WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1998

LEGISLATIVE ASSEMBLY

Tuesday, 24 November 1998

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 2.00 pm, and read prayers.

NALTREXONE TREATMENT

Petition

Dr Constable presented the following petition bearing the signatures of seven persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned believe that

heroin dependency and the criminal activities associated with it are increasing alarmingly despite all official efforts to contain the problem;

methadone programmes simply exchange one form of opiate dependency for another and do nothing to address the underlying problem of addiction; and

detoxification followed by maintenance treatment with the FDA-approved opiate antagonist naltrexone offers an addict his best and safest chance of permanently ending his addiction, rehabilitating himself and returning to a law-abiding, productive lifestyle.

Accordingly we earnestly call upon the State Government to include outpatient detoxification and primary carer-supervised maintenance treatment with Naltrexone as a therapeutic option available free of charge to every person who presents for treatment of an addiction.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 79.]

HEALTH SYSTEM

Petition

Mr McGowan presented the following petition bearing the signatures of 60 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned, respectfully request that the Government acts to rectify the current situation of long waiting lists in the public health system by directing more funding into the public health and hospital services. We also request that the Government halts any further downgrading of the services so that we as a community get the health care that we deserve.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 80.]

NORTH BEACH JETTY

Petition

Mrs Hodson-Thomas presented the following petition bearing the signatures of 588 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents, respectfully call upon the State Government to source funding to upgrade the North Beach Jetty in accordance with the design commissioned by the City of Stirling and prepared by consultants, Halpern Glick Maunsell, to provide a suitable recreational fishing venue which will better cater for people with disabilities and elderly anglers; provide facilities for families to enjoy fishing; and encourage youth to participate in constructive activity.

We wish to bring to your attention that there are limited fishing platforms with disabled and elderly access in the north metropolitan coastal area, and it is only possible to use the present North Beach jetty at high tide in favourable weather.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 81.]

COMMUNITY POLICING OFFICE, ROCKINGHAM

Petition

Mr McGowan presented the following petition bearing the signatures of 20 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned, ask that the Government move the Community Policing office out of Lotteries House and back into the Rockingham City Shopping Centre. This would mean an increase in the accessibility of Community Policing and an added security presence in Rockingham City Shopping Centre.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 82.]

BILLS - ASSENT

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

1. Taxi Amendment Bill.
2. Carnarvon Banana Industry (Compensation Trust Fund) Repeal Bill.
3. Western Australian Meat Industry Authority Amendment Bill.
4. Police Amendment Bill.
5. Acts Amendment (Video and Audio Links) Bill.

BUSSELTON STUDY

Statement by the Premier

MR COURT (Nedlands - Premier) [2.11 pm]: Many members in the House will be aware that for over three decades, the people of Busselton have willingly lived under a microscope to make it possible to collect and analyse data for medical research. On a regular basis the people of Busselton have been required to undergo a range of health tests, divulge personal information and answer long lists of questions about their lifestyle.

I am pleased to report to the House that last Friday the people of Busselton were rewarded for the role they played in Australia's longest running health study with the launch of the publication "The Busselton Study". The people of Busselton can be proud of the fact that their participation has provided the data for a document that will provide an invaluable reference for health care professionals in Australia and internationally as they seek to implement effective preventive health strategies for the benefit of the general population.

The study provides results which are of immense practical significance in the prevention of cardiovascular disease, diabetes and respiratory illness, and has assisted in research into a wide range of conditions including obesity, peptic ulcer, sleep apnoea and immunological disorders. The results of the study are very interesting and show that the introduction of health intervention programs in Busselton targeting high blood pressure, smoking, high blood cholesterol levels and obesity led to significant improvements in the health of the community. The results reveal an improved survival rate among regular survey attendees and a 30 per cent fall in death rates. The data also records a fall in death rates from cardiovascular disease in Busselton which researchers say is a direct result of treating high blood pressure and lowering the level of cigarette smoking. The interventions accounted for a fall of 67 per cent in men and 22 per cent in women.

Obviously the study has had many benefits for the participants and it has also led to an overall improvement in the health of the Busselton community due to an increased awareness of diseases and their treatments. In the longer term the study will reap benefits for governments around the world as the burden on health care systems ease following the implementation of more effective preventive health strategies that have been tried and tested in Western Australia. In our State alone, the potential savings from improved preventive health care strategies would calculate to many millions of dollars each year.

The State owes a great deal to those responsible for conducting the Busselton health study and the man who conceived the idea, the late Dr Kevin Cullen, a Busselton general practitioner who held a passionate belief in disease prevention. I am certain that the late Dr Cullen would have been very pleased with the achievements of the Busselton study and the significant contribution it continues to make to improving the health of our community.

