involvement with licensing, whether it be licensing of guns, motor vehicles, prostitutes, whatever -

Hon Graham Edwards: Politicians!

Hon N.D. GRIFFITHS: They do have the vote. Licensing is a gateway to corruption. I am not saying it exists; I am saying it is a gateway to corruption. Why have it?

Hon B.K. Donaldson: Why?

Hon N.D. GRIFFITHS: Does the member want gateways to corruption? If he does, that is fine. I do not think it is an appropriate function for police officers. If the member has a different view -

Hon B.K. Donaldson interjected.

Hon N.D. GRIFFITHS: I wish the member would listen.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! Hon Bruce Donaldson will refrain from interjecting, and Hon Nick Griffiths will carry on with his speech.

Hon N.D. GRIFFITHS: I am much obliged to you, Mr Deputy President. I am not accusing anyone. I do not want anyone to think that I am accusing anyone of corruption. Hon Bruce Donaldson may be inferring that. If he is, he is wrong. I am saying that this licensing system in the hands of police officers is inappropriate. In a well-managed State in 1996 it should not occur. We should move on. This Bill was an opportunity to move on. It has failed to move on in that area and that is a deficiency in the policy of the Bill.

Before I conclude, there are some aspects of history with which I should deal. I was not going to, but there are words in the Attorney General's second reading speech which give rise to a wrong impression. He referred to concerns being expressed by a number of people and then he said -

As a result of these concerns several reviews of the Act have been undertaken, the last independent review being in 1981 when the then Liberal Government appointed Mr Oliver Dixon to examine and report on the Act. His report and at least three subsequent reviews of his report have never been acted upon.

The Attorney General said further that, since this Government came to office, reform of the Act has been progressive to the stage where in May of this year - he then used further words to describe what took place in May of this year and subsequently. That is the Attorney General's view of history. The Dixon report, matters not acted upon, the white knights return on their chargers and things start to happen!

Hon B.K. Donaldson interjected.

Hon N.D. GRIFFITHS: Let me tell Hon Bruce Donaldson something about history. He does not understand history and that is why he is condemned to take us -

Hon B.K. Donaldson interjected.

The DEPUTY PRESIDENT: Order! Let us return to the rational argument that is being presented.

Hon N.D. GRIFFITHS: That is why Hon B.K. Donaldson and his cohorts are concerned about taking us back to the nineteenth century when we are close to the commencement of the twenty-first century. Mr Dixon provided a report. That report then found its way into the hands of the then Commissioner of Police, a recently retired commissioner of the Official Corruption Commission, Mr Porter, and Mr Porter caused that report to be reviewed by a police officer, now Assistant Commissioner Kingsley Porter. Following that review, Commissioner Porter caused recommendations to be taken to Cabinet by the then Police Minister, Hon Ray O'Connor. The Premier at the time was the current Premier's father, Sir Charles Court. The Cabinet of Sir Charles Court gave approval to draft some amendments. It went to parliamentary counsel but no legislation emerged as the Government of Sir Charles Court progressed. The then Police Minister succeeded Sir Charles Court as Premier in early 1982 and still nothing happened. These comments of Hon Peter Foss are interesting. Why did he not tell us about that inactivity?

It is very important in the context of considering the policy of this Bill for us to acknowledge the true history of the matter. There was a change of Government in February 1983. For the next 10 years -

Hon B.K. Donaldson: Nothing happened.

Hon N.D. GRIFFITHS: Hon Bruce Donaldson will listen. For the next 10 years, there was consultation and consideration, particularly at the level of the Police Ministers' conference. Successive Police Ministers and Hon Graham Edwards in particular were instrumental in advocating a national scheme. Why was there not a national scheme? There was not a national scheme because Western Australia would not sacrifice the integrity of its system. As an aside, this is the Firearms Act 1973. I have some memory when it comes to history. Hon John Tonkin was the Premier throughout 1973, and he was a Labor Premier. We were not going to sacrifice the integrity of our system because, although the Northern Territory and South Australia had reasonable regulatory regimes, and Victoria was working towards one, New South Wales -

Hon B.K. Donaldson: Jeff Kennett.

Hon N.D. GRIFFITHS: Jeff Kennett was not around at this stage.

Hon B.K. Donaldson: I said you had a federal Labor Government and state Labor Premiers.

Hon Graham Edwards: You have a lot to learn.

The PRESIDENT: Order! All members have a lot to learn because they are not allowed to interject.

Hon N.D. GRIFFITHS: New South Wales had a regulatory regime which was concerned with the integrity of the person, and I have made an observation about that. The Labor Party was, and still is, concerned to maintain the safety and integrity of the system by tying a firearm to a person.

Members know about Tasmania and Queensland. They also recall what happened in the Kimberley a few years ago because it is something I alluded to earlier. Tasmania and Queensland were not in the contest. Western Australia could not get a national scheme because of the nature of the laws in the other jurisdictions. When Hon Graham Edwards was Minister for Police, he did not let the matter rest. He continued to take positive measures to have this State's firearms legislation overhauled in the context of trying to get a national scheme. One of his initiatives which is of great benefit to members was the setting up of a working party which comprised the officer in charge of the

firearms section of the Police Department; Mr Bill Van Der Linden, a former senior police officer; Mr Graham Harris, who represented the licensed dealers; Mr David Barnes, who represented the manufacturers and repairers; and a representative from recreational shooters organisations. The working party engaged in widespread consultation with appropriate parties and its work laid the foundations for many sensible propositions which have been put to Police Ministers' conferences.

The working party presented a report in late 1992, but it continues to be refined. On 25 February 1993 the Liberal Government was sworn in and soon after the now Minister for Police received the usual wish list from his bureaucracy. I understand that, in the course of 1993, he received a final report from Mr Van Der Linden. The police then examined the proposals outlined in the report. The Green Bill was to be made available at the time of the Port Arthur tragedy. That tragedy provided the impetus for a national accord. Tasmania would not have come to the party if that had not occurred. I do not know whether Hon Bruce Donaldson remembers the long debate in the Tasmanian upper House.

Hon Derrick Tomlinson: What about the work that was done after the Hoddle and Queen Streets incidents?

Hon Graham Edwards: I will deal with that in detail.

Hon N.D. GRIFFITHS: Hon Graham Edwards has a profound knowledge of this issue and I am dealing with it in summary to set the historical record straight so that anybody who reads this debate in *Hansard* and normally relies on the Minister's second reading speech, will realise they should consider what actually took place. The work done by Western Australian Police Ministers, particularly Hon Graham Edwards, was significant in getting Australia to the position of having a national accord.

Although I commenced my comments by saying that this Bill is a bipartisan measure because of concern for public safety, the detail of which we will deal with in Committee, I regret I must conclude my remarks on a sour note. In the Minister's second reading speech, it was churlish in the extreme for him to give such a view of history.

HON GRAHAM EDWARDS (North Metropolitan) [8.36 pm]: I do not know who wrote the Minister's second reading speech, but the Minister should find out because whoever did made him look uninformed and ignorant on this issue. I regret this is the second time that we have seen this sort of approach adopted in something that has come out of the Minister's office. I had to set the record straight with respect to another Bill. I asked the Minister handling the legislation - I do not think it was the Minister who is handling this Bill - to honestly reflect what had occurred and not make up things. If I had given this second reading speech and then come into this place, I would be embarrassed. It does Parliament a great disservice.

The PRESIDENT: Order! I do not want to sidetrack the member. The member should not be criticising somebody other than the Minister for what is in the second reading speech. It is the Minister's speech, not somebody else's. The member should make that point. Other people do not write speeches for members in this place.

Hon GRAHAM EDWARDS: Mr President, you are perfectly correct. I spent some years as a Minister in this place and I know that Ministers must rely heavily on the advice of others for the content of their speeches.

The PRESIDENT: Order! The member may criticise the advice the Minister has been given.

Hon GRAHAM EDWARDS: Mr President, that is what I was, in effect, doing. I thank you for putting that focus on it.

I do not want to be overly critical of the Minister because I understand the way those things come about. Sometimes Ministers are put in difficult situations in this place for those reasons.

I am pleased about a couple of aspects of the Minister's second reading speech. The Government went to great lengths to take credit for what is contained in the legislation. I am happy for it to do that. I would not want to bring a Bill like this to this House and have this Government's record with respect to gun control in this State because it has been paralysed over the last three and a half years. It has let slip this State's mantle for taking the best approach to gun control. What we should have achieved by consensus, voluntarily and through goodwill, has now been achieved by way of compulsion. That is unfortunate when one looks at the history of gun control in Western Australia. That situation has arisen because the report to me of the working party of November or December 1992 was not acted upon.

The other aspect which annoys me about this legislation is that I can remember in 1986 attending the Queen's Prize shoot at Swanbourne. Along with Hon Ross Lightfoot, I was asked to say a few words. Hon Ross Lightfoot spoke first and made the most outrageous speech, as we know only he can. He politicised that day to a great degree and said to these people, "You had better watch out for this Labor Government; it will take your guns away from you. It will bring in legislation which will see your guns confiscated." I did not respond to his comments in my speech

as I did not want to politicise the day. Hon Ross Lightfoot and others must cringe at this legislation. I will be surprised if he does not have a few critical words to say about it. Unfortunately, Western Australia's position has been totally eroded because of the inaction and very rednecked attitudes of some individuals, Governments and organisation in the Eastern States. I will return to that issue later.

One of the major understatements in the second reading speech is the following comment -

Australian Police Ministers have been working towards the introduction of a national uniform scheme for at least the past three years.

That is a major understatement with many omissions. To my knowledge, the first call for uniform gun laws resulted from the situation in the Northern Territory when a tourist, I think from Germany, flew into Australia and landed in Queensland where he purchased a number of weapons. He travelled across the Northern Territory and through the top end of Western Australia utilising those weapons to murder a number of people. Hon Gordon Hill, the then Minister for Police, took a strong stance on gun control. He said, "What is the sense of Western Australia having good gun laws when people can so easily circumvent them in the Eastern States?" The call for uniform gun laws developed from that situation. A 1991 report titled "A National Gun Control Strategy" -

Hon Reg Davies: Was that made public?

Hon GRAHAM EDWARDS: Yes. It contains the recommendations of the National Committee on Violence chaired by Duncan Chappell, the Director of the Australian Institute of Criminology and former Chairman of the National Committee on Violence. This paper was presented to the Australian Crime Prevention Council national conference in Wollongong on 4 September 1991.

At the start of the report he refers to a number of headlines appearing in various newspapers. First, "Gun laws outrage: Why our politicians are wimps" appeared in the *Sun-Herald* of 25 August 1991. "A licence to kill at random" appeared in *The Age*, Melbourne, of 26 August 1991. "It is not enough just to be sorry" appeared in *The Courier-Mail*, Brisbane, of 21 August 1991. "Massacre in the mall: The culture of violence" headed an article in *The Bulletin* of 27 August 1991. "The gun laws must change" was the headline in *The Sydney Morning Herald* of 19 August 1991. "Gun laws a priority" appeared in the *Adelaide Advertiser* of 22 August 1991. "Guns, the tools of crime must go" headed an article in *The Canberra Times* of 21 August 1991.

The report, under the heading "The aftermath of Strathfield", reads as follows -

Headlines like these reflect the national outrage that has flowed from the events which took place at the Strathfield Shopping Plaza in Sydney early on the afternoon of Saturday, 19 August 1991. At some time between 2.20 pm and 3 pm on that day Wade Frankum, a 33 year old part-time taxi driver, went on a shooting and stabbing spree in this crowded suburban shopping centre.

Eight people died, including Frankum, and six were wounded in the ensuing massacre. Frankum, a licensed New South Wales shooter, was armed with a 30 cm long hunting knife and a Chinese made SKS 7.62 mm self-loading rifle. More than 50 rounds were fired from this weapon before Frankum ended the carnage by shooting himself in the head.

The article under the heading "The Aftermath of Hoddle and Queen Street" reads -

In August and December 1987, similar headlines and outrage swept the nation when, in two separate incidents in Melbourne, 16 people died and 22 were wounded by lone gunmen wielding semi-automatic weapons. These incidents, now known as the Hoddle and Queen Street massacres, led to the Prime Minister convening a Gun Control Summit in Canberra on 19 December 1987, at which the nation's leaders reviewed the need for uniform gun laws. The Summit failed to reach a consensus on a national gun control strategy but the Commonwealth, all States and the Northern Territory, did agree to establish a National Committee on Violence (NCV) with a broad ranging mandate to study the state of violence in the nation; to examine the causes of this violence; and to propose ways of combatting this pervasive problem in the future.

The NCV was established on 16 October 1988. With limited resources and a requirement to produce a final report by the end 1989, the NCV conducted nationwide public hearings; sponsored research and published a wide range of materials on different aspect of violence; held a National Conference on Violence; and submitted its findings to all governments on schedule. These finding were subsequently published in February 1990 in a report entitled *Violence: Directions for Australia*.

I will not quote this report at length, but the following recommendations contained in "Violence: Directions for Australia" were aimed principally at reducing the firearms arsenal. The report states -

The State and Territorial Governments should undertake the following action:

Recommendation 57.1. Prohibition of all automatic long arms and certain types of ammunition.

That prohibition existed in Western Australia at that time. To continue -

Recommendation 57.2. Restriction of semiautomatic long arms to individuals with a specific need.

Again, that aspect was already covered in Western Australia. Recommendation 57.3 read -

Restriction of sales of ammunition by national licensed gun shops only, to licensed individuals only, for personal use of a specific firearm.

Such a law has operated in Western Australia for as long as I can remember, and my memory goes back a long way on these matters. I worked in my father's gun shop in Scarborough at about the age of 10, and I was quite amazed even at that early age at the processes which people had to go through before they could purchase a firearm in those days. Recommendation 57.4 states -

Registration: all firearms should be registered in a computerised national firearms registry.

We had that already in Western Australia. The difficulty was that in the Eastern States, many weapons had never been registered. Recommendation 57.8 states -

Restrictions on private sales: all sales of firearms, including second-hand sales, to be made through licensed gun dealers, and any change of registered owner should be notified through the proposed registration mechanisms referred to in (57.4) above.

The last recommendation to which I will refer is 57.9, which states -

Amnesties: a permanent amnesty for the surrender of unauthorised firearms should be implemented with conditions similar to those provided in the temporary amnesties which have been introduced from time to time in various jurisdictions.

Members may recall that it was only this year that we got the continual amnesty in Western Australia. That disappointed me, because I tried like billyo to convince the police in this State of the value of a continual amnesty. I wrote a fairly strong letter to the then Commissioner of Police, but the police point of view was different from mine and from the view in this report. The police believed that there was greater value in having an amnesty every two or three years, coupled with a high level of publicity. I recall that when Les Ayton was acting commissioner early this year, he announced a permanent amnesty, which is what we now have in Western Australia.

Duncan Chappell also stated in a section headed "Future Directions" that -

Following Hoddle Street, Queen Street and the Strathfield massacres, we now do seem at long last to be on the brink of a major breakthrough on the national gun control front in Australia. A special meeting of the APMC has been convened for October 23, in Melbourne, at which Ministers will seek to formulate a set of proposals for uniform gun laws for the subsequent presentation to a Premier's conference scheduled for November of this year. The pressure of public opinion already seems to be operating in New South Wales, with that jurisdiction's government considering proposals for changes to its gun laws over the coming week. At the time of the writing of this address, the Commissioner of Police for New South Wales has also announced the suspension of the processing of all shooting licence applications pending agreement about new laws. He has said that there are at least 25,000 applications in the pipeline which are affected by this decision.

When the NCV took up the issue of settling upon a national gun control strategy its members recognised that it would not be an easy task to convince governments of the need to implement its proposals. The massive outpouring of public discontent and rage following the Strathfield massacre has almost certainly achieved the task begun by the NCV. Now all of us who are committed to seeing the rapid implementation of the uniform gun control laws must make sure that the political will for change is maintained. We must also make sure that any uniform gun control laws do not simply reflect the 'lowest common denominator' model of the measures acceptable to all jurisdictions. The opportunity must not now be lost to secure national gun control laws which have the strength and rigour required to reduce the number of gun-related deaths and injuries in Australian society. I, together with my former colleagues on the NCV, am deeply committed to doing all that is possible to achieve this goal.

When Hon Nick Griffiths was speaking, a member opposite asked, "What about the Hoddle and Queen Street massacres?" It was important that I go back to them, because the great tragedy is that they did not lead to worthwhile

national uniform gun laws. Changes were made certainly in Victoria, New South Wales and South Australia, and some changes were made, in fairness, in Queensland, but very little was achieved in Tasmania. I was Police Minister during much of this time, and I took a very strong view about the need for national gun control. I took the view, too, that in Western Australia our focus should be not so much on playing around with our own legislation at that stage but on trying to convince the other States of the need to have similar gun control to ours. Even after those massacres, I clearly remember the vehement argument that was put by then Police Minister Ted Pickering from New South Wales, who was absolutely opposed to the sorts of things that would have gone into making good uniform gun legislation. We would have had uniform gun legislation that was not worth two bob.

I remember, too, and I was quite surprised by, the very strong support that Western Australia was given by the Northern Territory, because if there was a frontier mentality to guns, I expected it to come out of the Northern Territory, but it did not. Marshall Peron was very strong, as were Michael Tate and the Police Commissioners state and federal, about the need for worthwhile uniform gun laws, but we were thwarted by New South Wales, which was Liberal; Queensland, which was Labor; and Tasmania, which was Liberal, and just did not want to know about it. The great tragedy was that it took another massacre of the dramatic extent of what occurred at Port Arthur for people to come to their senses.

I compliment John Howard on the action he has taken. His leadership has gone a long way towards ensuring that uniform gun legislation will be implemented. Kim Beazley has not stood behind the door but has come out up-front and given John Howard the support that is necessary. It is just a great pity that in Western Australia, where we have that strong approach to gun control, we will now have something thrust upon us in a compulsory way that could have been better achieved by way of consensus.

I am sorry that we did not act on that working party report. That working party was put together because when I came back from one of these ministerial conferences that was dealing with guns, it became evident that if we wanted to achieve the best possible situation uniformly across Australia and if we were to keep the leadership role that we had had in gun control over the years, we should not rest on our laurels but should be prepared to review our position and legislation. I thought the best way to do that was to get the gun people to do it. We have a very good, responsible gun lobby in Western Australia.

As a former Minister for Sport and Recreation I am aware of the tremendous support for some of the shooting venues in Western Australia. The Whiteman Park venue is probably one of the best in Australia; it was part of a strategy to help us bring the Commonwealth Games here as well as to ensure that sports such as shooting have suitable venues. In that way we could attract not only the Commonwealth Games to the State but also encourage shooters to join a good competitive sport.

We did not act on the recommendations of the working party, and that is a shame. The working party did a good job and finally made some excellent recommendations, and for those reasons, it was complimented by many people. The only problems faced by Western Australia were caused by the Sporting Shooters Association. I recall that the association wrote to us and threatened to sort us out. I replied and said that the association should not bother, because we had a good working relationship with shooters in this State; they had access to me, as the Minister, or to a senior member of my staff. Had shooting organisations in the Eastern States been more responsible and taken the same line as shooters in Western Australia, we would not have seen that radical nonsense and red neck argument from some of them. Ultimately, that attitude was counterproductive. If shooting organisations in other States had been prepared to act with more balance and responsibility, who knows - we might have resolved the issue years ago and we may not have had the problems and trauma which were brought about by the disastrous event in Tasmania.

At the Police Ministers' Council, I think in 1991, Michael Tate, the federal Minister for Justice, showed us an AK47, which was freely available over the counter in Queensland and Tasmania, and was used with great effect in Vietnam. All Australian soldiers had great respect for the AK47. I could not believe that anyone could purchase that weapon over the counter anywhere in Australia. It even had a bayonet attached. For a Police Minister to argue that people should have the right to buy that sort of weapon was an abrogation of responsibility. Police Ministers and police commissioners should have been doing all they could to ensure that police officers did not have to deal with such weapons in society.

Considering the geographical location of Australia, it is quite right for Western Australia to have recognised that the greatest challenge was not to change our gun laws but to achieve some national legislation to bring the whole country into line with Western Australian laws. I regret that we have not had the opportunity to do the sorts of things we should have on a voluntary basis, with goodwill and consensus, because ultimately that is the best way to arrive at legislation. My main concern with this legislation is that certain foolish things happen. I am aware, as are most members, of many people's attitudes. Some people have contacted me and said that they had been out shooting one night; that they were driving home and a gun fell from the back of the trailer between home and where they had been shooting. That would not be an isolated incident. I am sure that members, particularly country members, would have

heard of similar situations. At least with our current legislation we knew where all the guns were and who possessed them. However, if the guns were lost or stolen they would still be in circulation. That is one of the downsides of having this sort of legislation thrust upon us.

