

Legislative Council

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LEGISLATION

The Hon. A. BRESSINGTON (15:22): I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question about legislation.

Leave granted.

The Hon. A. BRESSINGTON: As members would be aware, some time earlier this year the pipes and bongs legislation, the drug-using paraphernalia bill, was passed and the Attorney-General actually worked with me on that bill, along with the fruit flavoured cigarettes legislation. We are now told that they cannot now be pulled from sale because of commonwealth law: section 92 of the Fair Trade Act relating to taking goods over state borders. My question is: if he is the Attorney-General, should he not know these things before we draft legislation and, if he does know it, why do we bother to draft and debate such legislation in this place when there is no hope of it ever being passed?

The Hon. R.D. Lawson interjecting:

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:23): First, I ask that the Hon. Robert Lawson **withdraw that comment**.

The PRESIDENT: I did not hear any comment. What was the comment?

The Hon. P. HOLLOWAY: He used unparliamentary language in describing the Attorney-General. Obviously I will not repeat it.

The PRESIDENT: The Hon. Mr Lawson should withdraw.

The Hon. R.D. LAWSON: I am happy to withdraw, Mr President.

The Hon. P. HOLLOWAY: I thank the honourable member. In relation to the bill, the question is whether it has been assented to.

The Hon. A. Bressington: The bill cannot be proclaimed because of section 92 of the Fair Trade Act, which relates to bringing stuff across borders. Why do we waste time debating legislation, including the fruit flavoured cigarettes legislation, if it is not going to be passed? If the Attorney-General does not know that, why is he Attorney-General?

The Hon. P. HOLLOWAY: I am not sure that those facts are as suggested by the honourable member. We are the signatory to a number of international obligations. Obviously we have a constitution that limits what legislation we can pass. We can pass whatever we like, but the High Court determines whether it is constitutional and whether it is the responsibility of this level of government or of another level. We also have obligations under treaties. I will refer the question to the Attorney and bring back a response, but it was certainly my understanding that even today some legislation was proclaimed. Has the honourable member seen today's *Gazette*?

The Hon. A. Bressington: Not mine.

The Hon. P. HOLLOWAY: Are you sure?

The Hon. A. Bressington: Uh-ha.

The Hon. P. HOLLOWAY: I will refer the question to the Attorney-General and bring back a response.

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:25): Given that the honourable member referred to flavoured cigarettes, I can respond to that part of the question if that is what she wants.

The Hon. A. Bressington interjecting:

The Hon. G.E. GAGO: That's all right; if the honourable member is not interested—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: The honourable member does not want the answer.

An honourable member interjecting:

The PRESIDENT: Order! The Minister for Environment and Conservation was only trying to assist, but it seems that the honourable member does not want that assistance.