ANTI-CORRUPTION COMMISSION

Statement by the Premier

MR COURT (Nedlands - Premier) [2.13 pm]: Last week I advised that I had received the report of the special inquiry into the Anti-Corruption Commission. The special inquiry was established on terms of reference settled by the Solicitor General. These terms of reference directed the special inquirer to inquire into allegations of -

> Leaks of information to the media by the ACC regarding the search of premises including those of Commander Ibbotson and Detective Sergeant Ferguson.
>
> Connections between two nominated ACC investigators and organised crime or some other persons making them unsuitable for employment by the ACC.
>
> A material conflict of interest of the Chairman of the ACC.

The terms of reference further directed the special inquirer to refer to me any other matters that he considered warranted investigation. The special inquirer found that there were no leaks from the ACC as alleged. The special inquirer found no evidence that one of the ACC investigators had improper associations, and, as the other ACC investigator had left the ACC, it was impracticable to reach a conclusive finding in his case.

The special inquirer found that the evidence before the inquiry did not warrant a conclusion that the chairman has or had a material personal interest in a matter under investigation by the ACC and failed to disclose the nature of that interest to the commission or acted contrary to the Act. However, the special inquirer did find that the commissioners and chief executive officer of the ACC should have followed more closely the formalities under the Act in relation to conflicts of interest. As to "further direction" in the terms of reference, the special inquirer noted that matters had been raised directly with the Government, and did not put forward any matters that warranted investigation or further direction.

The concluding observations by the special inquirer commence at page 33 of the report. In particular, the special inquirer commented that -

> the inquiry had been informed by a person in a position to know that he had recently experienced "exemplary" treatment by the ACC;
>
> the inquiry agreed with the joint standing committee recommendation for the setting up of a continuing independent review authority;
>
> the inquiry had discerned a tendency for the ACC to question the motives of complainants and suggested that, in dealing with complaints, the ACC deal with the issues and substance leaving the questioning of motives to others;
>
> the inquiry recommended that the ACC give further attention to its processes in relation to conflicts of interest.

The Government has sent the report to the joint standing committee and the ACC will receive a copy today. It is expected that the joint standing committee will monitor the response of the ACC to the matters raised by the special inquiry. In relation to other matters raised with Mr Boucher, the Solicitor General has advised that they do not warrant an extension to the terms of reference for the special inquiry.

As mentioned, the joint standing committee has recommended the creation of an office of parliamentary inspector of the Anti-Corruption Commission. The committee's report is currently under consideration by the Government. The Government is reluctant at this stage to appoint a watcher to watch the watcher. The 1996 amendments to the Official Corruption Commission Act established the ACC as the peak independent investigative body into allegations of corruption and criminality. The commission is made up of three members of the community who oversee its operations. Historically, strong attacks are made on such bodies. The past 12 months have demonstrated that the ACC is subject to the supervision of the courts and if allegations become such that an independent inquiry is required, the Government will have no hesitation in appointing an inquirer as was demonstrated in this case. The situation will remain under review, but at this time it is considered to be too early in the days of the ACC's operations.

Finally, I thank Mr Trevor Boucher for his work in conducting the special inquiry. His report has provided answers about the allegations made against the ACC and he has also made a number of observations that will assist the ACC in its work.

I table the report of the special inquiry into allegations concerning the Anti-Corruption Commission, and I move -

> That this House authorises the publication of the report of the special inquiry into allegations concerning the Anti-Corruption Commission.

Question put and passed.

[See paper No 459.]

GOVERNMENT RESPONSE TO THE FINAL REPORT OF THE SELECT COMMITTEE INTO THE MISUSE OF DRUGS ACT 1981

Statement by Minister for Family and Children's Services

MRS PARKER (Ballajura - Minister for Family and Children's Services) [2.18 pm]: I have pleasure in tabling the response of the Government to the final report of the Select Committee into the Misuse of Drugs Act 1981. The final report of the committee was tabled in the Legislative Assembly on 20 August 1998. The report primarily addresses the second term of reference of the select committee - that is, to inquire into and report upon the provision of health, educational and community support services to deal with the consumption of illicit drugs, particularly heroin. As with the interim report, I would like, again, to commend the chairman and members of the select committee on their comprehensive and well-researched report. The Government is committed to providing a comprehensive response to the problems associated with illicit drug use and abuse and welcomes the report.

The chairman's comment that the select committee believes that the Government, hand-in-hand with the broader community, has travelled down the right path in the prevention of drug problems, is a welcome recognition of the substantial priority the Government has given these issues through the Together Against Drugs strategy.