In 1995 I had a Browning automatic shotgun, which I had used as a kid. It belonged to my father who passed away a couple of years ago and left the gun to me. One day at home at Balcatta I sat looking at the gun and I realised that I could not justify having that weapon in a house in suburbia in this day and age. We cannot go duck shooting and we certainly do not want to shoot rabbits with a shotgun. I did not have time to be a member of a gun club, so I had to ask myself why I kept the gun. I could find no good reason, so I handed it in. The gun was in good condition and is now in the police library where it is kept for reference purposes. I had a strong emotional attachment to the gun because it had been in the family for a long time, and especially because it belonged to my father. Therefore, I can understand the anger and frustration felt by many people in the community when they are told that they must relinquish such a weapon. Anger and frustration is caused because such guns have been in the possession of a family for perhaps two or three generations. In many ways, however, that is a small price to pay for the benefits that will accrue to the Eastern States, especially those where Governments have not had the guts to tackle the gun lobby or to introduce legislation similar to ours. We are now paying the penalty for Eastern States attitudes. One benefit will be that many guns will be out of circulation and, regardless of the price, Australia should become a safer society. We would all support that situation. Despite our misgivings about this legislation, the Opposition will support it.

HON MARK NEVILL (Mining and Pastoral) [9.08 pm]: I support the Bill with some reservations and I sincerely question the effectiveness of this legislation. No doubt the legislation is based on good intentions. However, after a closer reading of it I believe that part of the legislation is misconceived. I strongly support uniform legislation in Australia and I support greater restrictions on the availability of guns. I do not believe that people convicted of violent crimes should have a licence for weapons, and I do not believe people with restraining orders placed upon them should have any weapons in their homes. All those sorts of controls should be placed on weapons.

The main flaw with this legislation is that it arose too soon after the massacre at Port Arthur. The more I consider the Port Arthur massacre, the more I am convinced that it is an issue that reflects more on mental health than gun control. I would rather see \$500m spent on mental health in Australia than on this scheme to repurchase weapons, which I believe is flawed. I will go through the logic of why I think that part of this legislation is flawed.

Western Australia has had the tightest gun legislation of any State in Australia. The measures that Hon Nick Catania, the shadow spokesman for Police, put forward in his discussion paper would have further tightened the laws in this State. His proposals could have been worn by the vast majority of its citizens. We are told by the police that one in every two guns in this State is unlicensed; that is, 50 per cent of guns are unlicensed. In other States the estimates increase to 10 to 20 times the number of unlicensed guns in circulation to licensed guns.

I returned tonight from business in my electorate at Kalgoorlie where I read a federal government bulletin which I meant to photocopy, but I was distracted, telling us how the buyback scheme operated. I cannot remember the figures, but approximately \$60m has been paid out in Victoria buying back guns. I am not sure of the number, but I distinctly remember the figures for Western Australia. There have been 2 500 licensed weapons and 100 unlicensed weapons bought back.

The real problem in this State lies with unlicensed rather than licensed weapons. The vast majority of this money is being spent where the problem does not exist. My colleague, the former Minister for Police, Hon Graham Edwards, as did other Ministers, held amnesties and moratoriums which dragged in unlicensed weapons. We concentrated on ridding Western Australia of unlicensed weapons and we were very successful. We imposed heavy penalties for possession of unlicensed firearms. That directly attacked the problem without any great cost to the State.

I have not owned a gun in my life. When I leave politics and go back prospecting I will probably purchase a firearm because I cannot afford backup resources, such as expensive radios and a field assistant, which I had when I worked for a company.

Hon E.J. Charlton: When do you intend doing that?

Hon MARK NEVILL: The electors may decide that before I do - soon enough. I am not particularly comfortable with guns. I have not seen the need to keep a gun in my house. I have a fairly neutral view about guns, although I have fired them. Many people in my electorate who belong to gun clubs shoot on Sundays at the Boulder Rifle Range. They are law-abiding citizens who look after their weapons. I do not believe they are the problem. The unlicensed guns are the problem.

The suggestion that Australia is going down the American road is absolute nonsense. To make that analogy is quite silly. The number of fatalities from guns in Australia is infinitesimal compared with the number in the United States. More people are killed from guns in the city of Washington than in the whole of Australia. This legislation will

probably create a black market in guns. The figures for the buyback scheme so far indicate that the ratio is 25:1 licensed to unlicensed weapons which suggests to me that we are wasting probably that proportion of money on the buyback scheme without getting to the heart of the problem.

As I said, Port Arthur is more about mental health. That young man had schizophrenia. I find it amazing that someone in his condition was circulating in the community without anyone supervising or being responsible for him. On an ABC radio interview it was suggested that his girlfriend did not understand the nature of his illness. She knew he had schizophrenia but was unaware of the danger of people like him not taking their medication and the need to report it if they did not. The ignorance that surrounded that situation was appalling. As I said before, schizophrenia is a far worse problem in Australia than AIDS. It disables young people in their prime for the rest of their life. I would rather see the \$500m spent in that area.

That is not to detract from what I believe are the sensible principles of this legislation; that is, uniform gun laws and ridding the community of the Kalashnikovs - AK47s - the stupid laws that existed in the other States.

Hon E.J. Charlton: And the inability of successive Federal Governments to do anything about it.

Hon MARK NEVILL: It just shows the problems that arise when the States try to organise themselves to solve problems.

Hon E.J. Charlton: They allowed them into the nation; that is a Federal Government responsibility.

Hon MARK NEVILL: I am strongly in favour of States' rights, but there are some things that the Commonwealth does better than the States and some things that the States do better than the Commonwealth. We should decide on the merits of cases as they are allocated. There are too many guns in the community. I believe that we should have uniform gun laws and that many people who have guns should not have them. I also believe that the vast majority of this money that is being poured into the community is being wasted. That objective is misconceived and the money would be better put into mental health.

The whole thrust of this Bill was conceived in a very emotional environment. It is an authoritarian approach; the legislation we had in this State was far better. Nonetheless, I believe the national uniform principles are worth supporting. I thank Hon Muriel Patterson for allowing me to speak before she does because I have some other engagements this evening.

HON MURIEL PATTERSON (South West) [9.18 pm]: In representing so many of my constituents, especially in the Albany region, it gives me no joy to speak against this Bill. It was not initiated by the Western Australian Government and was forced on this State. Western Australia has been handed a poison chalice. In no way is this criticism of the Government or the Cabinet. Hon Bob Wiese has been very responsible. Being a country man, he has endeavoured to obtain the best results for country people.

I recognise the terrible violence that occurred earlier this year at Port Arthur, Tasmania. It was a national tragedy. Would it not have occurred regardless of a register or any other restrictions? The man was mentally unstable. He had in his home an excessive number of X-rated videos and guns which would have been illegal in this State. Why on earth could the Prime Minister not have brought other States up to the standard of Western Australia before making such an arbitrary announcement and lumping us all together? Had he done that we could have looked at what we could do to improve safety Australia-wide. I wonder whether the Prime Minister understood that Western Australia has the most advanced gun laws in this country. We have never allowed Rambo, military-style weapons for public use in this State. Western Australia has a comprehensive register of gun ownership. The greatest of care has been taken before anyone has been permitted to own a gun licence. I truly believe that Western Australia has taken a responsible position over what could be a dangerous weapon. Unfortunately, this cannot be said of other States, which do not have a comprehensive register of firearms and responsible persons. Automatic or military-style guns have not been restricted. Why not? Were these guns not as dangerous in 1995? These weapons were unrestricted in the Eastern States, including the Australian Capital Territory. Surely politicians in those States have neglected their duty of care and responsibility. The Western Australian Firearms Act 1973 clearly indicates that all automatic firearms have not been legally available to the general public since pre-1938. There always had to be a satisfactory reason and strict control before the Commissioner of Police would permit a licence to be issued for those high powered firearms, nor have military semiautomatics with a magazine capacity greater than five rounds been available to the public. It was rather ironic that the first Olympic gold medal that Australia won this year - and for the first time - was in the sport of shooting. As a nation we cheered and thought it was the greatest.

Shooting as a sport in Australia has existed for 135 years. At the request of the Imperial Government in 1861 rifle clubs were formed and given statutory authority under the Rifles Companies Act 1878 with the object of encouraging marksmanship in the volunteer defence force. To my knowledge it has caused very little, if any, trouble in those 135 years. The sport of full bore rifle shooting is the oldest organised international sport in Australia and has always

been conducted under the military umbrella. The first Australian rifle team visited England in 1875. The international competition was held on Wimbledon Common. The Australian team then went on to compete in the Palmer match in America, a competition which is still contested to this day. Currently top military marksman are members of civilian rifle clubs.

I could continue to go through each of the 16 guns clubs in the Albany region and give a similar history. I will not take up the time of the House because it is well known that these clubs abide by the strictest rules. The members are well schooled in the dangers of firearms and their responsibility for the care of firearms. Without any doubt the clubs are controlled and structured for safety. They give a sporting status whereby men and women compete on equal terms. Shooters actively competing range from teenagers to 90 year olds. No known incidents of firearms offences have occurred on these ranges by any member using rifles. I recently spoke to a well known and respected Albany gentleman by the name of Mr Bill Price, who represented Australia four times through the Rifle Shooters Association. He is the sixth generation of his family skilled in shooting. There would not be a suggestion of a problem with him.

I will now turn to farming. During the very foundation and development of Australia from the earliest days guns were used for safety, protection, obtaining food, the destruction of stock, and sport. Farmers with guns are no different from tradesmen who need more than a hammer in their tool boxes. Each job requires a tool; in this instance it is a firearm, which is a farmer's tool of trade. Does Mr Howard know how farmers operate? I think not and I strongly suspect that he gave very little thought to them. I certainly agree with Hon Graham Edwards' comments about the stringent rules governing anyone who wishes to obtain a firearm licence. I believe the police have been enormously responsible. When my son bought guns at the time my husband decided he would step down a little from active farming, Dawson said it was very difficult. Although he knew the police, they suggested he should go to a town where he was not so well known. I do not think it was harsh. The whole family thought it a very good thing. Guns are used for different jobs on the farm. Some are used to shoot diseased stock, rabbits and parrots. When we control foxes we need a special gun, such as a Lithgow .22, which has three times the effective range of an standard .22 rifle so on.

How easy it is for guns to remain unlicensed has been overlooked. In August this year a man driving in the agricultural area was trying to sell unlicensed guns. I believe that many people will be so anxious not to lose their licensed guns they will use them after they have reached the dangerous metal fatigue stage because of the chance they may not be able to get another one.

Two of the continuing arguments against the use of firearms are domestic violence and suicide. Police already have the power to confiscate guns when a person may be in danger from domestic violence. I draw the attention of the House to the Western Australian Families Task Force, of which I was once chairman. The committee's recommendations 65, 66 and 67 were that new offences of domestic assault causing bodily harm and domestic assault causing serious grievous bodily harm should be introduced with appropriate graduated penalties, that the offences should be included in the Criminal Code rather than separate legislation to emphasise the level of seriousness and that these actions amounted to crimes. As a matter of police practice, police officers should be required to actively investigate and prosecute where a violent assault has occurred.

Recommendation 66 states -

That where a police officer has reasonable grounds to suspect a domestic assault offence has been, or will be committed, the officer should have power without a warrant to seize any firearm or other dangerous weapons in the possession of a person he/she suspects on reasonable grounds of having committed or being about to commit an offence (whether or not a domestic assault offence) . . .

Recommendation 67 states -

That part of the process of issuing a firearms licence should involve a police check on any past or existing restraining orders taken out against the applicant, by either the Family Court or the Court of Petty Sessions.

Sadly, suicides will always be with us. The suicide rate was higher in 1990 than it was in the 1920s and 1930s. Why was that? From 1990 to 1994, 1 067 people committed suicide in Australia, and 168 of those people preferred to use firearms. A single shot can do the job. Other methods used included drug overdoses, knives, and cars. This country has a serious mental health problem. People are fed on pornography and violence, often resulting in mental disturbances and other forms of mental illness. Instead of this crazy idea of buying back firearms, mainly from those people on the register, and leaving hundreds of firearms unaccounted for - although I have no problem with purchasing unlicensed firearms - it would be much wiser to spend the money on, first, suppressing the serious criminal element and, second, investing in mental health treatment and research.

I have several questions that leave me with grave concerns about this Bill. The Bill will allow a medical practitioner to report whether a person is incapable of owning a firearm, without providing any right of appeal. The Australian

Medical Association has publicly voiced its strong support for this Bill. Will that provision inhibit people who require medical help from visiting their physician because they might be reported and their firearm confiscated? What countries that have imposed gun laws as a way of reducing murder, suicide and gun crimes are able to show a substantial reduction in crime, and where is this published literature? I was able to obtain, through the freedom of information process, a copy of a report to the national committee on violence in 1993 from Victoria Police on the arms registration system file. The figures in that report indicate the percentage of homicides per 100 000 population along with a description of the gun laws in each State, and they make me further question the outcome of this legislation: In Western Australia the homicide rate was 1.8 per cent and our gun laws were described as extremely strict; in South Australia the homicide rate was 1.8 per cent, with very strict gun laws; in New South Wales, 1.8 per cent, with reasonably free gun laws; and in Queensland, 1.8 per cent, with firearms freely available and lax gun laws. The Australian average of homicides per 100 000 population was 1.8 per cent. The description of gun laws ranged from very strict to lax, yet homicide rates were identical. The report also shows that Victoria's homicide rate was 1.6 per cent, with guns laws described as very strict; in Tasmania, 1.5 per cent, with the "freest gun laws in Australia" and the remarks state "very different gun laws same homicide rate"; in the ACT, 0.9 per cent, with strict gun laws; and in the Northern Territory, 11.1 per cent, with strict gun laws and the remarks state "similar gun laws very different homicide rates".

We should maintain the status quo with firearms for sportsmen and farmers. All States should comply with the Western Australian standard before we look at whether any further safety measures should be implemented to form a prohibited persons register. In other words, for once let us penalise and punish the wrongdoer and leave the law abiding citizen alone. We should also initiate greater research and education facilities for citizens who are suffering from mental health disorders; and catch the criminals. The message to Canberra is to let the States govern their own people, because they do it better.

HON MURRAY MONTGOMERY (South West) [9.35 pm]: If there has been one divisive Bill in the community, it is this Bill. This Bill will impact on those people who have owned firearms and probably lived with firearms for most of their lives, and reflects the fear that firearms instill in people who have not. I have no doubt that people who fear guns do so because they do not understand them and have never been trained in their use. Those people who belong to sporting organisations or gun clubs and members of the rural and farming communities who own firearms and understand them and probably have had a lot of training with them do not fear them and do not see any great need for the additional laws that are proposed in this Bill.

As stated by previous speakers, when our Prime Minister invoked his decree after the tragedy that occurred at Port Arthur, he indicated that Australia should have uniform gun laws. He stated that if the States did not agree he would conduct a referendum and the Federal Government would impose those gun laws. If the Federal Government became involved in the gun laws there would be an even greater outcry than has been the case, and many firearms that are registered currently would go underground. That will happen in the States to some extent even now. When Victoria introduced legislation to register firearms Victoria Police estimated that approximately 40 per cent of that State's arsenal of firearms were registered. That means that 60 per cent are unregistered, and therefore illegal.

We already know from estimates provided by the Western Australia Police Force that for every weapon that is licensed or registered an equal number is unregistered. That is the dilemma. The thrust of any legislation should be how to best take those illegal, unregistered firearms out of the system rather than people having them in their possession. The Commonwealth has contributed to that problem over the past 60 years, because many of those weapons came into the country from purchases made through mail order catalogues. In other words, the Commonwealth gained as a result of weapons being sent through the mail. It obviously also gained because interstate firearms dealers were able to sell the weapons into Western Australia. Those people would have made a profit out of it and paid their taxes. However, those weapons have come into the State and remained unregistered.

One of my greatest concerns and one of the dilemmas facing the community is that those in the sporting and recreational shooting fraternity who get a great deal of enjoyment out of being able to use their firearms and testing their skills on a firing range, although they will not be deprived of that pleasure, certainly feel that it is threatened. John Howard has created that fear by his enforcement of this change. I can understand the problems those people will have in complying with some of the requirements proposed in this legislation.

I refer members to the relationship between this State and the Commonwealth and the role of our Minister, Hon Bob Wiese. My discussions with Police Ministers interstate suggest that if it had not been for the bloody mindedness or stubbornness of our Minister we would have had rather more draconian legislation imposed on us by the Commonwealth. It was he who held out in a number of areas rather than be compliant. I know that is generally not recognised and some people would prefer that he had not taken that stand, but at least we have a more rounded piece of legislation as a result of his actions.

I grew up in a farming community. I was seven or eight when my father returned from the war and gave me some basic training in the use of firearms to ensure that I was able to handle a gun without getting myself into strife. I recollect the first day I held a gun and my fear and trembling even though it was only a .22 calibre rifle. I still have that weapon.

Hon Graham Edwards: You are lucky it was not a .303.

Hon MURRAY MONTGOMERY: I recollect the time I shot my first .303 on the Northam rifle range. Perhaps I was a bit older and a bit heavier than the member might have been. I was in fear and trepidation about getting up on the mound and having a shot. I came through that and decided that firearms were not all that bad or dangerous as long as one handled them safely. I was also trained in the cadets when I was at school. At least in those days there was some training in the safe use of firearms.

History shows that farmers were experienced in the use of firearms and often went overseas to theatres of war. I am not suggesting that that is where we need to go to train people in the use firearms, because they have a devastating effect on communities when used in that way. However, those farmers showed they had shooting skills and were experienced in the safe handling of firearms. As has been stated previously, farmers also use their firearms for the destruction of sick livestock or vermin. The need to use firearms in that way has been accommodated in the legislation and that is in keeping with the rural community's requirements.

We have heard of the problems that can be associated with firearms. However, I wonder whether members have considered the analogy of people who drive motor cars and the fact that they can kill as well. We seem to have a lot of carnage on our roads - the road toll increases by the day - but we have almost become numbed to those statistics. On the other hand, the moment a firearm is mentioned, people freeze. We have tended to get ourselves in an absolute frenzy of fear about the use of firearms. We must put that into perspective and consider what training is needed, how that training should be undertaken and how those weapons should be used.

I wish to raise two other issues. First, the medical profession will most likely honour the requirement to report someone who may be unfit to use a firearm. I wonder whether some patients will consult their doctor if they suspect that they might be dobbled in. That would worry me, because a person who should be seeking medical help may be reluctant to do so because he is afraid he will be dobbled in to the authorities.

Secondly, I question the need for a firearm licence to include a photograph. I am rather fascinated by the fact that we have a driver's licence and a gun licence with exactly the same number to identify the licence holder. That, in itself, is sufficient. I question the need for a photograph on a firearm licence to be compulsory while there is the option of having a photograph on a driver's licence.

Hon Graham Edwards: What will happen if people do not drive? Are you opposed to the photograph or to the licence?

Hon MURRAY MONTGOMERY: I am not opposed to the licence; I am opposed to the compulsory photograph. I do not see a need for it. I was opposed to it when it was proposed that it should be compulsory for a photograph to be on a driver's licence, and I see no need for it on a gun licence.

Hon Tom Helm: If you were good looking like us, you would not mind.

Hon MURRAY MONTGOMERY: The member can speak for himself.

Hon Tom Helm: I am.

Hon Graham Edwards: You will not get too much support from those on this side of the Chamber.

Hon MURRAY MONTGOMERY: A gun licence currently does not have a photograph on it, and I do not believe it is an essential part of the legislation. I would rather that it were not there; however, I can understand how other people feel about it. I have some amendments on the Notice Paper. I guess there will be further debate on the relevant clauses in Committee.

HON CHERYL DAVENPORT (South Metropolitan) [9.51 pm]: Like my colleagues, I support this legislation. I am very sorry that it has come about as a result of the tragic events in Port Arthur in April this year. I am a pacifist; I abhor guns, and I have done so all my life, despite having grown up in a small country town. However, I acknowledge the point of view of the sporting shooters, the farming community and those in occupations who must carry weapons as part of their working life. I am frightened of guns and generally I would rather we did not have to confront them at any time. As I said, I grew up in a country town. One of the sporting activities of young men, in particular, was to go spotlight shooting and the like. Although I had many opportunities to partake in that recreation, I never felt the need to go on shooting expeditions, nor did I.