The Government has considered the 39 recommendations of the report. It supports or supports in principle 35 of the recommendations; one recommendation requires further consideration; one recommendation is noted as it was addressed to the select committee; and two recommendations are not supported.

Key recommendations and responses include the expansion of treatment services for offenders, addressed through the Ministry of Justice drug management strategy; consideration of service development in the goldfields, addressed through the establishment of a community drug service team and interagency programs; establishment of a centre for intoxicated youth in the inner city, addressed through the development of the On Track program and its support by a range of agencies; and development of appropriate guidelines for police regarding drug searches at schools, addressed through guidelines that have been jointly prepared by the Police Service and the Education Department.

The two recommendations that are not supported relate to the request for the rearrangement of zones for country and metropolitan community drug service teams to coincide with the same boundaries used for each of the state health zones and to the request to consider amending section 39 of the Sentencing Act 1995. The Government considers that community drug service teams should cooperate with not only Health but also a range of government agencies with a range of different structures, including Family and Children's Services, the Ministry of Justice, schools, local government and Safer WA committees. The 11 community drug service teams are arranged so that they can achieve statewide coverage and we do not believe that this impedes effective cooperation with health services.

The recommendation to amend section 39 of the Sentencing Act to provide upon conviction for a simple cannabis offence that, unless the court is convinced to the contrary, a spent conviction be recorded is not supported as this would not be consistent with the policy and purpose of the cannabis cautioning system linked to a mandatory education intervention currently being trialled in two police districts in this State.

Implementation of the Government's response will be monitored and coordinated through the WA Drug Abuse Strategy Office and the Drug Abuse Strategy Senior Officers Group as is the response of the Government to the interim report of the select committee. I table the response setting out the Government's position on each of the report's recommendations.

[See paper No 460.]

[Questions without notice taken.]

PARLIAMENTARY SERVICES COMMITTEE

Change of Membership

THE SPEAKER (Mr Strickland): I received the following letter from the member for Armadale dated 16 November -

Dear Mr Chairman

Due to an increasingly very heavy workload I find myself unable to attend as many meetings of the Parliamentary Services Committee as I would like. I therefore tender my resignation from this Committee effective as of today's date.

I understand a replacement Legislative Assembly member will be elected at our next Caucus meeting.

Yours sincerely

Alannah MacTiernan MLA
Member for Armadale.

Unless there is a specific standing order or resolution to the contrary, members are appointed to and discharged from committees by resolution of the House. I therefore give the call to the Leader of the House.

On motion by Mr Barnett (Leader of the House), resolved -

That the member for Armadale be discharged from the Parliamentary Services Committee, that the member for Perth be appointed in her place and that the Legislative Council be acquainted accordingly.

SELECT COMMITTEE ON THE HUMAN REPRODUCTIVE TECHNOLOGY ACT 1991

Presentation of Report - Extension of Time

On motion by Mr Barnett (Leader of the House), resolved -

That the date for presentation of the final report of the Select Committee on the Human Reproductive Technology Act 1991 be extended to 25 March 1999.

JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

Leave to Sit

On motion by Mr Barnett (Leader of the House), resolved -

That leave be given for the Joint Standing Committee on the Anti-Corruption Commission to meet when the House is sitting on 24 November.

TRANSFER OF LAND AMENDMENT BILL

Second Reading

MR SHAVE (Alfred Cove - Minister for Lands) [3.00 pm]: I move -

That the Bill be now read a second time.

There are some problems with the existing methods by which a restrictive covenant is extinguished, discharged or modified by order made by the Supreme Court of Western Australia. These amendments change the process by which a single-dwelling restrictive covenant which affects more than 10 lots may be changed by such an order under section 129C of the Transfer of Land Act. In addition, unless the provisions of the relevant town planning scheme expressly authorise the removal of the single-dwelling restrictive covenant, while the land is subject to that covenant, it should not be subdivided and multiple dwellings should not be built on the land, despite planning legislation and town planning schemes that may allow otherwise. Some of the problems with the current process include that -

only one person in an entire estate scheme must apply to the court for the removal of a covenant, without consultation or agreement from those who enjoy the benefit of the covenant;

on every occasion when an individual landowner in the estate scheme brings an application to the Supreme Court, any other landowners in the same estate scheme who wish to oppose the proposed change are required to participate in what may be expensive and time-consuming litigation to defend the matter in the Supreme Court, and this may happen repeatedly every time one owner applies to the court;

owners of land located within a different but adjoining estate scheme, in practice, due to physical proximity, may be adversely affected by the removal of a single-dwelling restrictive covenant, but at law, because they do not belong to the same estate scheme, have no legal entitlement to object to the removal of that covenant;

if an order is made by the Supreme Court for the removal of the restrictive covenant, the effect of the single dwelling estate covenant scheme may be adversely affected and watered down. This may reduce the value and amenity of the neighbourhood which was originally supported by the single-dwelling restrictive covenant to the point where it may even be lost, either partially or totally.

Under the existing methods, residents who oppose a change and who wish to maintain the existing single-dwelling status may be required to incur great expense and spend considerable time in the Supreme Court defending the integrity and character of their neighbourhood. These amendments aim to address some of these problems by allocating an increased weight to the views of those residents who own nearby land with the benefit of a single-dwelling restrictive covenant and, therefore, are most likely to be affected by the removal of the single-dwelling restrictive covenant. In effect, the onus is placed upon the resident who wishes to change the covenant to satisfy the court that he or she has obtained support to do so from those most likely to be affected by the change. Under the amendments, the Supreme Court cannot decide to make an order to remove the single-dwelling restrictive covenant unless the resident who wishes to change the covenant has already obtained written consent to the removal from 51 per cent of other landowners. Approval also is needed from other relevant encumbrance holders of land with the benefit of a single-dwelling restrictive covenant, who are located in close proximity.

The proposed regulations set out a method to identify those from whom consent should be requested and obtained. Those persons are identified by reference to their interest in land located inside the prescribed area. The prescribed area is defined on the basis of the proprietorship of lots with the benefit of a single-dwelling restrictive covenant, which are located within a certain distance from the lot sought to be removed from the covenant. The primary method used to determine the prescribed area is the application of a circle formula. It is expected that consent should be requested from about 200 or more benefited lots located inside the prescribed area. These lots are identified by drawing a circle with a radius of 250 metres from the centre of the lot the subject of the application to court to change the covenant. If 200 or more benefited lots do not fall inside the circle, the size of the circle may be increased. However, the formula recognises that, irrespective of the size of the circles, there may never be 200 benefited lots inside the circle. Therefore, the regulations also stipulate a maximum circle size to define the prescribed area.

In summary, the amendments will make it more difficult for landowners within a neighbourhood of single-dwelling restrictive covenants to obtain a Supreme Court order to remove that covenant without the support of the majority of those most likely to be affected by a change to that covenant. The effect of these amendments may be a decreased number of applications made to the Supreme Court to remove a single-dwelling restrictive covenant under section 129C of the Transfer of Land Act. Consequently, the burden imposed upon landowners, often repeatedly, to oppose the removal of a single-dwelling restrictive covenant through expensive and time-consuming litigation is likely to be reduced. I commend the Bill to the House.

Debate adjourned, on motion by Mr McGowan.

ROAD TRAFFIC AMENDMENT BILL

Second Reading

Resumed from 19 November.

MR MacLEAN (Wanneroo) [3.05 pm]: During the second reading debate last Thursday, I was concerned when the Labor Party raised its option of exempting from the immobiliser legislation cars valued at under $3 000. I want to indicate how out of touch the Labor Party is with people.

Mr McGowan: The member can give it to us; we are looking forward to it.

Mr MacLEAN: Members opposite should be, because they should go and talk to people. It is highly likely that a motor vehicle worth less than $5 000 will not be insured comprehensively. It will be insured for repairs following an accident, but it will not be insured comprehensively. If the car is stolen, it will be lost - there will be no replacement - and the owner will lose what, to him, is a considerable investment. The Labor Party does not seem to care about that. It does not care that people on low incomes who buy cars at around $5 000 could lose them.

Labor Party members are the most frustrating people that I have come across. They have no understanding of people on low incomes. They purport to be the representatives of those people in this place, but they have absolutely no idea of how people survive on those low incomes. They do not want this legislation passed. They have tried to grab the headlines on this matter by saying that they want cars worth less than $3 000 exempted from the legislation. Do Labor Party members know what would happen if that were to happen? If cars worth less than $3 000 were exempted, anyone who wanted a free ride home would take one. That would mean that more and more people who could not afford to replace their cars would lose them. The Labor Party does not care about the results of its stand on this matter; all it cares about is the headlines that it gets. Members opposite think that they are great because they think they are protecting the low income earners; that is, those who cannot afford to buy cars worth over $3 000. What rubbish! The Labor Party is not protecting them; if it were, it would be supporting the legislation, because the cost of having an immobiliser installed, on transfer, is around $90.

Ms MacTiernan: Why can't they do it anyhow without the Government forcing them to do it? If they reckon it is a good idea, why can't they do it? Because they do not know what is good for them, they need the Government to tell them what is good for them! What a joke!

Mr MacLEAN: The member opposite has lost the point again. When the car is sold, that will be a requirement. It will cost about $90.

Mr McGowan: What about cars that are not transferred?