I had occasion to go to South Africa a few years ago. I was most affronted when I saw weapons being carried by members of the general community, although I understand there may have been reasons for that. We stopped at a shopping centre in Johannesburg to do some general food shopping. The fellow in the car next to ours was casually dressed in a pair of shorts and a T-shirt. He got out of his vehicle and I could see that he had a handgun shoved down the front of his shorts. That was an alarming experience and indicated to me how weapons can become a part of everyday life in some countries. I am grateful that I live in Australia where we have not got to that point, and I hope we never go down that track as those in South Africa have, nor that we have a lifestyle where weapons are very easily obtained, as is the case in America.

A relative of a friend of mine was killed in the Port Arthur massacre. I know of the trauma experienced by that family in the days following that event. The uncle of my friend died. Both he and a very close friend and their wives were in the tearooms at Port Arthur. The two men died in tragic circumstances. They realised what was happening and both told their wives to get on the floor, and both men fell on top of their wives to protect them. Both men were shot and killed. The emotional scars will remain forever with the two wives who had gone on a holiday to Tasmania with their husbands shortly after they had retired.

Congratulations and thanks must go to the police, the emergency service workers, the medical personnel and the counselling personnel who worked with those people, to comfort and help them through the trauma which resulted in the days following the disaster. Because of the red tape that surrounded the massacre, the funerals could not be held for between 10 days and a fortnight later. The body of my friend's uncle had to be transported to a country town in Victoria, which took some time. The funerals could not simply happen and be over quickly. It took weeks before members of this family could deal with their grief as a result of the tragedy.

What of the perpetrator of that incredible disaster? Perhaps had legislators responded by changing the law earlier, this young, mentally ill man might not have had access to such a powerful weapon and perhaps the incident might never have occurred. That may be wishful thinking, but unfortunately it takes a disaster of this magnitude before we act. We must also remember that firearms and mental illness should never be allowed to mix. Of course, that is not always possible. This young man had a history of mental illness and he should never have had access to weapons of this kind.

As has been said before, Western Australia is a national leader in the gun law reform debate. That started under the former Labor Government and has continued under the coalition Government. I commend the efforts of the Minister for Police, Hon Bob Wiese, and the federal Attorney General, Daryl Williams, along with the Prime Minister and the federal Leader of the Opposition for their ability to put the community first and not play politics with this issue. It has been a true and sincere example of bipartisanship in the political process. It is fair to say that rarely has it been seen in this country in recent times.

I appreciate greatly the information that has been provided to me as a member of Parliament by the Minister for Police, particularly the Green Bill that I was able to send out to constituents who asked for copies of it. The pamphlet on the national decision and what it meant addressed the queries of many people. Also, the message from the Government to all Western Australian firearm licence holders on what the legislation would mean for them was useful.

The Australian Labor Party has long held the view that Australia should have uniform gun laws. This view was advanced by the former Labor Government and the then Police Minister, Hon Graham Edwards. The Labor Party in opposition has continued to stress the need for tighter gun control laws in Western Australia as well as on the national front. In June 1995 the Labor Party released a discussion paper entitled "Gun Control: New Directions for Western Australia". The introduction to that paper states -

There is growing community concern at the level of use of firearms in criminal activity and domestic violence. There is also a widely held belief amongst firearm users that there is a need for improvement in the administration and appeal procedures under the Act. The reforms suggested below are aimed at addressing these concerns and fall into three broad categories:

- (i) reducing the number of unwanted and unlicensed firearms in the community;
- (ii) ensuring that the highest possible safety standards are adopted by the users of firearms; and
- (iii) improving the administration and control of the issue of firearms licences.

A number of those issues are addressed in this legislation. Recommendation 6 of the discussion paper states that a comprehensive background check should be conducted on each applicant to check for a criminal history and whether the applicant has any history of mental illness. The sorts of people the Labor Party saw as being unfit to hold a licence were where -

- (i) in the last 10 years the applicant has committed an offence against the person which has resulted in a period of imprisonment;
- (ii) in the last 10 years the applicant has committed an offence against property which has resulted in a sentence of imprisonment;
- (iii) the applicant has committed a firearms offence in the last 10 years;
- (iv) the applicant has in the last 10 years been convicted of drug trafficking (but not simple possession);
- (v) there is a current restraining order issued against the applicant;
- (vi) the applicant suffers or has suffered in the past from some form of mental illness; or
- (vii) where an applicant has been convicted of an offence involving a firearm, that person should be banned from holding a firearms licence for life.

They are clear reasons it is important that a comprehensive background check occurs.

I will address some of the concerns that were raised with members by constituents. Like many members in this Chamber, I was contacted by a range of people. I found many of them to be fairly naive, and one in particular who contacted me last week springs to mind. Other members will have been contacted by a person who suggested that the fact the Japanese Prime Minister congratulated John Howard on his stance on gun control showed that we had something to be worried about because the country would be disarmed. I found that a bit quaint in this day and age. In the main I received letters and submissions with views that people felt passionately about. Some I could agree with; others I could not.

I will raise a couple of issues from the Coalition for Gun Control (WA), which probably contacted most members. On domestic violence restraining orders as a marker of an unfit person, the coalition states -

The "fit and proper person to hold a firearm licence" provisions should specifically exclude any person who has had a domestic violence restraining order placed on them at any time within the last 5 years. This is a component of the APMC package (Resolution 6.1 - 2) and has been included in all gun reform legislation passed in other states since May. For example, the NSW legislation Part 2 Division 3 clause 29(3)(c) requires that a licence be denied to any person subject to an apprehended violence order any time in the past 10 years.

It is not mentioned in the WA legislation and is a departure from the national agreement.

I have been told that legislation already covers such things. Will the Attorney General indicate what legislation covers the determination of a fit and proper person to hold a firearm licence and specifically excludes any person who has had a domestic violence restraining order placed on him or her in the past four years?

Hon Peter Foss: New legislation is coming in.

Hon CHERYL DAVENPORT: But it is not here yet?

Hon Peter Foss: I have given notice of it. There are also amendments on the Notice Paper.

Hon CHERYL DAVENPORT: Is there any reason it should not be contained in this legislation as well?

Hon Peter Foss: There are amendments on the Notice Paper. It would be doubling up.

Hon CHERYL DAVENPORT: A phone-in on domestic violence was conducted as a result of the tragic death on 1 February 1995 of Nada Faggetter, who was shot and killed by her spouse, who then killed himself. Her family called the phone-in, which was organised by the Labor women members of Parliament in conjunction with the Women's Refuge Group and with the sponsorship of Telecom, which provided the telephone equipment. One hundred and sixty-five women contacted us. On the issue of firearms in particular, women who telephoned told of violence and threats escalating following separation and their fear of the power of the men being considerably enhanced when they owned or had ready access to firearms and other weapons. One woman had been stabbed and another shot during this time and some were hospitalised with injuries. The fear was expressed about threats being carried through as well as the man threatening suicide if she left. Four husbands and wives in this survey had shot themselves. That fear can keep women stuck in a relationship for many years.

Hon Peter Foss: Suicide is another one used a lot.

Hon CHERYL DAVENPORT: I agree. There were many individual experiences but two incidents stuck in my mind and although they occurred three or four years ago, they are worthy of placing on the record. A woman with a

restraining order who lived on a farm asked the police to remove four firearms and to keep them at the station. They were delivered to the estranged husband in town. He continues to stalk her. In another incident the police refused to send someone to collect two guns from the house of a terrified woman. She was invited to take them to the police station and did so, with the guns wrapped in towels in a travel bag, on the bus. She left her husband that day and continues to be stalked. She remains very distressed. The women involved in domestic violence incidents are very nervous about the guns in the household. I shall be very pleased if the Minister's legislation comes to pass. It will strengthen the whole area of restraining orders.

The other area I thought worthy of some note was the request by the gun control people relating to people affected by alcohol. Clause 23(2)(a) specifies that a person who uses, carries, or is otherwise in actual physical possession of a firearm while affected by alcohol or drugs, or alcohol and drugs commits an offence. The enforcement of this term "affected by alcohol" is difficult, as the definition may be subjective. A perfectly workable system is applied to drivers, where an objective measurable upper limit of blood alcohol content of 0.05 is enforced. They recommended that this be specified and applied to the use of firearms in Western Australia. That should not be dismissed out of hand. It was not an area specified at the Police Ministers' conference, but it is an opportunity for Western Australia to deal with an issue in which reform is logical. It could be effective in community safety. It may involve some red tape, but it is not unreasonable to further consider that issue. Although I do not propose any amendments to that clause, I would be interested to hear from the Minister why the Government would not embark on such a process.

I am pleased that this legislation is about to be implemented. Although Western Australia has had strong gun control laws, there are always ways in which to tighten those laws in the best interests of the people. The survey of 800 people carried out by the Health Department of Western Australia in February 1996 revealed that 92 per cent of those surveyed support restrictions on gun ownership, 98 per cent support mandatory training for gun owners, 98 per cent think that certain people should be prohibited from owning or using firearms, and 90 per cent think that persons aged 16 years are too young to be given a licence. It suggests that those surveyed had strong feelings on the subject. They may be the silent majority, but many people want strong gun control laws. I am pleased to be part of the debate that will deliver that to Western Australia. I support the Bill.

HON SAM PIANTADOSI (North Metropolitan) [10.14 pm]: One of the most disappointing aspects of this debate which has raged since the Port Arthur massacre, is the way in which the Prime Minister, fully aware of the public outrage and sympathy for any proposed legislation, has fuelled the debate further. He has painted himself into a corner and has enacted legislation that will affect those gun owners who are good, law abiding citizens. My concern is that any legislation born in an emotionally charged atmosphere is open to question about whether it will work or be effective in the long term.

I have listened to a number of members in this debate who have reiterated that Western Australia probably has the best gun control laws in the Commonwealth. It does not have the problems that exist in other States. We are also told that only 50 per cent of the guns in circulation in Western Australia are licensed. That reinforces my concern that this legislation will impact upon only 50 per cent of gun owners in the community. That group comprises the law abiding people who are the least of our problems. They are the element in society who are least likely to be involved in incidents such as the Port Arthur massacre. We should be concerned about the other 50 per cent of unlicensed firearms which are probably in the hands of the criminal element. This legislation will do little to improve the situation because I very much doubt whether those in possession of unlicensed firearms will surrender them. The challenge to the Government is to rid the community of those unlicensed firearms and the criminal element. It seems to be targeting only one group, and that will be counterproductive to the intent of the legislation. It has been said that Martin Bryant, the person responsible for the Port Arthur massacre, watched violent movies and was influenced by them. Violence and crime are part and parcel of this problem, and not just guns. The peddlers of crime and violence should be targeted, and not the law abiding citizens in this State.

If the Commonwealth Parliament and the members of both Houses of this Parliament were to enact legislation that would cover the whole area I am sure this legislation would receive better support within the community. After the Port Arthur massacre the Prime Minister spoke to the media moguls in this country about violence on television, and in videos and the like. It is ironic that the powers of persuasion of those people is such that they managed to avoid many of the legislative changes that the Prime Minister may have proposed in that area. They pleaded innocence and said they had no role in promoting crime. They pleaded to be left alone. They also pleaded not to be subjected to any restrictions if they promised to self-regulate. It has been proved that violence on television and violent videos have a major impact on how people act. One should take that into consideration. This should be a prime opportunity for the Federal Parliament and this Parliament to rid society of this violent element. Why did the Prime Minister not take into consideration uniform laws relating to not only guns, but also drug peddlers, violent criminal entertainment, and the death penalty to help rid society of the criminal element?

One of the major things lacking in our community is discipline. We have been made more aware of that lack of discipline with the escape from minimum security prisons of 11 prisoners. Some of them had only a couple of days to serve. However, they wanted to be free because they believed that the penalties imposed were too heavy. They made a mockery of the law. I believe that the Western Australian community should be venting its spleen against the gutless politicians who are not showing leadership to bring about uniformity in laws related to crime, violence, guns and drugs. If the Prime Minister believed the time was opportune to do something about uniform gun laws, why did he not go the whole hog? Why pick on one group when he had the opportunity to right all the wrongs that exist in our society?

We have been told that Martin Bryant was obviously affected by what he saw on television. Crime is revealed daily on our television screens. People who belong to sporting shooters clubs and other like organisations are upset because they have been targeted. They believe the Government is not dinkum about fixing the whole problem. I sympathise with them. I have spoken with many of them and all agree that much has to be done to tighten up firearms laws, how firearms are stored and how people are trained in their use. They support the legislation generally. However, they feel betrayed because this legislation is being imposed on them, whereas the people who have been the cause of the problem at Port Arthur, the media moguls, have been left alone; they have been allowed to self-regulate what they show on television.

Millions of dollars have been spent on this exercise. I am sympathetic with some of Hon Mark Nevill's comments. He said that some of the money used to purchase firearms should be spent on mental health. It is obvious that Mr Bryant has a mental health problem; videos had controlled his thinking. Crime and violence are deemed by many to be part and parcel of life. I would like to see some of the money used to assist people who have mental problems.

Last week while using the Internet with my son we came across instructions on how to make a bomb. From memory, the Internet has approximately 6 000 instructions on how to make bombs. That horrifies me. I like to think that my son will not follow the instructions. I will be keeping tabs on what he does in the future. I am concerned that that information is available. One bomb would get rid of many more people than a rifle. However, nothing has been proposed in this legislation to get rid of that kind of violence. To a lot of kids, the information they get from the Internet is a game. There is no way that I could go through all the information that is available on the Internet. However, the instructions for making a bomb were very simple. Hon Murray Criddle will be aware more than I that many of the ingredients are used on farms. They are so easy to access that anybody could get hold of them and make a bomb. I hope that the Minister and others will explain to me why instructions to make such a dangerous weapon which can maim and kill many more people than a bullet have not been removed from circulation and why the ingredients for making that bomb are not licensed. Anyone can build one and he does not need to be licensed.

This Bill does not go far enough because it does not cover the matters to which I have referred. I would like to see it go further. The people with whom I have spoken and I support tighter control of weapons, the training of people in the use of firearms and the proper securing of weapons. This legislation has come about because of an over-reaction to the Port Arthur tragedy. I do not believe this legislation will solve the problem. I hope the Minister will consider my concerns because there are more things in our community that can do a lot more damage than a gun. I certainly hope the Parliament does its utmost to ensure that the 50 per cent of people who have unlicensed firearms will be targeted. I do not think this Bill will cover them and it will not make any inroads into retrieving the large number of weapons in the community. There is no way in the world that the Government will be able to buy back those weapons.

My final concern is that the law abiding citizens who are peeved by this legislation will join the ranks of the people who do not have a licence to own a firearm.

HON M.J. CRIDDLE (Agricultural) [10.31 pm]: I welcome the opportunity to support this Bill. In the last few months I have received many representations from people, particularly constituents in my area, who are concerned at the prospect of having their weapons taken from them. As law abiding citizens, this prospect has struck at the heart of the way the people in the Agricultural Region think. It is difficult for these people to understand the reason for this legislation.

A gun is like any other weapon - it is not a source of good or evil but is reliant upon those people who use them. The people who possess a firearm determine its use. That is the basis for my views on this legislation. If people are taught from day one how to handle a weapon they understand it properly and develop a sense of responsibility. This legislation will impact on my constituents who have owned guns for a long time.

Many of the points I intended to raise have been covered by other members. The Federal Government's announcement on firearms legislation led to the introduction of this Bill. The Ministers of Police met as a result of the Port Arthur tragedy and their decisions from the Federal Government's announcement resulted in the legislation being rushed into all State Parliaments.

Uniform legislation is necessary. The provisions for the importation of weapons have been tightened up. Concern has been expressed that automatic weapons could be imported into the Eastern States and brought into Western Australia because in most of the other States these weapons are not required to be licensed. It has led to difficult situations in Western Australia and members need only refer to the Schwab incident in the north of this State to realise how easy it is for people to bring weapons into the State and wreak havoc on the community. It certainly does put fear into people.

The cost of the buyback of weapons is another crucial issue. I gather it will cost Western Australians a lot more than what will actually be paid to those people who hand in their weapons. I am very concerned about that because Western Australians should receive their share of the money.

That leads me to another issue which has been referred to by other members; that is, the effect of drugs on people. It is an area which must be taken up by the health authorities because there is a void in the drug issue. I do not know how we can overcome that to gain control of the drugs. Added to that are the violent movies which are watched by those people who do not appear to have anything to do with their time. They watch far too many movies and should be doing other things in the community, and this impacts on the way they think.

Another issue which should be taken into consideration is high powered motor vehicles. Not long after the Port Arthur tragedy six young people were killed in a motor vehicle accident near Miling. We must adopt a level headed approach to the way we deal with all sorts of weapons.

This Bill will impact significantly on primary producers because in the past they have used weapons to destroy vermin. Sporting shooters will also be affected by this legislation. Members will recall that Australians performed very well in the rifle shooting events at the Olympic Games. They enjoy what they do and they have brought credit to this country. I am sure that the semiautomatic .22 rifles and semiautomatic shotguns will continue to provide enjoyment to sporting shooters. In addition, they will assist the primary producers who need to destroy vermin. Obviously, the weapons will be allowed only in restricted areas, which is appropriate, and people should have to justify having access to them. I am sure that primary producers will be able to give good reasons when the Commissioner of Police considers their applications for a firearm licence.

One of the contentious issues in this legislation is that the commissioner should give good reason why a licence will not be issued. I note that the Notice Paper has an amendment to clause 24 referring to the commissioner having erred in making his decision. It is a significant amendment because people will be given information so they can clearly understand why the commissioner reached his decision. It is also significant that lawyers have been kept out of the tribunal system. I know there are some very good lawyers in this House, but sometimes they get carried away.

Hon Graham Edwards: You are being very generous.

Hon M.J. CRIDDLE: I am. It will become very expensive if the legal fraternity is involved in the simple tribunals. There has to be give and take in this legislation. Some people will be disappointed that it goes too far and others think it does not go far enough.

In the interests of public safety this legislation will do a fair job. Western Australia has a great track record in firearms legislation. The Federal Government should have taken on board this State's legislation because of its success and it should have been used to bring the legislation in other States up to speed. Following that, the legislation could have been tightened up. The Western Australian legislation was good enough to carry out any gun control that was necessary in this State.

This legislation will affect those people who apply for firearm licences in the future. The suggestion of using sporting shooters to train young people to use a firearm is an excellent idea. My experience is that the earlier one learns to handle these weapons, the better.

Hon Graham Edwards: You are dead right. If it is left until the kids are 18 they will go off and do other things instead of taking up this sport.

Hon M.J. CRIDDLE: The sooner people are introduced to such things, the better. It is the same as driving cars: If people could start earlier, they could drive better. My children started driving in the paddock aged seven and eight years, and they are still driving around - maybe that says something.

I certainly support the legislation, although some areas are difficult to accept for some of my constituents, particularly those who have had weapons over a long time. Bearing in mind that we are looking at uniform legislation across Australia, some give and take must occur with the legislation.

HON J.A. COWDELL (South West) [10.40 pm]: This Bill may not affect the number of unlicensed firearms in the community greatly, but the increased penalties will cause some people to take stock. The Bill may not prevent

another Port Arthur tragedy, but it is worthwhile if it prevents any number of lesser tragedies. The Bill will certainly reduce the number of the most dangerous weapons in our community; namely, in the order of 25 000 to 30 000 weapons out of the approximate 270 000 registered weapons in Western Australia.

I support the general thrust of this legislation; that is, the ban on automatic and semiautomatic weapons, with limited exceptions; the introduction of the buy-back scheme; the increase in the age requirement; the requirement for gun owners to complete a training course before being issued with a licence; the requirement for gun owners to have a good reason for wanting weapons; the provision for a 28-day cooling off period between applying for a licence and getting a weapon; the concept of lockable storage cabinets; the requirement for guns and ammunition to be stored separately; and the introduction of photographs on gun licences. I also support the increased maximum penalty under the Firearms Act from six months' imprisonment or an \$800 fine to two years' imprisonment or an \$8 000 fine for the possession of unlicensed weapons.

This legislation sounds like a fire bell in the night. As a result of this legislation, we may not end up in 20 years' time where the United States of America is today. We may retain our British tradition, which is more commendable, of a society which is not gun happy. Of course, I notice in some of the argument presented to me the notion of a citizen's God-given right to bear arms. The US Constitution provides for that right, the second amendment of which states -

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Many of our people have watched too many American movies and television shows and believe that we are under the United States Constitution.

Hon A.J.G. MacTiernan: I think they have been listening to Lachlan Murdoch.

Hon J.A. COWDELL: We are not. The Australian Constitution guarantees about four rights for all citizens, some of which are equal taxation under the law, and a partial right to freedom of religion. It certainly does not refer to a right to bear arms. Our good state Constitution, about which Hon Peter Foss tells us not to worry, secures absolutely no rights for us whatsoever. There is no solace there. Some people refer to the Bill of Rights of 1689 with respect to our right to bear arms. Of course, one has to like a document which starts out -

Whereas the late King James II, by the assistance of diverse evil counsellors, judges and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion, and the laws and liberty of this kingdom . . .