Mr MacLEAN: Members opposite want cars that are worth less than $3 000 to be exempt. They want everyone to know that they support the exemption of those cars. However, if those cars are not fitted with immobilisers, they will be a prime target. People who become tired when walking home late at night and who see a car that is not worth very much will know they can steal it, because there is no requirement for an immobiliser to be fitted. People on low incomes, who own vehicles worth less than $3 000, do pay to have immobilisers fitted because they are responsible. On Thursday last week members opposite said that people who cannot afford expensive cars must be protected. Members opposite do not have a clue about how those people survive and think. They only think they know. They are chardonnay socialists. I say that with the greatest derision. Members opposite do not represent working-class people; they would not know a working-class person if that person jumped up and bit them. I have reservations about compelling people to do certain things, such as fitting an immobiliser to their vehicle. However, once the immobiliser is in place everyone will be on an even playing field. The people who will be most severely affected are those targeted by members opposite purely for economic reasons. Even more of them are likely to have their cars stolen.

The South Australian Police Service has stated that 54 per cent of the motor vehicles stolen are worth less than $3 000. If this Government exempted vehicles worth less than $3 000 or $4 000 or $5 000, those cars would be targeted at a higher and higher rate. Unfortunately, people who have the propensity to steal motor vehicles live in the same areas as those who are likely to have cars worth about $3 000 or $4 000. No-one likes it, but that is the way life is.

Ms MacTiernan: On that logic, you should exempt people living in Peppermint Grove.

Mr MacLEAN: The member for Armadale is woeful; she should have stayed in the other place. Members opposite are not looking after people on low incomes or those who have inexpensive motor vehicles. They just want a headline. I support the legislation with some reservation, but only because I am not keen on compulsion in these matters.

MR PENDAL (South Perth) [3.13 pm]: I will make a brief contribution to this debate but from a somewhat different direction. I support the primary intention; that is, to bring about universal application of immobilisers. I do so if for no other reason than that the theft of motor vehicles and the appalling level of home invasion in Western Australia are the two single crimes that are more likely to affect the average Western Australian than any other. I have said on many occasions in this House and in another place that, given that these two crimes are most likely to affect ordinary Western Australians, it is surprising that the Police Department seems to spend an inordinate amount of time, energy and resources tackling other problems. For example, there is no doubt in my mind that the police spend an inordinate amount of time on traffic duties in such a way as to suggest that the police leadership neglects other forms of community security. However, in this case the Government has it right, in that it seeks to bring about the universal introduction of immobilisers. That, in itself, deserves some commendation because of the huge number of vehicles that are stolen. That is the last of my bouquets, because I want to place on the record a couple of things not being done to bring about a more secure Western Australia.

In the minister's second reading speech he said, among other things -

> The first major initiative of the Safer WA program is the community security program announced by the Premier at the opening of Local Government Week. This involves a partnership agreement with the Western Australian Municipal Association and the provision of funding to assist local government to conduct an audit of crime at the community level . . .

I understand $4m of taxpayers' funds has been allocated to that purpose. I will clarify this because I have a joint statement in front of me. The following statement was made in a media release -

> Mr Court said a key feature of the agreement was the development of a Statewide audit of crime to help identify 'hot spots' in local communities which would pave the way for the increased use of security patrols in local government areas. Funding of $4 million for these initiatives was announced in this year's State Budget.

I am the first to acknowledge that the $4m is intended to range over a number of initiatives. So far, all those initiatives are the products of people dealing with this matter in the most superficial way possible, and they are the products of the spin doctors at work. Why is it necessary to give local government any money to conduct an audit of local crime? If the police do not know that already, they should be made accountable for that lack of knowledge. This State employs nearly 5 000 sworn police officers to keep law and order. This Parliament is now being told, and it has been included in the budget, to go along with a proposition from the spin doctors that the Government should spend $4m on learning what it should know already. That is the reason I say it is nothing more than a public relations stunt. In another part of the Premier's announcement some months ago he said -

> "The next step will be to provide financial assistance for patrols where councils wish to proceed with the initiative - accepting that some local government bodies may not want to go down the patrol path," . . .

I welcome that because it is a dramatic turnaround from the days when the member for Wagin was Minister for Police. In March 1995, the Government specifically rejected that concept of providing state government money for patrols that would be undertaken on a trial basis to see whether the cooperation with local government might produce better results than the results being produced by the police. My complaint over a long period has been that my electorate suffers from unsolved burglaries at the top end of the market.

In 1995 when I sought information through this House on the number of unsolved burglaries in my electorate, it was declined on the basis that it would be too difficult to determine the figures. I persisted until the information was finally provided. That information indicated that 4 per cent of home burglaries in the electorate of South Perth were being solved. In the wake of a suggestion put to the Government but rejected in a most peremptory way with the comment that it would not work hand in hand with local government to bring about increased police and local government security patrols, one must be fair and say that the Government took a long time about it, but at least it woke up to what people had been advising it for many years.

My point in raising it here is in direct response to what the minister said concerning an audit of crime being carried out at a local level funded by state government money. I repeat: If the police do not know those statistics, they should be disciplined. They operate in this State within a budget of hundreds of millions of dollars.

Mr Prince: A budget of $409m.

Mr PENDAL: Okay. If local government now needs extra funding - in some cases I think up to $10 000 - to have groups such as Neighbourhood Watch and the local authority security man tell the police the location of the hot spots, we need a new Police Force.

Mr Omodei: You have got it wrong. Before making those comments in Parliament you should seek a briefing on what the Safer WA program is about; you are dead wrong.

Mr PENDAL: If that is the best the minister can say in response, he is part of the problem. I am reading the comments made by the minister and the Premier. I will start with what was said on 23 August 1998. No-one has produced any results in my electorate that the people there find acceptable. This is mere public relations gimmickry. I have already said that the Government should be commended for its efforts to make immobilisers universal; that is money well spent. However, the minister should not tell me this is money well spent. It is the product of the spin doctor; it is superficial nonsense.

Page 1 of the Premier's statement referring to the agreement signed by the Western Australian Government and the State's premier local government body, which according to the statement is aimed at making communities throughout Western Australia safer, indicates that the objectives of the agreement are simple. They are so simple as to defy understanding. The first dot point reads -

> it recognises that the maintenance of community law and order is both a State Government and local government responsibility; -

Really! Since when have we had some sort of constitutional change in this State? That is tantamount to the Minister for Defence in the Commonwealth Government saying it is partly the Western Australian Government's charter to look after the defence of Western Australia. That would be wrong, just as it is wrong to say that local government should be a part of the maintenance of community law and order. Where is the evidence for the Government's statement? I do not think there is any evidence for it. It justifies my ongoing complaint that the Government and the police leadership keep getting it wrong.

I will relate the following comments to the issue of immobilisers: Being at least a reasonably intelligent person I can no longer understand the annual police report. I give it full praise for its colour and layout, which do not amount to a row of beans. However, what concerns me is that the 1998 report is now unintelligible to me. Why? Nowhere in it can I find raw statistics any more. For example, I cannot - I will be corrected on this - find the raw statistics for the number of home burglaries or the number of vehicles being stolen. Why would I want to do that? I might want to compare them with previous years.

Everything is being reported according to per 100 000 head of population. For some statistics that might be valid; however, it alters the benchmark. I do not know, for example, whether the situation is improving or worsening. In some of the little margins running down the page I am told things I do not want to know and I am not told things that are more important by far. For example, at page 5 the report indicates that the number of reported burglary offences did not change. However, it does not provide the figures. Neither, as far as I can tell, does it give the clearance rate of home burglaries. That is the key to the whole issue. If the rest of Western Australia is like my electorate, we have a crisis that is beyond the Government's capacity to handle.

Mr Bloffwitch: Yours is the worst electorate.

Mr PENDAL: I know. The member for Geraldton knows that from first-hand experience, being sensible enough to live there during parliamentary sessions, but unfortunate enough to be the victim of a home burglary. Nowhere else in the world would a 4 per cent success rate be acceptable.

At page 65 of the same report is one of the few statistics I can understand, because a comparative basis is attached to it. Again, it refers not to raw figures on the numbers of break-ins, attempted break-ins, motor vehicle thefts, assaults or robberies, but to "Victimisation rate per 100,000 households or persons, 1993-1995". If anything is designed to obscure the facts, that is. However, because it has drawn attention to the need to compare like with like, comparisons are made with 1993, 1994 and 1995. I would be interested in the response of the Minister for Local Government, who was so full of praise for the Government's record, to the following: There are three columns of figures; one is the Australian figure for those categories of crime - break and enter, attempted break and enter, motor vehicle theft, assault and robbery. Then there is a Western Australian figure for 1993 and 1995. Incidentally, I do not know why figures have not been included for 1996 or 1997 in a report dated 1998. Again, I suggest that is part of the problem. On every occasion at page 65, the Western Australian figure is above the Australian average by a huge factor; in some cases double, and in every case the 1995 Western Australian figure is higher than the 1993 figure. That is appalling. That is buried at page 65 in a police report. How can we have a sensible, rational debate on crime and its growth when the data disappears? When it is included, it is unintelligible, and it is a devastating indictment of something that has gone wrong. I do not know what has gone wrong, but three columns of figures exist for those four or five categories of crime. In every case, the Western Australian figures outstrip the Australian figures, and in every case, the Western Australian 1995 figures outstrip the Western Australian 1993 figures. Mr Deputy Speaker, that is not acceptable. If the Government had the good sense as it has done to recognise that vehicle theft is a major problem and draws a major amount of energy and resources from the Police Department, it is to be commended for introducing this immobiliser scheme. That is the reason I support this legislation.