There is not much solace there. All the Micks and working class sorts who might like to bear arms might find the Bill of Rights' guarantee contained in section 7 a little restrictive -

That the subjects which are Protestants may have arms for their defence suitable to their conditions, and allowed for by law.

I support this legislation. Some time ago I became concerned about a trend in Australian society. To be precise, I was watching the "Sunday" program on 13 February 1994 and it impressed me to such an extent that I obtained a transcript of it. It referred to the prevailing situation in the United States. I quote -

JIM WALEY: On American talkback television last month, a group of 13-year-old girls discussed what kind of funeral they wanted. One of their class-mates had just been shot and half of them expected they, too, will die at the point of a gun. In today's America, there are at least 200 million guns in private hands; enough to arm virtually every man, woman and child. Yet all attempts to curb gun ownership come to nothing, blocked by a powerful lobby group, the National Rifle Association.

Some examples of the situation in the United States were given. The program then established a link between the American gun culture and the prevailing political situation in Australia. The presenter Helen Dalley stated -

That a strong gun culture exists in the US is no surprise to Australians, but what will surprise many is that the NRA is now exporting its pro-guns philosophy and its take-no-prisoners political strategy to the Australian political scene. Sunday has confirmed that the NRA has given up to \$250 000 to the local gun lobby through the Sporting Shooters Association of Australia, the SSAA. Part of the money helped set up a lobbying arm called the Institute of Legislative Action, or ILA. It's an exact replica of the same NRA organisation based in Washington.

The Australian groups use the funds to specifically target politicians who are anti-gun and support those who are pro-gun in State and Federal election campaigns, and it's the first time the NRA has ever given funds to a group outside the United States.

This was a matter of concern to me as I watched this program. Specific examples were given. Members must remember that this was a 1994 program. They gave the then recent instance in South Australia as follows -

... in the South Australian election three months ago, the ILA, backed by NRA funds, had direct input. Sunday has discovered that the ILA contributed \$25 000 at least to the campaign of these men, the Shooters Party candidates for the Upper House. Robert Low and Jack King say the ILA contribution was invaluable, including printing and distributing 350 000 leaflets and how-to-vote cards.

The program pointed out the situation in New South Wales and the purported impact of the gun lobby, and it anticipated the success of the shooters party in the subsequent New South Wales state election. The program brought home to me an influence on the Australian political scene that was not a welcome influence. We do not want to find ourselves in 20 years where the United States is today.

I turn now to some current statistics and some examples of recent American history. Joss Sugarmann, Executive Director of the Violence Policy Center and author of *NRA: Money, Firepower & Fear*, states -

For example, when a glut in the market forced handgun production to plummet from 2.6 million in 1982 to 1.4 million in 1986, the industry retooled its product line. To stimulate sales, manufacturers added firepower, technology, and capacity to their new models. The result: assault weapons, a switch from six-shot revolvers to high-capacity pistols, and increased use of plastics and high-tech additions like integral laser sights.

The industry was free to make these changes (most of which made the guns more dangerous) because guns that are 50 caliber or less and not fully automatic can be manufactured with virtually no restrictions.

He states also -

But since Americans view firearm suicides, murders, and fatal accidents as separate problems, the enormity of America's gun crisis goes unrecognised. In 1990, American guns claimed an estimated 37,000 lives. Federal Bureau of Investigation data shows that gun murders that year reached an all-time high of 15,377 ...

In 1990 ... 18,885 Americans took their own lives with firearms, and an estimated 13,030 of those deaths involved handguns. Unlike pills, gas, or razor blades -- which are of limited effectiveness -

Or a Peter Foss speech -

- guns are rarely forgiving. For example, self-inflicted cutting wounds account for 15 per cent of all suicide attempts but only 1 per cent of all successful suicides. ...

... The Center for Disease Control (CDC) estimated that the lifetime economic cost -- hospitalization, rehabilitation, and lost wages -- of firearms violence was \$14.4 billion in 1985, making it the third most expensive injury category. The average lifetime cost per person for each firearms fatality -- \$373,520 -- was the highest of any injury.

The WA Government has moved to follow a national trend. Western Australia has had very good firearms laws and has been a model for other States, but that has generally not been as a result of the initiatives of conservative Governments in this State. Despite that, Hon Bob Wiese, the Minister for Police, issued a statement on 15 May this year stating that Western Australia may be the first State to introduce legislative recommendations from the national agreement on uniform gun laws. If he had said we may be the last, he would have been a lot more accurate, but that has consistently been the tenor of this State Government.

I am pleased this Government is now in a position to introduce this legislation, but the Government was not in the vanguard of this movement. The Prime Minister had to lead this State Liberal Government in this matter. One only needs to go through the appropriate headings in our public newspapers: Western Australian MPs stall on gun reform; Western Australia refuses to buckle on showdown; Rebel State poised to accept national gun law; Cabinet divided on gun law ultimatum; Grudging Cabinet accepts reality; and Court hints at gun laws re-think. We are promised even with the acceptance of this legislation that the Health Department campaign about the dangers of weapons is to be scrapped. The Premier has promised that there will be a re-think of this legislation and there are various excuses for backing out of aspects of control.

Over the last few years, I have questioned the adequacy of some of our firearms legislation and regulation. On 16 August 1994 I asked a question without notice about whether the firearm licensing system and the level of firearm licence fees were adequate to cover an education program. Members of this Chamber voted in December 1994 for increased power for the police to seize guns in domestic violence situations. Some of us advocated stricter controls

at that stage. In May 1995, I asked a question about the Government's commitment to firearm reform, as indicated in the Governor's speech, and particularly about its attitude to 16 and 17 year olds possessing firearms. I did ask for some information before I rushed to judgment on this matter. I asked how many 16 and 17 year olds possessed firearm licences in Western Australia and how many weapons were covered by these licences, and whether the Government would take any action. The answer was that the Government would not take any action and it was too much bother to find out the information. It was stated at that time that statistics were kept and they might even be in the computer, as I found out subsequently was the case, but no program had been written to get the relevant figures out of the computer.

When the Commissioner of Police attended the Estimates Committee hearings I asked whether he needed extra money to buy computer programs so that the raw data could be obtained and put to some use. I was told to put the question on notice. It is interesting that this Bill contains a clause proposing to ban 16 and 17 year olds from holding a firearm licence, but the relevant information pertinent to that - how many current firearm licence holders there are, and how many guns they cover - I have been waiting two years to obtain. I will be more than happy when we reach that clause. I will be more than happy if after two years, the Government may be able to provide that information. It is typical of the response from the Police Department when we look for general statistical information to enable us to make a judgment on these sorts of questions, to hear that the department cannot be bothered to provide it. I want to know, because it is an important aspect of the firearms debate. Licence holders at the moment pay \$22 for a firearm licence. I pay my \$22 for a licence for a single weapon, but others who pay \$22 can have 20, 30 or 40 weapons on a single licence. I have always argued that if one attached a charge per weapon the Government would soon find people assessing whether they really wanted to have 17 weapons - as John St Clair Golightly had - or 20, 30 or 40 weapons in their possession. There is nothing like a progressive system of taxation or charges to make one consider the situation.

I asked the Government a question about relevant figures and categories, and how many people had one licence for one firearm, two to five, six to nine, or 10 or more. I have been waiting two years for that information. No doubt when we reach that clause we will be enlightened by the Minister, because I hope the Police Department has managed to pay for a program to get the information out of its computer.

The State Government is now taking action. With this announcement of action, we have had an array of lobby groups contacting individual members of Parliament. I received my Australian League of Rights pamphlet which duly impressed me. It talked about what could be done to John Howard, firearms being neutral, and something about mind altering psychiatric drugs and state school curriculums. I could not make out what was the merit of the case there.

I was impressed by the letters to my local paper. One letter was from the candidate who stood on the gun lobby ticket against Kim Beazley, and almost secured his defeat. It certainly worked for the election of the Howard Government and the achievement of this legislation.

Hon Peter Foss: Have you read the answer to question on notice 645?

Hon J.A. COWDELL: I will come to that.

Hon Peter Foss: You just raised it. It relates to the number of people who had guns - two to five, six to nine, or 10 or more firearm licences, and how many people aged 16 or 17 held such a licence. You have not read the answer.

Hon J.A. COWDELL: I have never received that answer. However, after two years I look forward to finding the answer, wherever the Minister has hidden it! The question was first raised two years ago. I have raised it during Estimates Committee debates, and since then with my concern that the Police Department needed money to work its computers.

Hon Peter Foss: Obviously it has got it!

Hon J.A. COWDELL: Excellent, Minister!

I took note of the various pieces of correspondence I received, including the argument that we were about to be invaded by Indonesia, and that somehow the level of private gun ownership would prevent that invasion and the Moslem outrages on good Christian women. One line of argument was somewhat exotic in nature. There was a good range of argument. I took account of a more measured range of views that were put to me by constituents. I will not name the constituent in my electorate who wrote -

Further to our phone conversation today, I thought I'd add a few more points for you to dwell upon.

I in no way share the views of some of the morons whom the TV channels have been interviewing. I cringe when I hear the comments on left wing conspiracies and say, to publicise the views of these people is a good argument for strict gun control.

I also have no argument about surrendering the two self loading firearms I own, if the people of Australia decree that I do so. What I do disagree about is what may constitute fair compensation. I do not want current market value. The first point there is no current market value and second my firearms are not nor would they ever be for sale.

The only price I would accept is the current recommended retail value. That is what I paid for them at the time of purchase, anything less then they have been stolen.

Is John Howard gong for a double disillusion? Like bloody hell, he will get a senate with a group of "oncers" shooters party people in it.

He made the point quite legitimately that in the collection of those weapons people should not be subject to a form of double taxation; that when the weapons were bought they were legal and that they may be confiscated without a full market return. I was fully supportive of those points. I replied to assist constituents who came up with genuine problems and those who indicated a legitimate need for certain classes of weapons. The standard tirade was that we were about to confiscate all licensed firearms in Western Australia - that is, 270 000 rather than the 25 000 or 30 000 envisaged - and that this was the start of a totalitarian Government, and so on. Whatever I may think of the motives of the current Administration, I do not attach that motivation to it.

I support this legislation in its generality. It is a restricted piece of legislation; it addresses some very real problems while maintaining a significant level of private ownership of firearms but to such a degree as to reduce the danger to citizens in our community. Points raised in some quarters should be answered. As I said, these are some of the fallacies: Shooters are equated with farmers; what farmers require in gun possession, automatically other shooters require; shooters are equated with soldiers; and for some reason we need individual owners of private weapons to be part of the national defence structure. People have not watched very closely how modern wars are fought. In the past, private militias did not form part of Australia's national defence, nor are they likely to in the future.

Quite often shooters are equated with police; that is, they are the guardians of law and order. The police are the guardians of law and order. We do not entrust that function to private shooters now, nor have we in the past other than on a few occasions with unfortunate results. Often gun ownership is equated with freedom. This was the point I addressed previously; that is, for some reason the ownership of guns is supposed to be a test of a free society. It is a feature of the United States of America, but it certainly is not an indicator of a free society or a necessary requirement of a free society in the Anglo-Saxon tradition.

It may be technically true that guns have never hurt anyone, but the widespread availability of guns does affect people, as proved by the American statistics on suicide and homicide rates. They are some of the fallacious arguments that have been advanced. I reject those arguments as pertinent to the rejection of this legislation. They are not. This is a limited piece of legislation pertaining to certain classes of weapons and I trust that it will indicate a new trend in Australian society; that is, not continuing down the road of the United States of America, which has 200 million private firearms. That is not a course we want to contemplate or, by sheer inaction, a situation in which we want to end up in 20 years. I support this legislation.

HON A.J.G. MacTIERNAN (East Metropolitan) [11.13 pm]: Many of us want to support the legislation not because we necessarily have anything new to add to what was said previously, but because it is important that we all be involved in such landmark legislation. Like all members of this House I support the legislation. Hon John Cowdell's comments were apposite that this legislation is a timely break for Australia from what may be a slide into the dreadfully debilitating condition that now seems to plague the United States of America.

It is a silver lining arising from the cloud of the tragedy in Port Arthur that we have managed to achieve something approaching a national consensus on this issue and that in all Parliaments in Australia very close to uniform gun legislation is proceeding through all Chambers. There is no doubt that, as a community, we must reduce the availability of guns if we are to reduce the incidence of gun deaths. It is a fact that the majority of people murdered in Australia are killed by people they know and that the murders are often not premeditated, but occur during arguments or incidents involving intoxication by alcohol or some other substance. We often find in those situations that guns purchased for quite legitimate reasons become the instrument of the illicit purpose of murder.

If one examines the circumstances, the fact that a gun has been purchased for a legitimate reason, be it for the extermination of vermin or for sporting purposes, is no guarantee that the weapon will not be used by the owner or someone else to inflict harm or death on another person. One particularly tragic case of this occurred last year in my electorate where a secretary of one of the local gun clubs, a very responsible owner, had his weapons locked in a regular security cabinet. That cabinet was set to with an oxyacetylene cutter by his son and a friend who then extracted the weapons and went to a local delicatessen and killed a health inspector who happened to be inspecting

the delicatessen at the time. It was a tragic example of where guns owned by the most responsible persons, contained in circumstances which we would normally consider to be safe, can become murder weapons.

Despite people referring to clichés such as "guns do not kill people, people do", the very reason we have guns is that it is much easier to immobilise a target using a gun than any other weapon. Guns offer someone seeking to inflict harm great advantages over knives or any other form of non-explosive weaponry. Although the fact that a person who really wants to murder someone does not have a gun will not stop him, the real point is that murders are much more likely to occur where guns are readily available because it makes the job so much easier.

It is difficult to contemplate that a mass murder of the scale of Port Arthur could occur if a person had at his disposal only a knife or a club. It would not be within the power of one individual to wreak the havoc that occurred without the help of a gun of the type that person had.

We all have a responsibility to ensure that we limit the number of guns in the community. It is not only a question of guns being held by people who are responsible, which is obviously an important requirement, but also that generally the overall scheme seeks to limit the number of weapons available. They can fall into the hands of persons other than the owners no matter how good the intentions of the owners. The owners themselves under certain circumstances of provocation or intoxication may from time to time fall to using their weapons in an improper or illegal way. That is not to say that we do not recognise that there are a lot of legitimate uses for guns and a lot of people who quite properly enjoy using guns. I fully appreciate that people enjoy hunting and target shooting and that people on the land need to be able to exterminate vermin. Our view is that this legislation provides ample exemptions for those groups to continue with their legitimate interests. There is no doubt that many individuals will lose the enjoyment of the range of weaponry they previously had. However, that is a small price to pay, given the overall benefit to society. At the end of the day laws are all about our freedom being curtailed in order to provide for the greater good of the community. The speeding laws are a classic example. Many people would be able quite safely to drive their vehicles in excess of 110 kilometres per hour but nevertheless we provide a uniform speed limit to maximise safety to the community generally. It has always been a question of making such laws and of balancing the rights of the individual with the need of the group. The Australian community has spoken very firmly here and said that it believes that the collective good requires a very real restriction of the types of weapons allowed to be kept and the circumstances under which a person can use and own weapons. However, having said that, I also agree with Hon John Cowdell that there are some very real concerns about the compensation. During the Committee stage we will want to look at the question of compensation in far more detail. Those people who have bought weapons legitimately should not be penalised because society has decided to change the regulatory regime. There must be a proper and adequate buy back scheme for those weapons.

My final and one of my fundamental concerns about the legislation, taken in the context of the effect and direction of the general thrust of the legislation, is the infringement of civil liberties which I believe may be contained in the legislation. I am not talking about the crazy American notion that people have a right to bear arms but rather the much more substantial right of individuals not to be subjected to unfettered police power. I am certainly very concerned about the provisions in clause 24. The breadth of powers provided to police is very reminiscent of the Misuse of Drugs Act. Anyone who has had much contact with young people will be cognisant of the way in which unfortunately many police officers abuse the powers they are given under that Act to intimidate people they maybe do not like the look of or people over whom they want to exert some power or to penalise for some real or imagined affront to the dignity of the police. These provisions will basically provide that the police can undertake a wide range of activities without a warrant. A member of the Police Force may, without a warrant, stop, search or detain any person who is suspected on reasonable grounds of having a firearm or ammunition in his possession without lawful excuse, or any vehicle or conveyance where there are reasonable grounds to suspect that a firearm is kept without lawful excuse, or arrest a person who is suspected on reasonable grounds of committing an offence under the Act. I am concerned about the earlier power. Extrapolating from the experience of the Misuse of Drugs Act, this could become a carte blanche for the police to intimidate and harass people they do not like. We will need to have some very serious debate about these powers when we come to the Committee stage. I do not think it is right that we should use the general concern about the level of firearms in the community to provide police with powers of that breadth. I reiterate that we support the overall intent of the legislation. Although we recognise that some people will be losers and will not be able to do the range of things they did previously, it is our considered judgment that the burden we place on them is more than outweighed by the benefits to the community generally.

HON M.D. NIXON (Agricultural) [11.27 pm]: In broad terms I support the Bill. Some of the amendments will certainly improve it and I look forward to the explanation of them later. In my short term in Parliament this has proved to be probably the most divisive piece of legislation I have seen.

Hon A.J.G. MacTiernan: What about the industrial relations legislation?

Hon M.D. NIXON: I have certainly received more letters on this issue than any other. Only one letter supported the Bill; most of them have been strongly opposed to it. When I asked the one supporter why he supported it he said, "We meant only in broad terms. We do not agree with all of it." In my electorate there has been a lot of concern expressed by law abiding citizens. Probably half the homes in my electorate have firearms in them. People feel they are being disadvantaged for something they had nothing to do with. In the end, out of the dreadful massacre that led to this Bill being part of a national gun law campaign, a little good may come. Although there was a move to amend firearms legislation, it took something like the Port Arthur massacre to jolt things along so that it became the number one subject of debate.

As Hon John Cowdell reminded us, this Bill has had a long and painful gestation period. Because the subject has been so divisive in the community, it was necessary to take some time to hear the various points of view and where necessary incorporate compromises so that the very best that could be achieved was achieved.

Firearms have many legitimate uses; for farmers it is vermin control; for sporting people it is hunting or target shooting, and for other people it is for collection purposes. Firearms tell the story of the development of technology in the community. I recently looked at a gun collection that went back over 250 years, and from the blunderbuss to the latest firearm one can see the huge changes that have taken place in technology over that period. The people who collect those firearms know the history of each piece. It is a good way of bringing history to life so that people can gain an understanding of different cultures at different times and their different requirements.

On the other hand is that group of people who have a natural fear of firearms. They are usually, but not always, people who have not had much to do with firearms or people who have had an unhappy association with them. They have probably lost a loved one through an accident or a murder, and as far as they are concerned all guns are evil and the fewer of them the better. Gun homicides can be broken into different groups. Suicide by firearm is a fairly common way of committing suicide. One expert has said that she thought banning automatic weapons would reduce suicides. She was optimistic, because usually the first shot is sufficient and it is unlikely that someone would need the whole ten shots. On the other hand, in a massacre, it could be argued that a modern, high velocity, rapid fire weapon is effective. At the same time, I am told that a good rifleman during the Second World War was expected to be able to fire off 50 rounds a minute. That was with a .303, which was a common weapon. Even with an ordinary repeating rifle, particularly one with a fair bit of power, one could do a great deal of damage, and we would be splitting hairs claiming which would be the most dangerous.

Hon A.J.G. MacTiernan: A professional soldier might fire 50 shots a minute.

Hon M.D. NIXON: That would be a skilled marksman, and 50 shots a minute is a pretty impressive rapid fire rate. The Kennedy assassination was committed by a bolt action repeater rifle. I will not get into the debate of whether it was one rifle or two. It was not one of the weapons which will be restricted by this legislation.

Hon A.J.G. MacTiernan: This will also restrict the number of guns in the community generally.