However, where is the solution to the other major form of suburban crime; notably, break and enters? It is on that issue that the Government has come up with the spin doctor solutions. It is not the job of local government to be in any way involved in the audit of local crime. I have never heard of anything so silly. It does not have the resources or expertise to do it. It is an insult when a member in this House asks for that sort of statistical data and is told that it is not available, and then finds that the Government is introducing a scheme that will ask local governments to determine the answer. Again, local government is an expert in its own field. It is a delegated agency of this Parliament that is sent into the local community to do certain important functions. One of those functions is not, to my knowledge, the detection, and certainly not the audit, of local crime. The Government has muddied the waters by introducing that issue into this Bill. The introduction of this Bill, which deals with the introduction on a universal basis of the immobilisers, will make a difference. It will have a cost impost on a section of society, but I think that section of society, probably the battlers and the low-income earners, will find greater relief from the immobiliser scheme by having full possession of their motor car. Hopefully, if nothing else is achieved by it, it will cut the alarming rate of vehicle thefts in Western Australia. I support the Bill.

MR OMODEI (Warren-Blackwood - Minister for Local Government) [3.33 pm]: I thank the members opposite for their comments about this Bill. As members know, I was not here when the member for Armadale made her comments about the legislation. Some notes have been provided to me to respond to the matters that have been raised.

The first issue raised was that the fitting of an immobiliser will impact on the price of the car, particularly low-cost vehicles. The responsibility for fitting the immobiliser will rest with the buyer of the vehicle and will not impact on the sale price of the vehicle. The purchase price of the vehicle should be negotiable and within the buyer's budget. Another issue was raised about the $18m worth of subsidies for immobilisers and comment made that less than 10 per cent has been allocated and $600 000 has been spent. The question that then followed was how much is being set aside for the rebate and how much has been spent. The response given is that the current voluntary scheme as administered by the Police Service as at 31 October 1998 has received 62 340 rebate applications. Of these, 57 780 have been processed and an amount of $1.7334m for total rebates has been issued. The other matter raised was the increased value of the subsidy.

Ms MacTiernan: One of the parts of that question was how much in total had been allocated to the scheme. How much was budgeted for the scheme?

Mr OMODEI: That is a good question. I will give the member the advice when we get to the committee stage.

The other question raised was the value of the subsidy. The subsidy will be increased from $30 to $40.

Ms MacTiernan: When will that happen?

Mr OMODEI: It has already happened and was decided at a cabinet meeting.

Ms MacTiernan: Today?

Mr OMODEI: No, it was some time ago. I cannot remember the exact date.

Ms MacTiernan: Has that been announced?

Mr OMODEI: Yes, I think it was some time ago.

Ms MacTiernan: Has that been offered already?

Mr Prince: At least three months ago.

Mr OMODEI: The next issue raised was about the advice the Government had received, and whether this Bill conflicts with the commonwealth Motor Vehicle Standards Act. The Motor Vehicle Standards Act provides the power for the making of regulations which would exempt road vehicles owned or used by corporations from complying with the vehicle standard, other than the national standard. However, discussion between the Department of Transport and the administrator of the Motor Vehicle Standards Act has ascertained that the responsibility for fitting an immobiliser rests with the purchaser of the vehicle and not the vehicle manufacturer, based on the current proposal. The Commonwealth does not plan to take this course of action.

The next question referred to the standards to be implemented to prevent vehicles from theft. The response is that Australian Design Rules and the Federal Chamber of Automotive Industries have advised that they have agreed to work with the federal Office of Road Safety to fast-track the development of an Australian design rule for the fitting of immobilisers to new vehicles. Indications are that this initiative could be introduced as early as July 1999.

The member for Ningaloo was concerned that immobilisers should be made compulsory in all new vehicles, but not old cars. Information on vehicles stolen in this State maintained by the Western Australia Police Service does not include vehicle values. However, the South Australian office of crime statistics recently released a report which shows that 53.3 per cent of vehicles stolen in that State in 1997 were valued at $3 000 or less. That information is provided by the vehicle owner at the time of the reported theft. The report also highlights that victims of vehicle theft are more likely to be the drivers of 15 to 25-year-old vehicles valued at less than one-tenth of the price of current models.

Ms MacTiernan: Why do we rely on South Australian statistics? Why do we not have any statistics?