Hon M.D. NIXON: That is another argument. Another issue is death through accident. Accidents are unfortunate, and we must look at ways of reducing accidents with firearms. The most important requirement is to ensure that people have the most appropriate firearm for the job in hand. Probably more accidents have occurred with a double barrel shotgun, particularly the old fashioned ones with the hammer, than any other weapon. It is interesting that no special restriction has been imposed on them. If a person owned one prior to this legislation, it will still be legal. That is a very dangerous weapon. It would be possible to get 20 shots out of a double barrel shotgun as quickly as out of a five shot semiautomatic, because it is lot quicker to reload. Particularly in my electorate, where many young people shoot kangaroos from the back of utilities, the safest firearm is a semiautomatic shotgun with cartridges in the magazine, not in the breech. When the target is sighted it is only a matter of flicking it up. They would not have to break the weapon and load it while on the back of a utility, where, if they missed, it would be more dangerous than using a semiautomatic. It is hard to say that one type of firearm is more dangerous than another. With vermin control, it is important to use a firearm that is capable of doing the job. If one uses a lighter firearm than is required, it is not as humane as using something which has the extra effect of shock. It is strange, but shock is one of things that creates death. An amendment has already been made to this legislation, but some time ago I tried to buy a more powerful weapon than my ordinary .22 because I found when shooting old cattle that if they were not killed with the first shot another five or six could be pumped into them without making any difference because the shock effect was lost. By using a more high powered rifle, the first shot was enough to kill the animal humanely. When I tried to buy a more powerful firearm I was told that I could not have one to shoot cows. I was told that I could purchase a firearm for shooting vermin, so I had to purchase a firearm for shooting foxes. If a farmer has an animal down in the paddock, rather than do the job himself he may ask his employee to go down and shoot it, which would be breaking the law. Fortunately, the amendments to this Bill have improved those commonsense issues. Although it is true that the legislation restricts some of freedoms of firearms owners, at the same time it contains some sensible amendments which are in accord with real life practice and therefore need our support.

One of the major causes of massacres is the action of the media. Although Hon John Cowdell and Hon Sam Piantadosi commented on the role of videos and violence in entertainment, I believe that many massacres have been promoted by the media. It is difficult to know what they should promote and advertise. When I visited London, often at underground stations there would be signs saying this station or that line was closed. When I made inquiries I found that the major reason for lines being closed was that a fashionable way to commit suicide was to jump across the tracks in front of a train. Rather than advertise that the line was closed because somebody had committed suicide, they said the line had been closed. That is all the community need to know, otherwise it would promote that action. Only about a week before the Port Arthur massacre a couple of American comedians on a commercial television station were joking and saying, "Ha ha, did you hear about the fellow who shot 30 people in a restaurant today? You would think that someone would have run away." I wonder whether that joke may have triggered that massacre. That was not a case where violence was demonstrated, but it was a case where something which is not approved by society was made to appear very funny and therefore perhaps acceptable. The media have a lot to answer for in this area. I feel certain that although it is difficult to know what motivates people to commit these horrific crimes, somebody who is perhaps not getting on with the world, who thinks he is of little consequence and cannot change the world, may well be tempted by that moment of glory where for the short time that person is on the television he is seen as the greatest news for the week for having been involved in something spectacular, although horrific. The media must be careful about how they report those incidents. The community has a right to know. If it is not reported properly I am sure it only adds to the problem.

One thing that has been agreed is that nearly everybody believes there should be uniform gun laws. The importation of powerful weapons, such as the one used in the Port Arthur massacre, was the fault of the Commonwealth Government. The Commonwealth Government, not the States, is responsible because it was slack and did not prevent the influx of these weapons when they became available following the Vietnam War, African wars and other disturbances where, particularly, the Chinese manufactured weapons were available.

The important factor in reducing the number of firearms in the community, as Hon Alannah MacTiernan commented, is to ensure that those firearms which are not being used are taken out of circulation. That will make society a safer place. Perhaps firearms were purchased when people owned a property, and they have sold the property but kept the firearms. Perhaps they had a friend who once owned a farm. Compensation for those who hand in firearms is important. I also support compensation for illegally owned firearms, because the object of this exercise is to ensure that there are fewer firearms in the community, and that those in the community are licenced. It is important to know what firearm was used in a crime and there may be some chance of locating that firearm. Perhaps with incidents of domestic violence, it would be helpful to know that firearms might be involved, so police can take proper precautions rather than being surprised.

There are many good reasons for firearms to be licensed. One person sent me a report that was prepared for the Victoria Police and presented to the commissioner. That report made it very clear that, in the view of this person, the best way to reduce firearm homicides was not to license firearms - because a licensed gun can shoot someone as well as an unlicensed gun - but to put the effort into education. For the hours and money expended, that would produce the best results.

Hon A.J.G. MacTiernan: How is that?

Hon M.D. NIXON: Many of the deaths were accidents, and if the money spent on the administration of licensing were spent on educating people using firearms, the community would have fewer gun homicides. That was an official report presented to the Victoria Police. It is not for me to argue whether it is true. At the end of the day, education is very important if we are to do something about reducing the firearms problem.

These amendments are the product of lengthy consultation. We have been trying to come up with a set of amendments which are a compromise and which satisfy all law-abiding firearm owners who want to continue to enjoy their firearms. Many people are very fond of their firearms. They are very interesting implements. They are not only probably one of the most efficient pieces of machinery that man has invented but many are beautifully made and a work of art. Many people are very attached to them and anything that restricts their enjoyment of them is very important. We are after a compromise.

The inquiries I have made suggest that, to a very large extent, sensible compromises have been reached on most issues. However, like any legislation, its effectiveness will depend on how it is interpreted, in the first instance by the police who are issuing the permits and later by the courts when someone has committed an offence. Whether commonsense prevails or the provisions are overzealously enforced will determine whether the law falls into disrepute. We have more than a good chance that this legislation will be enforced with a certain amount of sensitivity and commonsense. A handbook will be issued to police officers outlining the broad terms of implementation. We will therefore not face the problem of a policeman in Three Springs interpreting the law differently from a policeman in Moora, and people who have genuine need for firearms in one district not being treated in the same way as those

who have similar requirements in another district. I am optimistic that that will not happen. If there are instances when the law is not implemented with commonsense, the legislation will need to be amended again. No doubt when the law was introduced in 1973 most members believed that they had the best legislation possible. Some areas of the 1973 legislation have been freed up in this legislation. They were more strict and impractical and needed to be amended.

Hon John Cowdell gave some rather selective facts regarding firearm homicides. The research I have done shows a very intriguing situation. Most people agree that getting rid of self-loading, military-style firearms will have a major effect. In Switzerland, every able-bodied man is required to have such a firearm. There are rifle clubs everywhere and everyone uses them, but that country has almost the lowest gun homicide rate in the world. Obviously, in itself, having these high powered firearms does not lead to a high rate of homicides. America also produces interesting statistics. A couple of years ago I was talking to a young cattleman from North Dakota - where *Dances with Wolves* was made. We were talking about the differences between our two countries. He said that the thing that amazed him most was the level of violence in Western Australia. I blinked. He said that there had not been a murder in North Dakota for 70 years. I thought that was unusual. I do not know the population of North Dakota, but I imagine that it is as large as Western Australia's. I asked him why he thought that was so. He said that the only reason he could think of was that there had been virtually no immigration to North Dakota for over 100 years - everyone had been there for a long time and felt part of the community. There are Indians and generally speaking everyone gets on well. Occasionally, if one comes across a drunk Indian one is wise not to give him a hard time because it could result in a punch in the nose. Everyone feels part of the community and the rate of violence and crime is very low.

When researching statistics on gun homicides I found that he was right: The rate of gun homicides in that State is about the second lowest in the world - right down there with Switzerland. There can be great variations across a country. As members know, the Olympics were held in Atlanta, Georgia. That American State obliges its citizens to carry arms - primarily pistols. One can be asked to show one's firearm. The gun homicide rate in Georgia is extremely low, not only by American standards but also by world standards. The homicide rate in Western Australia and Queensland is very similar, although one State has the strictest gun laws in Australia and the other has probably the slackest. Amsterdam has one of the highest gun homicide rates in the world. No doubt members will connect that with the fact that it has a very large drug culture. At the end of the day, the only thing we can be sure of is that, if we have a law-abiding society where people feel part of the community and are generally happy, we will have a very low crime and gun homicide rate. On the other hand, if the community is divided, crime is prevalent and people are unhappy and suicidal, we will have a much higher rate of gun homicide.

Hon John Halden: Are you saying Georgia is very safe?

Hon M.D. NIXON: North Dakota has about the lowest homicide rate in the world. In Georgia one can be asked to produce one's firearm; everyone is supposed to be armed.

Hon John Halden: What is the murder rate?

Hon M.D. NIXON: It is one of the lowest in America.

Hon John Halden interjected.

Hon M.D. NIXON: In the end, a law-abiding society results from having responsible people. No matter what we do with the laws, unless we have the right base, we will not make a huge difference. In other words, lawmakers have a responsibility to do their best to make laws, but the effectiveness of those laws depends on whether people are prepared to act in a responsible manner. There is a limit to what we can do by changing laws.

My greatest disappointment with this legislation is the fact that those people who should be targeted - those who steal guns and use them in committing crimes - are not mentioned. There are penalties for having an unlicensed weapon, but the crime of stealing firearms is not mentioned specifically. In my research I found that the Criminal Code mentions theft and offences such as stealing stock, which is given a special penalty - perhaps it goes back to our colonial history -

Hon A.J.G. MacTiernan: It was the power of squattocracy; you always had a disproportionate power.

Hon M.D. NIXON: I do not know that this is the appropriate place to cover this, but the Criminal Code should be amended in the not too distant future to include a special penalty for those people who should be the target of legislation; that is, those who steal firearms and use them for illegal purposes. We will need to look at that in the future.

Generally I believe the Bill will go a long way to solving some of society's problems. It is a compromise and like all compromises it will not suit everybody and, very often, it will suit nobody. There is a limit to what can be

expected from any piece of legislation. In the end society should comprise free and responsible people. I commend the Bill to the House.

HON P.R. LIGHTFOOT (North Metropolitan) [11.50 pm]: When this Bill came into the House I felt some apprehension because I knew I would have to declare my position. Initially I thought I might seek a pair and vote with my feet and leave some ambiguity in certain sections of the community and in this House about where I stood. Members can guess where I stand, but they would not have known where I stood if I had decided to opt for the easy course.

Hon A.J.G. MacTiernan: On the lunatic fringe.

Hon Kim Chance: The anticipation had us waiting all night.

Hon P.R. LIGHTFOOT: I concede that members opposite are eager to hear where I stand. The suspicions of the Leader of the Opposition are probably right. I have no need to say where I stand, but I will. This is an inevitable evolution in our society. I say that with some sadness. I will comment without wanting to attract too much criticism and without anyone saying, "Oh well; that's Lightfoot." I grew up in a gun culture, in a rifle culture. I was a bush kid who had an airgun when I was about 10 years old. I think I have said before in this place that I bought my own rifle when I was 12 years old. Interestingly it was made in Western Australia. I was not the only one who was attached to guns at that time; my whole bush generation was attached to guns or rifles. My generation, the one before that, the one before that and the one before that -

Hon A.J.G. MacTiernan: We are getting to the bows and arrows stage now.

Hon P.R. LIGHTFOOT: Having a rifle or a gun in the house was as natural as having a table and chairs. I was not afraid of guns. I grew into this culture and I looked forward to having a gun. I know many people in my generation who lived in the bush felt exactly the same way. When I bought my gun at the age of 12, I voluntarily walked across the road to the police station to register it. Every grocery shop in the little towns in the area in which I grew up stocked bullets on the shelves. People did not need a special licence to buy bullets. Part of the process of country life was to have a gun or to own a gun and to feel good about it, and to use it responsibly. It was not until these recent tragedies - topped off by the one at Port Arthur - that I started to feel insecure about what I thought was part of my culture. I say that I give in to it reluctantly - it is part of the evolutionary process in our society - for several reasons, perhaps the most important being the recent massacres that have taken place as a result of madmen. I regret that the animal at Port Arthur did not blow himself away at the time and save society a lot of problems.

We move on. People move on not just in a civilisation sense, but in a geographic sense. They move from the bush into cities. Today the people in the bush represent only 25 per cent of the total population of this State. If people from major centres like Geraldton, Kalgoorlie, Bunbury or Albany are taken into account, the figure is about 10 per cent of the population. I have a great affinity, and have spent a great deal of my life, with those who comprise that 10 per cent. I see the inevitability of this change. I am prepared to admit that.

Above all, I want to see fairness in the process. I want to see treated with fairness the honest people, the bush people, the people who consider the gun - as ghastly as it may sound to others - as part of their culture. I do not think they should have been ridiculed as much as they have, particularly by the media, which dictate so much of our lives today. It is not fair that anyone who mentions guns, rifles or the culture of those things is automatically slotted in some sort of low IQ category that gives the chuckling members of the media the feeling that they are better than those who grew up with a gun or a rifle. That is most unfair. I want people to be recompensed, even if we err on the side of generosity, when their guns and rifles are being confiscated. That also goes for those who have chosen, for one reason or another, to carve their living out of gun shops and the businesses and professions that are attached to them. It is not good enough to say that they have gone into this area with their eyes open and, therefore, must bear the cost of their investment. Often that investment has been built up over many years. This House must make sure those people are recompensed properly for the loss they will suffer, and are suffering, as a result of the stigmatisation of gun shops and gun owners.

I have always had problems with uniform laws. I have a natural, healthy anathema of anyone who suggests Western Australia should necessarily have uniform laws with other States and the Commonwealth. In this case I must make an exception. It seems to me there would be very little use in our having laws here that differed, even in a minor way, from those in the other States if, because of our federal Constitution, guns, rifles or ammunition could be taken across the border easily. Hon Graham Edwards explained earlier about the German tourist who landed in Queensland and came across the Northern Territory to the top end of Western Australia and murdered people for no reason whatsoever. Had our laws been uniform, it probably would have made no difference. The fact that they would have been uniform laws gives me some comfort. I capitulate on the issue of uniform laws and am prepared to accept the inevitability.

Although I will not take much longer - I will speak for a short while yet - I cannot sit down without saying that the stance taken by the Prime Minister, John Howard, to the horror at Port Arthur was but a knee-jerk reaction. The Dunblane tragedy was just as horrific. The British Prime Minister, John Major, showed some leadership when he refused to say what he would do about gun laws, except to say that he knew they must be amended and that tragedies such as had occurred at Dunblane had to be stopped, not curtailed. He agreed to those laws some months after the tragedy at Dunblane. Mr Howard's reaction in forcing the Police Ministers of the States into agreeing to legislation at that time was unfair, falling well within the emotive period following the tragedy at Port Arthur. In so far as we can, I want to ensure that if there is a tragedy of this nature - irrespective of whether it involves an aircraft, a bus or rail - knee-jerk reactions do not force Parliaments to enact legislation they know would have been more acceptable and equitable to people in the States had a decision been made some weeks or months after a tragedy, including that at Port Arthur.

Hon Tom Helm: John Major showed some leadership when he refused to say which way he would go. He made those laws months after the tragedy at Dunblane. The reports are saying that John Major is getting flak because people are saying his legislation is the same as ours. The reports are saying he is going the same way as we are.

Hon P.R. LIGHTFOOT: I am saying they are different.

Hon Tom Helm: Major's laws are the same as Howard's, but Major took time to introduce his.

Hon P.R. LIGHTFOOT: That is right; he took time. I do not think they are the same. The point I was trying to make is that it was more acceptable to the British population. The British population have never been heavily armed; they have not had a culture of guns. My maternal forebears arrived in this country, in South Australia, when the colony was a few weeks old and it was necessary to have guns. I grew up in an area where foxes were rampant. I made pocket money out of shooting rabbits. Above all, when I went into the bush as a kid I had a gun or a rifle with me because the place was seething with tiger snakes and death adders. It was a necessary part of my life as a child to have something other than a stick to protect me. That is the sort of thing I grew up with. I did not use it irresponsibly. I recall playing with a .303 when I was 10 or 12 years old. I put a bullet in the breech. It just happened to be pointing at the stomach of my best friend. The bolt slipped out of my hand and it did not go off. I took the bullet out, and the cap was indented from the pin. Why it did not go off, I do not know.

I had another tragedy when I was on one of my stations. One of my Aboriginal workers borrowed a Hornet rifle of mine to shoot a kangaroo for his dinner. He did not bring the rifle back. He went off into the nearest town, which was 30 or 40 kilometres away, with a car load of other Aborigines, and came back drunk and shot his wife with my rifle. I did not feel good about that either. I have been associated with some other tragedies. When I was in high school a friend of mine had a .303. Most kids were elevated to a .303 in the immediate post war years: It was not that long after the war when I was in my early teens. My friend was going through a fence and the bolt caught, and he blew the top of his head off. That was not a pretty memory for me to have as a 12 year old child. I have all these memories of these sorts of tragedies, but I did not think of banning firearms at those times. No-one reacted to it much except to express obvious distress that a young life was taken. I am thankful that the Aborigine who shot his wife got two years' gaol. I think they came to live together again.

I have a history of knowing the tragedy of rifles and guns. However, they were part of what I consider my culture, in a very real sense - I do not use it in the loose term. It is a sad but predictable evolution of civilisation in Australia that that would become a passing phase. I was a little miffed at Hon Alannah MacTiernan when she spoke, inter alia, about the "crazy American notion" of a right to bear arms. I am sure many Americans would take offence at the suggestion that they were crazy because their Constitution allowed them to bear arms. Perhaps that will be refined in the future. Perhaps part of the American evolution will involve the eventual amendment of the constitution and the right to bear arms will become a privilege, as I believe it should be. However, that right is far from a crazy notion.

Having received support from both sides of this House for the amendments to firearms control, the onus is now on society to ensure that those who give up their weapons are protected by society. I do not want to read about people in the country or in the city who give up guns becoming easy targets for hooligans. As people have said before tonight, it is not the illegal guns that will be given up: The honest people, the people who have abided by the law and who have registered their guns, are now obliged to give them up. However, of the 50 per cent of guns or rifles in this State that are not registered, only a fraction will be surrendered. I wonder in whose hands those that are unregistered lie.

Notwithstanding the unregistered guns, the police must now look at themselves and decide whether they need firearms. If they need side-arms, or small arms fire, perhaps they should question whether their firearms should be as blatantly exposed as they are. I do not mind some aspects of police life showing intimidation, if it has a positive effect. However, with the public being disarmed to a significant degree - I do not mean that as a total move - the

police service in Australia must look at itself and decide whether it should show some balance by having its side-arms less exposed or even deciding whether certain police officers must have firearms at all.

I skipped over one part of the so-called culture of guns in this State. The former federal Labor Party member for Kalgoorlie, Graeme Campbell, worked for me in the early 1970s on one of my stations. He was the toughest bloke I have ever had work for me - black or white. All he wanted when he went out fixing the fence posts - dummy posts, as we called them on the station - was a bag of potatoes and a rifle. He literally lived off the land with a rifle and a bag of spuds. I think that time also has passed. Mr Campbell will probably be as glad as everybody else who served their time in the outback that that aspect of their lives will not return.

I will finish on two points. It is little use for someone like me to belittle the argument that Australia becomes less defensible or that Australia weakens its defences by taking away the guns and rifles from a large section of the population. Of course it does. Recently on behalf of the State Government I attended the Queen's Medal shoot in Kalgoorlie; the first time it had been held there for 75 years. It came about with the Queen's Prize in the 1850s, when Queen Victoria fired the first shot in what was then a new competition to encourage the people of Great Britain to take up firearms because they believed at the time that they were going to be attacked by France. I thought it humourlessly funny that living in this area of the world as we do, surrounded by people who do not precisely superimpose our culture or background - in fact, there is a dichotomy of difference between us in many areas - we are now giving up our guns. Australia will be less able to defend itself. I have no question about that. That is one aspect the Government must cover also. When we are giving up millions of guns and rifles, they could necessarily form part of a defence system that will now fall into a void. That void must be looked at by the Federal Government, in particular, to be filled as a defence process.

The last small subject I will touch on is the destruction of guns and rifles as a matter of course, as soon as is practicable after they are surrendered. I understand that some are destroyed within minutes. In Victoria, one rifle for which the Government paid several thousand dollars was crushed. It turned out to be a cast iron replica of a Kalashnikov, or one of the self-loading military rifles. I could not help smiling wryly to myself that although I am a taxpayer, the Government was caught out. It must be a little more assiduous in its vigilance in determining what is genuine and what is not.

Some of the rifles and guns could be categorised as collectors' items and, although it may seem distasteful to some people, bearing in mind the vision of the Port Arthur massacre brought to them on televisions in their lounge rooms, a museum should be set aside for these genuine items instead of their being destroyed. No doubt some are already collectors' pieces but certainly in 100 years' time, all of them, if in good condition, will be collectors' items and will be worthy of preservation, much the same as if people had kept muskets, cap firing pistols or even bows and arrows from an earlier millennium. The Government should seriously consider keeping the best of these guns instead of crushing and destroying them. They could be placed in a museum so that succeeding generations could appreciate the part they played in the culture of Western Australia and Australia in the latter part of this century.

I am reluctant to support the Bill. I recognise that it is part of the evolutionary process, tragically brought to us by the Port Arthur massacre and other events. I want the Government to err on the side of generosity with those who surrender their firearms, particularly when it takes away the livelihood of people who have built up businesses based on firearms in their lifetime.

HON KIM CHANCE (Agricultural - Leader of the Opposition) [12.12 am]: As have other members of the Opposition and some members of the Government, I also support the Bill.

Hon J.A. Scott: Albeit reluctantly.

Hon KIM CHANCE: I will not say that. I cannot recall legislation in the past which has been supported so universally in the House so halfheartedly.

Hon E.J. Charlton: After so much debate.

Hon KIM CHANCE: I hope I do not fall into the same category but I fear it is inevitable given the nature of the legislation. I was surprised, and not a little pleased, to hear Hon Ross Lightfoot's address because I had expected something else. I was struck by the parallels in our experience in the use of firearms. One of the things he did not say about the culture of country people with regard to firearms is that some years ago it was deemed acceptable for a wife to present a husband with a firearm to celebrate a wedding anniversary. Today it is a ridiculous assumption that it could be an acceptable gift for a wedding anniversary, but it was an indication of the extent to which guns were considered a way of life.

Hon Tom Helm: What were you expected to do with the gun?

Hon KIM CHANCE: It was something people had. It did not have great significance. It was used by many of us as a tool of our trade and a means of recreation. I later became a competition shooter, although my eyesight is not good enough for a 900 metre range these days. I enjoyed my days as a competition and sporting shooter, which I did as a way of life.

Hon E.J. Charlton: That came from practice using an unlicensed firearm while driving an unlicensed vehicle.

Hon KIM CHANCE: Hon Ross Lightfoot has already owned up to shooting protected species, such as tiger snakes and death adders. I will not own up to driving any unlicensed vehicle, particularly when the Minister for Transport is making the accusation.

Hon E.J. Charlton: It was not an accusation; I was asking you to confirm.

Hon KIM CHANCE: Guns are very much a part of the culture of at least those 10 per cent of people to whom Hon Ross Lightfoot referred, and many more. Certainly, they have been part of mine. I must admit that, like many other Australians, after the tragedies at Hoddle Street and Port Arthur, I had to think about the place of firearms - particularly certain classes of firearms - in the Australian community. I had not thought much about it before the tragedies in Hoddle Street, Dunblane and Port Arthur. I had serious second thoughts after the Port Arthur incident even though I am concerned that one of the outcomes of the debate has been effectively to demonise the firearm. There is no doubt that in some hands firearms are dangerous, but so are heights, sharks, death adders, cigarettes, alcohol and cars. Humans themselves are the most dangerous animal on earth. It is indicative of our insecurities and phobias that we are prepared to demonise the firearm, which is no more or less than a piece of hardware which does a specific job. We have reasons as a society to impose controls over the use of firearms, just as we impose controls over the use of motor vehicles and, through the occupational safety and health legislation, the way in which people work when they are exposed to heights.

It occurred to me when the debate started today that over the past few days we have dealt with a number of Bills that had their genesis in a tragedy or serious misfortune. I refer, for example, to the Civil Aviation (Carriers' Liability) Amendment Bill which was a result of a tragic air crash; the Skeleton Weed and Resistant Grain Insects (Eradication Funds) Amendment Bill, which followed the gross misfortune of a disease outbreak; and the Bill before us which was triggered largely by the tragic events at Port Arthur. I make the qualification "largely" because it is true that this legislation was almost ready even before the Port Arthur incident. It was certainly at an advanced stage of preparation. I listened very carefully to the contributions by members, even when I was outside the Chamber, and I am not sure anyone has recognised that. I apologise if somebody did and I missed it. There is not much difference between the legislation before the House and the legislation in draft form which existed before the Port Arthur incident. There are some differences as a result of the Prime Minister's intervention, but a number of factors - crystallising in the Police Ministers' conference - had brought forward preparation for legislative change of a comprehensive, if not radical, nature. I understand the only fundamental change to the legislation, as a result of the Prime Minister's intervention, relates to issues such as categorisation of firearms, the buyback scheme, and the age limits.

A couple of other elements may have been added to the legislation. However, it is fair to say that the legislation was substantially in a form very close to its current form even before the Port Arthur incident. I listened intently to Hon Graham Edwards when he made the second contribution to the debate on the opposition side. I gained from his speech the strong impression that had it not been for the intransigence of certain jurisdictions on responsible, uniform firearms controls in the past, we would not have had to face this turbulence which has resulted from this legislation and the long debate that has led to it.

It seems as though we are talking about something that took place a long time ago. However, I refer members just as far in history to the last Queensland state election which was only a couple of years ago. It is a very clear recollection of mine, but I have not been able to find any hard evidence to support my view, that one of the major concessions that Premier Goss had to make in order to minimise the damage that his party was about to face in the election was an undertaking that he would not proceed with a plan to register firearms. Only two years ago a Labor Premier in Queensland said that Queensland would not register firearms. For that to have occurred indicates the immense political power wielded by people representing, or at least claiming to represent, firearms owners to the extent they could force a Premier to give an undertaking that he would not even attempt to identify where the firearms were and who owned them.

One of the provisions in the Western Australian legislation and which will make this legislation more effective than it would otherwise be, more so than in the States of Tasmania and Queensland, is that we at least know where the legal firearms are. We have known for years where they are. When a firearm is lost - we heard an example this evening - we know its number, who lost it and roughly where it may turn up one day. Where a firearm is stolen, if

it is later recovered and used in a crime, we can say we know where it came from within parameters of reasonable precision.

Had every Australian State had that legislation for some time, this country would be a much safer place. If there is no other outcome from this legislation we should support it because it will at least give us a State by State track of our firearms. That is why the Australian Labor Party has for years supported the concept of uniform legislation. Every time we have dragged it out as an issue we have been beaten over the head with it.

I feel some sympathy for responsible gun owners. However, the gun owners' lobby must cop some of the responsibility for this. Had it not opposed sensible legislation to the degree it has done over the years, and as recently as the last Queensland state election, we would not be in this situation. I am not suggesting that had Queensland brought in laws the situation would be different now. It would not be. We all recognise that people will keep firearms outside the system. That is one of the tragedies and it will take some years for this legislation to be as effective as it could be. At the end of the day, all Western Australia ever wanted from the new law was national uniformity.

It is not being wishy-washy to say that the legislation before us is a less than ideal package. I do not need to go into reasons why I say that because I think other people have said that more than adequately. Nonetheless, I am concerned about the nature of the buyback scheme, even though I appreciate that although it is an element of the whole package it is not specifically part of this legislation. Most of the adverse comments I have heard about the legislation have been related to the mechanics of the buyback scheme. Other people have said - I do not need to go into it in any detail - that \$500m is a lot of money. If applied to specific areas of our Health budget, for example, it could have done a great deal of good for the community. I will not whinge about the buyback scheme because, despite my reservations, it was the only option with which the Police Ministers were faced.

During the debate which has taken place for some months I have run across a wide range of opinions. I need to say upfront that I was amazed with the relatively low number of contacts other members representing the Australian Labor Party and I had on this issue, at least from within our electorates. I think we were all swamped by missives from Queensland. However, in our own electorate we did not get a great deal of correspondence. I recall, admittedly quite early in the debate, sitting at the lunch table with seven other ALP members all representing rural electorates. We went through the numbers of telephone calls and letters we had on the gun debate. At that stage the eight country ALP members at that table had received a total of 18 contacts.

Hon Derrick Tomlinson: You may have some of mine if you wish.

Hon KIM CHANCE: I was speaking to my friend the Minister for Police in the car park the same afternoon and I imparted that information to him. He said, "If you really feel left out we will send you a truck load or two." I did not get a great deal. By the end of the whole debate I would have had from my own electorate probably no more than 30 letters of which perhaps 10 were in favour of and 20 were against the legislation.

Hon E.J. Charlton: Did you analyse why you did not get much correspondence?

Hon KIM CHANCE: It was very clear that lobbyists targeted coalition members. There are 25 000 Labor voters in my electorate and I am sure that quite a few were upset and wrote to the Minister rather than to me. I got many letters from Queensland, so I did not feel left out, and more than a few from Perth and the South West Region. There was not a lot of interest in the legislation in the Agricultural Region. By comparison I received 22 letters in one day on the diesel fuel rebate. They were genuinely different letters on that subject. The bulk of the letters from Queensland and Western Australia did not get a reply because most people had not bothered to sign them.

Hon B.K. Donaldson: You should have come to Beverley; we had 250 people at a meeting.

Hon KIM CHANCE: Even so, they did not feel sufficiently strongly to write to each member of Parliament.

Hon B.K. Donaldson: They attended that meeting.

Hon KIM CHANCE: I am sure they did and had other worries the next day. It certainly received very little public following compared with the diesel fuel rebate. In that range of opinions that all of us in our own way came across, views came from people whom I could not politely call anything other than stark raving lunatics. Principally they came from Queensland. I suppose everyone received the fairly horrific story of the torture and execution of a young girl in West Irian. I read through it a bit further and he described himself as having been a serviceman. He then described his rank as an air force rank that does not exist. I began to doubt the veracity of the missive. I received that letter 22 times in exactly the same form. This person whose rank does not exist was concerned about the Indonesian invasion of Australia which would come as a result of the disarmament of Australia. Then I got cast iron proof that Australia would disarm because I was sent two segments of United Nations conventions which had been signed by Australia. One was the nuclear disarmament convention. I was able to tell that person that it has been

some time since nuclear arms had been permitted to be held in private hands in Western Australia and I did not think it would make a lot of difference. He did not like that answer. The other was concerned with the fact that all of the firearms that were to be taken out of circulation would weaken Australia in the event of the inevitable invasion from Indonesia which would follow within a week or 10 days of the passage of this legislation. I informed him that Australia's military forces, as well trained as they are, would probably not miss the few pump action shotguns and .22 semiautomatics that would be withdrawn as a result of the legislation. He called me and said he would never vote for me again. It has been a fairly educative process. I now know I will not get at least two lunatic votes as a result of that.

However, there were some strong and I think cogent cases put by the pro-gun lobby. Some of the issues that were raised by the lunatics publicly did a great deal of damage to the reasonable and responsible argument that was put by people who are genuinely concerned about people who had a proper and ethical reason for the use of firearms. I had contact from those who supported the concept of the legislation, but who strongly opposed the use of the Medicare levy. As I said, that was the single biggest issue raised with me. Of course, there was a handful of strong supporters of the Bill and then the lunatics on the other side to whom all guns were evil and anybody who had ever been near a gun was tainted in the process. It had something to do with gun oil entering the skin through osmosis and destroying brain cells!

It has been an interesting time. One of the strongest and most cogent arguments made by those that I call loosely the pro-gun lobby was that there is only a very limited statistical linkage between high levels of firearms ownership and high levels of firearms mortality. This was referred to by Hon Murray Nixon. I will not attempt to quote the figures that he quoted about North Dakota or Georgia, except to say that in respect of Georgia, he may have made a mistake. Atlanta, Georgia, is one of the most violent cities in the United States; therefore I am a little concerned about that. I do not have a clue about North Dakota. There is ample evidence that, in countries like Switzerland to which Hon Murray Nixon referred, ownership of firearms of a purposeful nature such as assault weapons do not equate with a high level of firearms mortality, either suicide, accident or homicide. That underlines the point I made. People kill people; guns are a means of doing that and a very efficient means. However, ultimately guns should not be demonised for that reason. The tenuous link that exists between firearms ownership and firearms mortality rates gives me cause to wonder whether this legislation can be expected to achieve its aims, at least in the short term. I see it being fairly effective in the longer term, but I wonder at its immediate and short term effect.

There is another issue to which it is hard to put facts and figures - the quality of life issue. Not everybody will have the same view as I but I think a number of people do. I feel my quality of life is diminished by the obvious presence of firearms in the community. I felt I was living in a lesser place the first day that I saw members of the Western Australia Police Force, as it was then, wearing visible firearms. I thought, "This is not the same place in which I grew up." It disappointed me - no more than that. I felt my quality of life fall somewhat when I saw that. I am not being critical of the decision of the police to wear firearms. I think the Police Union was saying for some time before that that it was necessary. I accept that with reluctance - not with reluctance that the event should not have happened, but with reluctance that it had to happen. I believe the Police Union and the Police Service would agree with me. I am sure police officers would rather work in an environment where they did not have to carry firearms. However, as we get to the stage where that is an inevitability or that it becomes unsafe to work in those conditions without firearms, we have all lost something. I still have pleasure arriving at an Australian airport and seeing a relatively light presence of firearms. I do see them. However, compared with Tel Aviv, Belfast or Nairobi where assault weapons and Uzi submachine guns are crawling off the walls, I like living in Australia. I am not suggesting that we ever will reach that stage. However, if we control the absolute levels of firearms in the community, we will all be better off in that quality of life sense. This Bill is a move towards that.

One concern which I raised in the briefing provided to us by members of the Police Service and Bob Wiese's office - I was grateful for that briefing - was the matter of curios and the way the draft regulations deal with curios. There are a number of firearms which are of extremely high value. I was aware of some examples worth \$25 000. When I spoke to the Minister earlier tonight, he informed me that he had seen a firearm at the Maylands Police Academy valued at \$65 000, which is mind boggling. However, as pieces of machinery which have a high intrinsic value, I would have been distraught if the regulations provided that the only means of disablement of those weapons to be held under a curio licence involved welding up the mechanisms. That would be a criminal waste of a fine piece of equipment. The officers at the briefing informed me that the disablement will amount to rendering the firearm unfireable in its current condition. That means it could be as simple as removing the firing pin. I want the Attorney General to address that point as a matter of policy in the second reading stage of the Bill. It is something I would like on the record at this time.

There has been a lot of talk about the connection between firearms and suicide. I suppose that is why the Australian Medical Association has taken such an interest in the Bill. Certainly suicide is of particular interest to me because I speak on health issues for the Opposition in the Legislative Council. Firearms and suicide have their most common

connection in one very specific group, which is young rural males, in which the use of firearms is outstandingly high. The use is also very effective in that suicide by firearm is more likely to be successful than most other means. It is a sad fact, to which Hon Muriel Patterson referred, but this legislation will have absolutely no effect on reducing the rate of firearms used in suicide attempts among that group at least. Young rural males will always have access to a firearm. The whole text of the exemption provisions and everything that has been said about the policy will mean that young rural males will always have access to firearms, of whatever kind does not matter. I do not want to go into the gory details. That group will not be separate from firearms or even marginally restricted in their use of firearms. They will not notice the difference. Sadly we will continue to see that high representation in that particular sector of firearms as a means of suicide. I wish that we could do something about that. We have spoken before in this place about the impact of suicide on that particular group, among others. It is a particularly bad group. This kind of Bill will not be a means of making any difference whatever in that area. I wonder why the AMA did not think it through a little more carefully before it involved itself in the debate. I understand and sympathise with the concern of the AMA about suicide but that argument is near to irrelevant in this area.

One of the things I am happy to see in the Bill, but not for the reason it was put into the Bill, is its application of control to the small bore and .22 calibre semiautomatics. We can arguably say that in Western Australia at least it is one of the most controversial parts of the Prime Minister's package. The sooner we get rid of .22 semiautomatics the better, not because there is any danger of their being used for crime but simply because so many are so unreliable, shoddy and technically unsound that they should never have been marketed in the first place. The sooner we get them off the market the better. A number of very well known makes, some with long names starting with the initial W, should not have been marketed. I have seen so many occasions when .22 calibre semiautomatics have done things they should not have done and were potentially lethal in doing so. It may be argued that it is not the fault of the firearms and it may be a maintenance problem or a number of other things, but the failure rate is too high for them to be used privately, professionally or commercially. I will be happy to see the back of them.

The question of pump action shotguns has also caused some angst in Western Australia. I very much approve of the tightening of regulations for pump action shotguns. I support the categorisation of those into pump actions of category C, being those with fewer than five rounds capacity, and category D, being those with more than five rounds, where they can be used only for government purposes. I have a question for the Minister in his response regarding contractors to government and the use of pump action shotguns with the capacity of over five rounds and pump action shotguns generally. Will contractors such as Agriculture Protection Board contractors be able to use them or are they restricted to only government employees?

Among the other issues that have been raised we have seen everything but Coco-Pops blamed for the Port Arthur incident, including violent videos, schizophrenia and the community's attitude to crime and punishment. Anybody trying to establish a link between the incident and violent videos is probably drawing a long bow. Violent films have been part of our culture since all of us were able to comprehend a film. The bulk of us in our age group were brought up on violent Second World War and Korean War films. We cannot get much more violent films than war films. I cannot see how any young normal person would be affected by watching *The Terminator* or other violent videos.

Hon Derrick Tomlinson: The violence we saw in those films was vicarious because we never saw anyone shot on the screen.

Hon KIM CHANCE: I think that was one of the problems with films of that nature. There was a theory about the staged fights in the westerns where they could crash a guy over the head with a chair or king hit a person on the point of the jaw after drawing up their fist from their ankles. He would shake his head and be quite all right. If one did that one would stand a good chance of breaking the man's jaw and making it impossible for him to swallow, perhaps breaking his neck and in some circumstances killing him. It was portrayed as something done in good sport. The blood and gore in some of the current videos indicates to people the possible consequences of their actions. When one brings a chair crashing down on someone's head one is likely to open up his cranial cavity and expose him to severe brain damage. This is probably a better message to send to people than the message that it is okay to hit somebody over the head with a chair because he could still turn round and hit you back. Actions have consequences. A bit of realism is probably not a bad thing. I have never exercised any particular form of censorship over my children, but they are much less likely to stand up and king hit somebody than I would have been at their age. I think that is the result of understanding what consequences their actions might have.

Hon Graham Edwards: Don't you think there is a bit of a danger that some might become anaesthetised?

Hon KIM CHANCE: Yes, I accept that. That problem existed in our generation because violence was as much part of our culture as that of the current day. I concede that it is an arguable case. I am probably not qualified to make that judgment. Other than those related issues, a couple of issues of concern to people have been brought forward in this debate. One is the concept of the police having what have been termed supreme powers. I do not think that is contained in the legislation. If the police do not have the powers to make those judgments, who will we allow to

do that? As far as I am concerned, provided there are effective rights of judicial appeal to some of the decisions which people may feel are in a sense arbitrary, I cannot think of a better alternative. However, the matter still needed to be mentioned.

An issue that should be given some serious consideration is the way in which gun owners were made to feel second class citizens, and the perception that many gun owners have that the legislation treats them as second class citizens. That goes to the issue of determining genuine need with regard to police powers. Responsible shooters should not be put in a situation where they are made to feel like members of the lunatic fringe simply because they enjoy the recreational use of firearms or they are required to use firearms as a tool of their trade. I hope there will be a degree of sensitivity in the Police Service in the way in which those powers are used. I am sure members of the Police Service will want to do that, and I hope they will be particularly sensitive about it, because they do exercise significant powers. I would not want anybody else to exercise those powers, because I do not think that anybody else could do the job. Nonetheless, people must be treated as though they have a legitimate use for firearms, unless there is good cause for concern.

Hon Cheryl Davenport acknowledged the role of the Minister for Police in what has been an extremely difficult task in getting this legislation to this stage. We can all be critical of elements of the Bill; however, I do not think any of us envied Hon Bob Wiese's job in trying to get it to this stage. Mr Wiese showed great patience, tenacity and goodwill in carrying out his task. Anybody who thought much about what he had to do would ultimately have recognised that. On the Opposition's behalf I express our appreciation of his efforts under difficult circumstances. This legislation is a genuine attempt to meet what was an incredibly complex matrix of conflicting points of view. I might have some reservations, all of us might - it would be a strange circumstance if we did not; however, I will support the Bill on the basis that it is the best attempt in the circumstances. I join with many of my colleagues in recognising the thorough, fair and professional way that organisations of sporting shooters have dealt with the debate. Both the WA branch of the Field and Game Association of Australia and the Sporting Shooters Association of Australia WA branch can be justly proud of their conduct and of the gains they have won in the debate to improve the laws. The Sporting Shooters Association in particular has been of help to me. Although it is disappointed by many elements of the Bill it has done everything that it reasonably can to represent its members' interests.

In this debate Australia has faced an issue which is on the one hand a sacred cow, and on the other hand a phobia. To expect that there would be unanimity in reaching an outcome is simply to expect too much. Both the legislation and the debate will have negative outcomes. However, the legislation and the debate have been good for Australia. We will all benefit in the long run. Ultimately, this legislation will mean a better society. How much better I am not sure. However, we have faced the issue and with those two extremes of thought we have dealt with it with maturity and, in the main, goodwill. I commend the Bill, warts and all.

Debate adjourned, on motion by Hon Tom Helm.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [12.55 am]: I move -

That the House do now adjourn.

I advise the House formally that the Council will sit next week. Members will be aware that a week's recess was scheduled. It is my intention that the Legislative Council sit next week, but not the following week. My understanding is that the Assembly will not sit next week. The aim of the exercise is for us to keep pace with the Assembly's legislative program, so we do not have to sit several weeks beyond the Assembly at the end of the session. It makes a lot of sense.

Question put and passed.

House adjourned at 12.56 am (Wednesday)

QUESTIONS ON NOTICE

FISHERIES DEPARTMENT - CATCH AND BY-CATCH MONITORING

675. Hon J.A. SCOTT to the Minister for Transport representing the Minister for Fisheries:

- (1) How do fishermen monitor their catch and by-catch?
- (2) Is this information available to the public?
- (3) What is the accuracy of this monitoring?
- (4) What assurance is there that endangered species such as turtles, dugongs and sea snakes are not being killed by fishing activities?
- (5) How does the department monitor what catch and by-catch is being taken?

Hon E.J. CHARLTON replied:

- (1) Fishermen report on their catch via a statewide catch and effort statistics system. In addition, in several fisheries there are more detailed research logbooks completed. Specific studies on by-catch have been undertaken in some fisheries, and in some cases the results have been published and are available.
- (2) Information on all landed catches in summary form is available to the public and is reported annually.
- (3) Catch records, particularly those from fisheries research logbooks are believed to be accurate and are cross-checked against landings in major fisheries.
- (4) Dugongs are not taken by the State's trawl fisheries as inshore seagrass areas where dugongs occur are not generally fished. There are infrequent catches of turtles and sea snakes by trawlers; however, the majority of turtles and snakes are returned alive to the sea. Those persons authorised under Department of Conservation and Land Management permits may retain dead sea snakes for sale.
- (5) Catch is monitored via the catch and effort statistics system completed by all fishers, by the research logbooks used in the principal fisheries, and through onboard monitoring by department research staff in some fisheries.

PRAWN FISHERIES - TURTLE EXCLUSION DEVICES, USA STANDARDS

676. Hon J.A. SCOTT to the Minister for Transport representing the Minister for Fisheries:

- (1) How does the USA's stance on turtle exclusion devices for prawn nets affect Western Australia's prawn industry?
- (2) Will the Minister introduce the same standards in Western Australia?
- (3) What is the process for the Fisheries Department to notify the public that it intends to open up a new trawl run in Western Australia?

Hon E.J. CHARLTON replied:

- (1) The US will no longer accept exports of prawns from Australia until it can be demonstrated that our prawn fleets are not endangering turtle populations. The US is a comparatively small market for Western Australian prawns; however, the decision could force other prawn producers affected by the ban to seek new markets which could affect our prawn sales in countries like Japan, Spain and Hong Kong.
- (2) The US fishery differs from trawl fisheries in Western Australia. Trawling there is more intense and the trawl duration longer. Within Western Australia trawl durations are relatively short and do not normally exceed the breath holding abilities of sea turtles, even if they are caught immediately when the nets are lowered. Currently an extensive Australian research program involving the prawn industry is continuing the development of a by-catch reduction device, designed by Australians for Australian conditions as well as a number of American devices. Individual trawl fisheries within Western Australia are, in conjunction with the Fisheries Department, examining various alternatives to reduce the incidental and infrequent mortality of turtles. Following thorough consideration of these alternatives, and taking into account research results and developments, where it is shown that measures developed are effective in achieving this objective while at the same time not reducing the take of target species, I would certainly support their introduction as part of fishery management plans.

- (3) The State's major trawl fisheries are managed through formal management plans within specified boundaries. The development of any new trawl fishery, under a new management plan, is subject to a formal consultation period which includes a statutory two month community consultative stage.

ROADS - SERVETUS STREET, REPLACED BY NEW HIGHWAY PROPOSAL

726. Hon MARK NEVILL to the Minister for Transport:

- (1) Will the proposed new highway to replace Servetus Street be higher than the existing street level?
- (2) If yes, what is the maximum height of the proposed highway above the existing pavement?
- (3) What type and height of fencing is proposed along the rear boundaries of blocks which abut the new road reserve?
- (4) Does the proposed fencing have significant sound absorbing qualities?
- (5) If no, has the issue been considered in planning and design work to date?

Hon E.J. CHARLTON replied:

- (1) The new alignment of Servetus Street will not be higher than the existing street level except for a small length between the army barracks and Swanbourne High School.
- (2) Not applicable.
- (3) Fencing types are being discussed with adjoining property owners. Detailed design of fencing will not proceed without written consent from property owners. The height of fencing will take into consideration noise, privacy and security issues.
- (4) All materials being considered meet noise attenuation standards.
- (5) Not applicable.

WESTRAIL - LOCOTROL SYSTEM

735. Hon BOB THOMAS to the Minister for Transport:

- (1) When did Westrail purchase the locotrol system?
- (2) What was the total cost?
- (3) From whom was it purchased?
- (4) Which firm manufactured the equipment?
- (5) How many sets of locotrol equipment were -
 - (a) purchased; and
 - (b) installed?
- (6) When was the first locotrol working trial undertaken?
- (7) How many trials were conducted?
- (8) What faults were found with the system during trials?
- (9) Have any revenue earning trains been hauled by locotrol units?
- (10) Have there been any derailments of trains using locotrol?

Hon E.J. CHARLTON replied:

- (1) The contract was awarded on 17 October 1995.
- (2) \$1.95m.
- (3) A. Goninan and Co Ltd.
- (4) Harris Corporation, Controls and Composition Division, Florida USA.
- (5) (a) 10
(b) 10.

- (6) 18 June 1996.
- (7) Two.
- (8) None.
- (9) Yes.
- (10) Yes, one derailment. However, it was not related to the operation of locotrol.

ROADS - TANAMI, FROM HALLS CREEK TO WA BORDER, EXPENDITURE

751. Hon MARK NEVILL to the Minister for Transport:

- (1) Further to question on notice 268 of 30 April 1996 about the \$30 000 to be spent on the Tanami Road from Halls Creek to the Western Australian border, what parts of the Tanami Road is the \$30 000 to be spent on?
- (2) Is this correctly referred to as an access road to remote Aboriginal communities?

Hon E.J. CHARLTON replied:

- (1) A 36 kilometre section near the Northern Territory border.
- (2) Yes. The Tanami Road serves the communities at Caranya, Billiluna, Balgo, Mulan, Yagga Yagga, Ngulpi, Kearney Range, Butchilbiddi, Jalyirr and Killi Killi.

BEACH EROSION - NORTH OF DAWSVILLE CUT

783. Hon J.A. SCOTT to the Minister for Transport:

- (1) What is the cost of the maintenance and upkeep of beaches suffering from erosion north of the Dawesville Cut?
- (2) What monitoring of coastal erosion is undertaken on beaches north of the Dawesville Cut, and what is the cost of such monitoring?

Hon E.J. CHARLTON replied:

- (1) The Falcon Bay beaches were renourished with sand as tabulated below -

Date	Quantity	Cost
February 1994	5 372 m ³	\$19 608
November 1994	5 024 m ³	\$18 338
February 1995	14 202 m ³	\$54 536
May 1996	10 540 m ³	\$45 888
August 1996	4 200 m ³	\$19 750

- (2) Engineering beach monitoring surveys are carried out in October/November each year. Aerial photography is run at the same time. Visual inspections are carried out every two weeks. The annual cost is approximately \$28 000.

HEALTH DEPARTMENT - BALGO COMMUNITIES FUNDING

786. Hon MARK NEVILL to the Attorney General representing the Minister for Health:

- (1) What grant was made to the Balgo communities for medical services in the 1995-96 financial year?
- (2) In which communities was that funding directed to be used?
- (3) What funds were directed to each of the following communities as a part of, or separate from, that grant -
 - (a) Balgo
 - (b) Billiluna
 - (c) Mulan
 - (d) Yagga Yagga
 - (e) Ringers Soak
 - (f) other?
- (4) How many full time nursing staff does the Health Department of Western Australia believe are adequate to service each and all of the above communities?

Hon PETER FOSS replied:

- (1) \$615 000.
- (2) Balgo, Billiluna, Mulan and Yagga Yagga.
- (3) The payment is not divided into specific allocations for individual communities. Instead, the contract under which the payment is managed specifies health services to be delivered in each of the communities. A further \$10 000 was paid to Yagga Yagga, separate from this contract, for environmental health minor works.
- (4) The contract requires a full time nursing service at each of Balgo, Billiluna, Mulan and Yagga Yagga communities with an additional senior nurse based at Balgo; a total of five full time nursing staff. Ringers Soak receives visiting clinic services from Halls Creek Hospital.

HEALTH DEPARTMENT - DEATHS FROM MESOTHELIOMA, ASBESTOSIS, LUNG CANCER CAUSED
BY ASBESTOS EXPOSURE

791. Hon MARK NEVILL to the Attorney General representing the Minister for Health:

Further to question on notice 364 of which notice was given on 7 May 1996, would the Minister for Health provide information in respect of each month as requested in parts (1) to (4)?

Hon PETER FOSS replied:

Some of the statistics will differ from those given in question 364 as additional information now available supersedes that previously supplied to the Health Department.

- | | | | |
|-----|-----|------|-------|
| (1) | (i) | (ii) | (iii) |
| (a) | 8 | 2 | - |
| (b) | 2 | 3 | - |
| (c) | 5 | 1 | - |
| (d) | 3 | 2 | 1 |
| (e) | - | - | - |
| (f) | 7 | 2 | - |
| (g) | 7 | - | - |
| (h) | 6 | 1 | 1 |
| (i) | 6 | - | - |
| (j) | 7 | 2 | 1 |
-
- | | | |
|-----|---------|---|
| (2) | (i) | 2 |
| | (b) | - |
| | (c) | 2 |
| | (d)-(g) | - |
| | (h) | 1 |
| | (i) | - |
| | (j) | 2 |
-
- | | | |
|--|-------|---|
| | (ii) | There is no information available regarding the source of asbestos exposure for the 13 asbestosis related deaths. |
| | (iii) | Available information does not link any known lung cancer related death in this period to work at Wittenoom. |
-
- (3) Available information does not link any known lung cancer, asbestosis or mesothelioma - related death in this period was related to work in the asbestos industry at Point Sampson; this occurred in October 1995.
 - (4) Two persons who have died of mesothelioma in the stated period are thought to have had significant non-occupational asbestos exposure while living in Wittenoom. These deaths occurred in September 1996 and October 1995.

LAND - AVON LOCATIONS 23936, 27637, 26091, 27519 TRANSFER 11/1994; SUBJECT TO CAVEAT E
660604

819. Hon KIM CHANCE to the Leader of the House representing the Minister for Lands:

- (1) Was land described as Avon Locations 27637, 23936, 26019 and 27519 in Vol 2021 Fol 408, Vol 2021 Fol 409 and Vol 2021 Fol 410 transferred on or about 17 November 1994?
- (2) Were these titles subject to caveat No E 660604?

(3) Was the caveat in effect at the time of transfer?

(4) If so, how did the transfer take place?

Hon N.F. MOORE replied:

(1) Yes.

(2)-(4) No.

LAND ADMINISTRATION, DEPARTMENT OF - PERTH SUBURBAN LOT 208, LOT 24, CAVEAT
F800730 LODGED AGAINST

820. Hon KIM CHANCE to the Leader of the House representing the Minister for Lands:

(1) Was a caveat No F800730 lodged against Perth suburban Lot 208, Lot 42 on Plan 1125, Vol 1310 Fol 204, on 8 February 1995?

(2) Who lodged the caveat?

(3) Was the Department of Land Administration satisfied at the time of application of the caveat that the application was for a proper purpose?

Hon N.F. MOORE replied:

(1) Yes. Caveat F800730.

(2) Rural Adjustment and Finance Corporation of Western Australia.

(3) The Department of Land Administration is responsible for the administration of the Transfer of Land Act. The Registrar of Titles is the officer appointed under the Transfer of Land Act to receive caveats. The Registrar of Titles has limited powers when receiving a caveat for lodgment against a certificate of title. The registrar cannot look at the validity or otherwise of any caveatable claim. The registrar has a purely administrative and not an adjudicative function in relation to caveats. Once satisfied, regarding the form of the caveat, the registrar is under a duty to accept the caveat and endorse a memorandum of the caveat on the certificate of title. Caveat No F800730 complied with all statutory requirements and accordingly a memorandum of the caveat was entered on certificate of title volume 1310 folio 204.

CONSTRUCTION INDUSTRY LONG SERVICE LEAVE PAYMENTS BOARD - JURISDICTION OVER
BRICK PAVING EMPLOYEE; DOUG RITCHIE CASE

825. Hon BOB THOMAS to the Minister for Finance representing the Minister for Labour Relations:

(1) Does the Construction Industry Long Service Leave Payments Board have jurisdiction over brick paving employees of companies or partnerships which only perform work on new and existing domestic buildings?

(2) Is the answer to (1) consistent with the board of reference decision in the Doug Ritchie brick paving case of 29 August 1990 as recorded in the Western Australia Industrial Gazette on pages 3760-61?

(3) If not, why not?

Hon MAX EVANS replied:

(1) It would depend upon whether the employee is employed in the construction industry as defined in the Construction Industry Portable Paid Long Service Leave Act.

(2) Yes.

(3) Not applicable.

BUDGET (STATE) - SUPPLEMENTARY BUDGET PAPER NO 7, RELEASE DELAY

832. Hon J.A. SCOTT to the Minister for Finance representing the Treasurer:

Why has the Treasurer not released supplementary budget paper No 7 for this year, as he has done for the last three Budgets?

Hon MAX EVANS replied:

Budget paper No 7 was published for the last time in 1995-96. With improvements in the accountability and annual reporting requirements of all agencies, and the devolution of responsibility to accountable officers - who are now

accountable through their Ministers to Parliament in accordance with the Financial Administration and Audit Act - it was considered inappropriate to continue to include non-budget sector data in the annual budget papers. There remains, however, an undertaking to report actual budget results for the financial year and, in this regard, budget paper No 7 has been replaced by the "Summary of Consolidated Fund Transactions" document which was tabled on 22 August 1996.

COMMONWEALTH-STATES HOUSING AGREEMENT - COMMONWEALTH GRANTS FOR LOCAL GOVERNMENT AND COMMUNITY HOUSING

833. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Housing:

I refer the Minister for Housing to commonwealth grants for local government and community housing under the Commonwealth-States Housing Agreement -

- (1) What were the total amounts spent for local government and community housing in the 1993-94 financial year?
- (2) What were the funds agreed between federal and state Ministers for Local Government and Housing in the 1993-94 financial year?
- (3) Were any of these funds returned or recalled by the Commonwealth in the 1993-94 financial year?
- (4) What was the total of community housing program grants agreed by the federal and state Ministers in the 1993-94 financial year?

Hon MAX EVANS replied:

- (1) \$4 098 257.
- (2)* \$5 384 000.
- (3) No.
- (4) \$3 986 000.

*Question (2) has been interpreted as "project approvals".

HOMESWEST - BETTER CITIES PROGRAM ALLOCATION

834. Hon J.A. SCOTT to the Minister for Finance representing the Treasurer:

- (1) How much did the state budget papers indicate that Homeswest received under the Better Cities program?
- (2) How much did Homeswest actually receive under the Better Cities program?

Hon MAX EVANS replied:

The questions asked by the member do not fall within my jurisdiction. They would be best directed to the Minister for Housing.

CRISIS ACCOMMODATION PROGRAM - 1994-95 FUNDS, UNDEREXPENDITURE

836. Hon J.A. SCOTT to the Minister for Finance representing the Treasurer:

- (1) With regard to the Crisis Accommodation program for 1994-95, why was the level of expenditure not achieved in that year?
- (2) What happened to the balance of the Crisis Accommodation program funds for 1994-95?

Hon MAX EVANS replied:

The questions asked by the member do not fall within my jurisdiction. They would be best directed to the Minister for Housing.

GARDEN ISLAND - PRECIOUS METALS AUSTRALIA LTD MINING PROPOSAL

840. Hon J.A. SCOTT to the Leader of the House representing the Minister for Mines:

- (1) Is the Minister for Mines aware of a proposal by Precious Metals Australia Ltd to mine lime sands on Garden Island?

- (2) Is the Minister also aware that Garden Island is a System Six conservation area and that it is managed for conservation and defence purposes by the Royal Australian Navy?
- (3) Will the Minister use his powers under the Mines Act to dismiss this mining proposal in the public interest?
- (4) If not, why not?

Hon N.F. MOORE replied:

- (1)-(2) Yes. An application for an exploration licence over Garden Island has been made by Precious Metals Australia Ltd. The applicant is discussing its proposals with the Commonwealth which owns the land and the minerals on the island.
- (3)-(4) A decision on the exploration licence application will be made in the light of the commonwealth response to the tenement applicant.

ROCKINGHAM CITY COUNCIL - JET SKI BUSINESS ON CROWN LAND, PORT KENNEDY, LICENCE

910. Hon REG DAVIES to the Minister for Transport representing the Minister for Fisheries:

- (1) Is the Minister aware that a member of the Western Australia Police Force has been issued with a licence by the City of Rockingham to operate a jet ski business on crown land at Port Kennedy?
- (2) Was the Fisheries Department consulted before the licence was issued in view of the fact that the site is a licensing fishing area and a nursery area for whitebait?
- (3) If no, what action does the Minister propose to take to protect the whitebait nursery?

Hon E.J. CHARLTON replied:

- (1)-(2) No.
- (3) The Minister has asked the Fisheries Department to assess the activity and advise if there is a need for action to protect the fish stocks in this area.

QUESTIONS WITHOUT NOTICE

POLICE SERVICE - PERSON'S POLICE RECORD, CONFIDENTIAL HEALTH INFORMATION

1022. Hon KIM CHANCE to the Attorney General representing the Minister for Police:

- (1) Does a person's police record contain any confidential health information?
- (2) If yes, who can gain access to this information?
- (3) Under what circumstances or conditions can this information be accessed?
- (4) Is the person who can access this information bound by the same obligations of confidentiality as Health Department employees?
- (5) What mechanisms are in place to ensure that any confidential health information contained in any person's file is restricted to only those personnel who have a need to know this information?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Confidential health information does not form part of a person's police record; that is, criminal history record. However, certain warnings in respect of some person's name details may appear. In these instances, the details have been verified by the person or have been provided as a result of medical advice.
- (2) Authorised police personnel only.
- (3) The information is accessible by authorised police personnel for operational purposes.
- (4)-(5) I am unaware of the specific obligations of confidentiality in relation to Health Department employees. However, employees in the Public Service, including police personnel, are liable to prosecution under the provisions of section 81 of the Criminal Code for disclosing confidential information to unauthorised persons.

TERTIARY ENTRANCE EXAMINATIONS (TEE) - MATHEMATICS COURSES, USE OF GRAPHICS
CALCULATORS

1023. Hon SAM PIANTADOSI to the Leader of the House representing the Minister for Education:

- (1) Will the Minister clarify the decision by the Secondary Education Authority maths head to insist that future Tertiary Entrance Examinations maths students will need to use graphic calculators?
- (2) Will the Minister advise whether all government and non-government schools will be bound by this decision?
- (3) What is the approximate cost of the calculator?
- (4) Will the Government subsidise any part of the cost of the calculator?
- (5) Will parents have to meet the full cost of the calculator?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The use of technology in upper secondary schooling is kept under review by the SEA and its various committees. In 1994 the Mathematics Syllabus Committee decided that the use of graphics calculators would be of significant value in the TEE mathematics courses. This was in line with similar moves in other parts of Australia and overseas. The SEA held extensive discussions with school sector representatives and school principals during 1995. These discussions focused on two aspects - firstly, the educational value of introducing graphics calculators in mathematics and other courses and, secondly, the resource implications of requiring the use of graphics calculators in TEE subjects. The consensus view among the various stakeholders was that there was considerable educational value in adopting the new technology and that the necessary resources could be made available. On this basis, the SEA resolved to introduce graphics calculators for some subjects in the 1998 TEE. This means that students entering year 11 in 1997 will need graphics calculators for some mathematics and science courses. This decision has been communicated to schools through the SEA circulars. There has deliberately been a long lead time in the introduction of graphics calculators. This has allowed schools to address the resource issues and has enabled the SEA, the Mathematical Association of Western Australia (Inc) and the Education Department to work together to provide professional development courses for teachers.
- (2) The decision by the SEA to introduce graphics calculators in the 1998 TEE courses in Discrete Mathematics, Applicable Mathematics, Calculus, Physics and Chemistry is supported by the Education Department, the Catholic Education Office of Western Australia and the Association of Independent Schools. It applies to all schools in Western Australia presenting candidates for the TEE.
- (3) The most recent graphics calculator released by Casio has a recommended retail price of \$60.
- (4) Funding arrangements will be handled by individual schools and school sectors. It is open to schools to operate loan or hire schemes or to provide class sets.
- (5) A decision on subsidies, if any, will be taken at school level.

LEGAL AID COMMISSION - IMPACT OF COMMONWEALTH FUNDING CUTS

1024. Hon N.D. GRIFFITHS to the Attorney General:

What services of the Legal Aid Commission of Western Australia will be diminished as a result of the Howard Government's policy changes in the area of legal aid and this Government's reluctance to provide increased funding?

Hon PETER FOSS replied:

I am not sure that it is a reluctance on this Government's part, but it is a matter of great difficulty. Members know that this Government has accommodated the cuts by the Federal Government. I do not know the answer to the question; it will be up to the Legal Aid Commission. Members know it is an independent body and it makes its priorities according to its regulations. We must find out, firstly, whether there will be any cuts, because it is by no means certain that there will be; secondly, the conditions which are placed on the use of commonwealth money by the Commonwealth; thirdly, whether there will be any accountability costs involved; and, fourthly, whether we should change the way in which we deal with the Commonwealth. All these matters are up in the air. It is difficult to know whether the cuts will take place and, if so, what they will be and how this Government should react.

KINGSTON BLOCK- LOGGING BURNING

1025. Hon J.A. SCOTT to the Minister for the Environment:

Some notice of this question has been given.

- (1) What information has been derived by the Department of Conservation and Land Management from the study on the effects of logging and burning on native species at Kingston Block?
- (2) Has the effect of both burning and logging been assessed?
- (3) What species are being studied and have the effects of logging been assessed on large hollow nesting birds?
- (4) What are the indicators of the effects of logging and burning on native flora and fauna?
- (5) Have any deaths due to logging and burning been recorded?
- (6) Can the Minister table current information from the study at the next day's sitting?

Hon PETER FOSS replied:

I have no record of having received such a question and I ask that it be put on notice.

WORKSAFE WESTERN AUSTRALIA - MURPHY PLANT HIRE AND DEMOLITION

1026. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Labour Relations:

- (1) Did the chief executive officer or any other officer of WorkSafe Western Australia provide to the proprietors or staff of Murphy Plant Hire and Demolition -
 - (a) parliamentary questions concerning allegations against that firm; and
 - (b) the department's suggested replies to those questions
 before the questions had been answered in Parliament?
- (2) If yes -
 - (a) why was that information supplied to Murphy Plant Hire and Demolition;
 - (b) by whom was it provided;
 - (c) when was it provided; and
 - (d) does the Minister acknowledge that such disclosure adds to concerns about collusion between WorkSafe WA officers and Murphy Plant Hire and Demolition?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) A WorkSafe WA officer visited the site of Murphy Plant Hire and Demolition on 18 October 1996 and showed Mr Barry Jeakings parliamentary questions and the department's suggested replies which refuted the allegations made.
- (2) (a)-(c) The information was shown to Mr Barry Jeakings on 18 October 1996 by the inspector to refute allegations made by Hon Alannah MacTiernan concerning the inspector.
- (d) No. Nothing could be further from the truth. Showing the questions to Mr Jeakings was an attempt by the inspector to express his concern at the personally damaging allegations being made by Hon Alannah MacTiernan.

Hon A.J.G. MacTiernan: All I did was to ask questions.

WORKSAFE WESTERN AUSTRALIA - MURPHY, DANNY, THREATS OF VIOLENCE AGAINST NOEL BYRNE

1027. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Labour Relations:

This is just disgraceful: We have an officer going around heavying members of the public because members of Parliament are asking questions in this House.

Hon E.J. Charlton: Is that a statement or a question?

Hon A.J.G. MacTIERNAN: It is a statement.

The PRESIDENT: Order! This is questions without notice, not statements.

Hon A.J.G. MacTIERNAN: On 24 October 1996 the Minister for Finance read to this House an extract from a witness statement which said that Mr Danny Murphy had threatened physical abuse to a WorkSafe Western Australia inspector, Mr Noel Byrne, who was attempting to inspect Mr Murphy's demolition site.

- (1) How does the Minister then explain his answer to questions asked in this House that there were no threats of violence made against Mr Byrne?
- (2) In view of the clear evidence of such threats, why are no charges being laid against Mr Murphy?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) There were no threats of violence made to Mr Byrne while he was on site. Mr Byrne received some verbal abuse - Ministers get that in this House!
- (2) There is no evidence of threats of violence made by Mr Murphy directly to Mr Byrne. After discussions between Mr Byrne and the chief inspector, Mr Byrne determined that the circumstances did not warrant charges being laid.

WORKSAFE WESTERN AUSTRALIA - JEAKINGS, BEN, STATEMENT

1028. Hon A.J.G. MacTIERNAN to the Minister for Finance:

I wonder why we bother, but -

Hon P.R. Lightfoot: You do not like to be told the truth.

Hon A.J.G. MacTIERNAN: I would like to know the difference between -

The PRESIDENT: Order! The member will get on with the question.

Hon A.J.G. MacTIERNAN: On 24 October 1996, the Minister for Finance quoted from a statement made by Mr Ben Jeakings signed on 9 March 1995. I ask -

- (1) Who prepared the witness statement?
- (2) Did the statement include an allegation that a WorkSafe inspector to whom he paid money advised him that WorkSafe inspectors were about to inspect Mr Jeakings' site?
- (3) Will the Minister table the statement, with or without the name of the officer deleted?
- (4) If not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The statement made by Mr Ben Jeakings on 9 March 1995 was taken by Mr Zaknich, industrial inspector of the Building and Construction Industry Task Force.
- (2) No. The statement made no mention that WorkSafe Western Australia inspectors were about to inspect Mr Jeakings' site.
- (3)-(4) The parties to the statement will be contacted to ask their views on tabling the statement. The Minister for Labour Relations will provide information on this matter in due course.

TOMLINSON, PAUL - MINISTERIAL TASK FORCE ON RAIL APPOINTMENT

1029. Hon KIM CHANCE to the Minister for Transport:

Regarding the Minister's recent appointment of Mr Paul Tomlinson to the ministerial task force on rail, what specific railway experience does Mr Tomlinson bring to his new task?

Hon E.J. CHARLTON replied:

I invited Mr Tomlinson to chair this committee, first, because of his previous experience on the committee which assessed the opportunity for the Avon-city link. He took a leading role on that committee in gathering information which provided the basis upon which the committee's report strongly recommended that the service be implemented. Secondly, his invitation was based on his ability to draw appropriate people together from around the State. As a result of his knowledge and experience gained over many years within the community and his professional capacity, he is highly respected in the community. Therefore, I look forward to him being able to attract the people from the north, east and south of the network to work together to gather information by talking to appropriate organisations. Also, the group will, I hope, come up with some innovative ideas on behalf of the community and users to attract more business to rail. That is the basis of the appointment. I also look forward to his drawing people together to produce a report, on which I have not put a time limit. It is important in this process that he obtains the right people and the right information. A number of options are available - as we all know - to attract more freight to rail, although this process is not restricted to freight as it will also look at the capacity and possibility of providing passenger services to Geraldton and Albany.

LAKE CHINOCUP - GYPSUM MINING AND MANAGEMENT PLAN**1030. Hon J.A. SCOTT to the Minister for the Environment:**

As the Minister recently upheld an appeal and gave environmental approval for the Lake Chinocup gypsum mining and management plan which will affect an A class reserve for flora and fauna, will he inform the House of the following -

- (1) Are there penalties for breaching the management plan, what are they and how can they be enforced?
- (2) Who has responsibility for monitoring the management plan, and to whom will the proponents be answerable?
- (3) Will the gypsum at Lake Chinocup be supplied to farmers at a cheaper price than the existing suppliers in the area can provide, and what cost benefit analysis has been done to back up the Minister's assessment?

Hon Peter Foss: Assessment of what?

Hon J.A. SCOTT: The assessment that this is a worthwhile plan, and that it will be cheaper to get the gypsum from that area. The question continues -

- (4) Will the excision of land for gypsum mining come before this House in a Reserves Bill, and when will this occur?
- (5) At the next sitting of the House, will the Minister disclose the cost of the Department of Environmental Protection's involvement in processing and assessing this project so far, and what further costs are envisaged?

Hon PETER FOSS replied:

- (1) That is a legal question.
- (2) The DEP is always responsible for any monitoring that needs to take place.

Hon Tom Stephens: When did legal questions get ruled out?

Hon PETER FOSS: The member should have a look in standing orders.

Hon Tom Stephens: Not really; he is not asking for legal advice.

The PRESIDENT: Order!

Hon PETER FOSS: Perhaps I will answer this question generally.

- (2)-(5) The best way to understand the matter is for the member to read the "Reasons for Decision", a public document which I am happy to table in the House. I do not discuss decisions of this nature - that is, a quasi-judicial nature - before the decision is made as that might be seen as pre-judging the issue, and I do not amplify the reasons for the decision after it is made. The most important thing about the program, as I am sure the Leader of the Opposition would agree, is that many areas of the wheatbelt - this is by no means a small area - are threatened by the rising water table and salinisation. Ultimately, most of the work to repair the damage of the past must come from commercial activity upon farming land, either by farmers themselves or by other people.

The worrying aspect with Lake Chinocup is that it is one of the areas identified as being doomed. The Department of Conservation and Land Management is trying to prevent that doom in a number of other places, a classic example of which is Lake Toolibin. This prevention program involves the planting of oil mallee, the construction of diversion drains and even the pumping of saltwater from under Lake Toolibin. At this stage, this is a losing battle. A massive plantation of large quantities of deep seated perennials is needed in order to prevent the loss of that lake and much of the farmland in the area. Lake Chinocup is a subcatchment with a very poor future unless something is done. We have tried to look for an overall environmental, not only cost, benefit. The concern is that the reserve will be lost for everyone unless some action is taken soon. It is not unique in that respect, as reserves throughout the wheatbelt will be lost if something radical is not done about the situation.

The PRESIDENT: Order! Which question is the Minister answering?

Hon PETER FOSS: I am answering them all; the member asked about the cost benefit.

If a real benefit is to be gained from this, it will arise from the fact that the community has committed itself -

Hon J.A. Scott: I asked you about the cost of the gypsum compared with that of other suppliers in the area.

Hon PETER FOSS: That has been done by other people.

Hon E.J. Charlton: It will save the reserves as well as the surrounding area.

Hon PETER FOSS: There are a number of reasons for that.

The PRESIDENT: Order! I want the question to be answered correctly. Five questions were asked, and I find it difficult to follow the answer. The Minister already made a ruling in relation to the first question, but I want to make a ruling in relation to the other four questions!

Hon PETER FOSS: I have said all I need to say. I do not know the cost to the EPA, and I do not know that it will serve any purpose trying to find out.

WESTRAIL - MANN, FRANCIS, WORKPLACE AGREEMENT OFFER

1031. Hon A.J.G. MacTIERNAN to the Minister for Transport:

The Minister has had considerable notice of this question.

- (1) Has Westrail offered to Mr Francis Mann a position of locomotive operator, level 5, in Kalgoorlie?
- (2) Is the offer conditional on the signing of an individual workplace agreement?
- (3) If yes, why has Mr Mann been denied the choice of working under the enterprise agreement, AG 21, under which most locomotive drivers are employed?
- (4) If Mr Mann refuses to sign this workplace agreement, will the offer of employment be withdrawn?
- (5) Is the Minister aware of the decision in the Novek case where it was found that making the execution of a workplace agreement a precondition of employment was unlawful?

Hon E.J. CHARLTON replied:

I have only just received a copy of this question.

Hon A.J.G. MacTiernan: This is what you said last week!

Hon E.J. CHARLTON: Hold your horses - do not get excited! I just got a copy of this question, but I understand that the member asked it on a previous occasion. All questions that remain unanswered, of which some notice has been given, are retained in this file. This question is not in this file. However, if the member will let me know whether she will put it on notice or whether she wants me to take this as a question of which some notice has been given, I will deal with it accordingly.

HOSPITALS - BUNBURY DEVELOPMENT

Contaminated Soil

1032. Hon DOUG WENN to the Attorney General:

With regard to question without notice 720 regarding the new hospital site in Bunbury -

- (1) Can the Minister advise whether the site was cleared of contaminated soil before landfill was put in place?
- (2) If yes, where and how was this disposed of?
- (3) If not, why not?

Hon PETER FOSS replied:

Again, I suspect that people did not expect me to be back for question time, so I do not have any record of that question.

MAIN ROADS WESTERN AUSTRALIA - SPEED LIMITS REVIEW

1033. Hon B.K. DONALDSON to the Minister for Transport:

- (1) At what stage is the comprehensive review being undertaken by Main Roads on speed limits currently set on dual carriageways in the metropolitan area?
- (2) What process will be put in place following the completion of that review for implementation of any recommendations?

Hon E.J. CHARLTON replied:

- (1)-(2) I do not know the exact stage of that review. I will check on that forthwith. I know that Hon Bruce Donaldson has made personal representations to Main Roads about the review, and I strongly recommend that in addition to my checking it out, he do so. There are changing circumstances on a number of our dual carriageways, and speed limits need to be kept up to date.

Hon Tom Stephens: You must be the only Minister in this Government who cannot answer a dorothy dixer!

Hon E.J. CHARLTON: Hon Bruce Donaldson actually knows something about roadways - things that the member would not know about when he flies around his electorate all the time.

Main Roads is always making changes to those road speed limits, and I envisage that immediately this review is completed, it will implement those changes, and I think we will both ensure that they are implemented.

SMALL BUSINESS - PROFITABILITY FIGURES; IMPACT OF RESOURCE PROJECTS

1034. Hon KIM CHANCE to the Leader of the House representing the Minister for Commerce and Trade:

- (1) Will the Minister concede that large mineral and energy projects in Western Australia have not generated improved profitability to Western Australian small businesses?
- (2) What is the projected level of small business profitability in Western Australia for 1996-97 and 1997-98 and how are these figures arrived at?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) No. Profitability is achieved through the creation of an economic environment which offers opportunities and stability. The major resource projects contribute to this. They also contribute to the fact that Western Australian is poised for continued strength, with economic growth forecast at 5.75 per cent in 1996-97, 6.0 per cent in 1997-98 and 5.25 per cent in 1998-99. Western Australian recorded an average annual growth rate of 4.8 per cent for the number of small businesses, the highest growth rate of all States. Small business employment in Western Australia also continues to grow at an average annual growth rate of around 3.4 per cent per annum, well above the national growth rate. These are indications that the large mineral and energy projects are influencing small business growth in Western Australia.
- (2) While no figures are available on the level of small business profitability in Western Australia for 1996-97 or 1997-98, there are figures for projected sales. The sales of goods and services for all business in the medium term - to June quarter 1997 - are expected to grow by 3.6 per cent nationally and 4.4 per cent for Western Australia, the highest of all States and Territories. These figures are provided by the Australian Bureau of Statistics' annual economic activity survey of approximately 3 000 businesses Australia-wide. According to the State's own small business opinion survey, small businesses expect strong net gains in profitability in the six months to December 1996.

JUSTICE, MINISTRY OF - CIVIL DEBT RECOVERY SYSTEM DRAFT REPORT, ADVICE ON
EXISTING BAILIFF APPOINTMENTS

1035. Hon KIM CHANCE to the Attorney General:

With regard to the draft report on the civil debt recovery system prepared by the Ministry of Justice -

- (1) Has the Attorney sought Crown Counsel advice about existing bailiff appointments?
- (2) If yes, has Crown Counsel now provided the Attorney with that advice?
- (3) Will the Attorney now table that advice?
- (4) If not, why not?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Advice has been sought by the Ministry of Justice in this respect.
- (2) Advice was never sought by the Minister. The advice was sought in the course of preparation of the report.
- (3) No.
- (4) The member is aware of the policy of successive Governments.

ROADS - SUES ROAD, SOUTH WEST, UPGRADING

1036. Hon DOUG WENN to the Minister for Transport:

- (1) What is the total cost of upgrading Sues Road in the south west that will be used for the transport of mineral sands?
- (2) At what stage is this upgrade?
- (3) When will the upgrade be complete?

Hon E.J. CHARLTON replied:

To ensure that I give an absolute update on that, either the member should put the question on notice, or I will get that information for him by tomorrow.

TEACHERS - SHORTAGE BY YEAR 2000

1037. Hon KIM CHANCE to the Leader of the House representing the Minister for Education:

On Wednesday, 23 October, Australian Broadcasting Corporation television stated that Australia would face a severe shortage of teachers by the year 2000. This was put down to a number of factors: The ageing teacher population, the fact that 6 000 teachers were made redundant in Victoria, and the fact that many recently graduated teachers left the profession for less stressful, more highly paid jobs in their first five years of service.

- (1) How many qualified teacher graduates are currently not employed as teachers in Western Australia?
- (2) Does the Minister have any projection of how many teachers there will be in 2000?
- (3) Does the Minister expect a teacher shortage in Western Australia in 2000, particularly as many graduates may be offered employment in the Eastern States to alleviate the chronic shortage anticipated there?

Hon N.F. MOORE replied:

I do not have an answer to that question and ask that it be placed on notice.

JUSTICE, MINISTRY OF - PERSONAL RECORDS HELD BY OTHER AGENCIES, ACCESS
CONSIDERATION

1038. Hon KIM CHANCE to the Attorney General:

With regard to an article in the *Sunday Times*, headed "Bid to spy on files", on 13 October which reported that the Attorney had confirmed in the House that the Ministry of Justice was considering gaining access to the public's personal records held by the Police and Transport Departments and Homeswest -

- (1) Will the Attorney give an assurance to the House that Ministry of Justice officials or their agents will not be allowed this access?
- (2) If not, why not?

Hon PETER FOSS replied:

- (1) The Ministry of Justice has not considered access to other agencies' records in respect of civil debtors. I think that is an incorrect report on the part of the *Sunday Times*. That was with regard to fines enforcement.
- (2) Not applicable, because no consideration is being given to it.

"PRODUCTIVITY 2000 - A VISION" - PRODUCTIVITY FIGURES

1039. Hon A.J.G. MacTIERNAN to the Minister for Finance representing the Treasurer:

I refer to the question that I put on notice some two weeks ago.

- (1) Has the Leader of the House yet been advised by the Treasurer of the source of the productivity figures provided by Treasury for the publication "Productivity 2000 - A Vision?"
- (2) If yes, will he provide that information to the House?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(2) The productivity figures provided by Treasury are estimates based on the level of output of the Western Australian and Australian economies, measured by real gross product per unit of labour output, measured by the number of employed persons. The data for the above estimates is sourced from the Australian Bureau of Statistics' catalogues Australian National Accounts 5220.0, Australian National Accounts: State Accounts 5206.0 and Labour Force 6202.0. The estimates derived from these data sources are provided below. Please note that the following estimates incorporate revisions to historical data released in the above ABS publications since the compilation of "Productivity 2000".

Hon A.J.G. MacTiernan: It has been revised, has it not?

Hon N.F. Moore: They are always revised.

Hon A.J.G. MacTiernan: In the past two weeks?

Hon N.F. Moore: They are always revised.

Hon MAX EVANS: The answer concludes with a graph -

	PRODUCTIVITY VALUE OF OUTPUT PER EMPLOYEE	
	Western Australia Index (1988-89=100)	Australia Index (1988-89=100)
1988-89	100.00	100.0
1989-90	103.3	99.3
1990-91	105.9	99.3
1991-92	111.4	101.5
1992-93	112.2	105.1
1993-94	117.6	108.2
1994-95	115.9	108.0
1995-96	121.1	109.3

VALLEY OF THE GIANTS TREE TOP WALK

1040. Hon MURIEL PATTERSON to the Minister for the Environment:

Is the Minister aware that the general publicity regarding the recently opened Valley of the Giants Tree Top Walk lists it as being in the Walpole district and not in the Shire of Denmark? If so, why?

Hon PETER FOSS replied:

The Valley of the Giants Tree Top Walk is in the Shire of Denmark - that is, in the Walpole-Nornalup National Park. People wishing to visit the treetop walk will be better off going towards Walpole than towards Denmark, because

it is situated on the most westerly point of Denmark Shire. I think the Denmark Shire boundary is the Frankland River. Therefore, the publicity has related to Walpole as the area most closely associated with the tree top walk. Had the publicity related to Denmark, people might end up going to the wrong part of the world, because it is in the Walpole-Nornalup National Park.