Mr OMODEI: Good question. In addition, the report suggests that vehicles manufactured during the 1970s are nearly eight times more likely to be stolen than vehicles manufactured in the 1990s, and vehicles manufactured during the 1980s are four times more likely to be stolen than the 1990s models. The statistics obtained from the Western Australia Police Service show that the recorded number of vehicle thefts over the four-year period to 30 June 1997 decreased in Western Australian - the 964 offences per 100 000 population recorded in 1993 was reduced to 839 in 1996-97.

The member also referred to farm vehicles not needing immobilisers. Farm vehicles which are licensed to be used on farming properties or which travel from one portion of a farm to another will be exempt from this requirement in that portion of that farm.

Another comment was that immobilisers fail and stop cars. A total of 2 per cent of the RAC breakdown call-outs are for failed immobilisers. The response is that any electrical component in a vehicle may fail and cause a vehicle to break down. The Royal Automobile Club of Western Australia has advised the Department of Transport that the 2 per cent of vehicle breakdowns alluded to by the member also includes failed security systems, including car alarms and flat batteries in the remote unit. The other issue raised was that no 24-volt immobiliser is available. This requires a new transformer which costs approximately $800. The response provided by Transport is that Transport has discussed this issue with the members of the immobiliser installation industry, who indicated that these vehicles should not present a problem. However, the cost of installing an immobiliser to a vehicle with a 24-volt system would be approximately $200 before the $40 rebate is applied. These types of vehicles are considered to be a small percentage of the target group. The member for Wanneroo generally supported the issue.

Ms MacTiernan: You gave that contribution the attention it deserves.

Mr OMODEI: The member is very - I will not say it.

The member for South Perth made a number of comments on audits and the Safer WA initiative of the Government. Although he talked about spin doctors, I would encourage him to get a briefing. He will find that the Premier and the Deputy Premier are chairing the standing committee on crime in Western Australia, which is a measure of the Government's concern about the number of offences being committed across the spectrum of crime.

Mr Pendal: Why do we need to have local government conducting audits of crime at the community level?

Mr OMODEI: I was about to get to that. The support of local government for the Safer WA initiatives has been quite excellent. Local government is very keen on being able to tap into some money to look at what is already happening in the municipalities. That is what the audit will be about. Obviously, the Police Service will have statistics.

Mr Pendal: You do not need an audit. Why do you need local government to tell you what you already know? The police have the figures.

Mr OMODEI: That has been part of the problem. A number of organisations have been doing something about crime. The effort has never been coordinated across the board.

To correct the figures, the maximum amount that we will allocate for audits will be $10 000. In the first year $1m will be allocated under the $4m program for local governments. There are a range of initiatives.

The member for Armadale asked whether the standing committee has met yet. The standing committee of the Cabinet meets every two weeks and reports directly to Cabinet. As a result of the meeting, the Safer WA Council has been set up. It requires other government agencies, such as the Education Department, Homeswest and the Health Department, to be brought into the picture, even into the standing committee if necessary.

Other agencies with relevant issues will be co-opted onto the committee, including Homeswest with matters relating to security, and the Education Department with matters relating to its facilities. The Safer WA Council will focus on crime reduction, increasing local community involvement in decision making and setting priorities, improving the performance of reactive and proactive responses to crime, providing a more effective partnership between government and non-government bodies, and also collecting and publishing meaningful data on crime rates and clean-up rates. The statistics that the member has been asking about will be provided.

The council will also assist in the development of strategies to foster and maintain a safer community, the evaluation of crime prevention and crime reduction initiatives, the assessment of applications from local government for Safer WA community security program funding, and government agencies' appraisal of their law and order related activities. For the edification of members, membership of the Safer WA Council includes the Commissioner of Police, who chairs the council; Mr Robert Fisher, the Director General of Family and Children's Services, who is the deputy chair; Mr John Hudson, OAM, the president of the Safer WA committee executive; Mrs Esther Roadnight, the regional Safer WA committee representative; Mr Garth Eichhorn, the metropolitan Safer WA committee representative; Mr John Hyde, the President of the Local Government Association of Western Australia and who also represents the Western Australian Municipal Association; Mr Grant Jones, a business proprietor; Mrs June van de Klashorst, MLA and Parliamentary Secretary assisting the Minister for Justice; Mrs Glynis Sibosado, the Chairperson of the Aboriginal Justice Advisory Council; Mr Alan Piper, the Acting Director General of the Ministry of Justice; Mr John Lynch, the Executive Director of the Department of Local Government; Mr Hadyn Lowe, the Chief Executive Officer of the Aboriginal Affairs Department; and Mr Stephen Wood, the Deputy Director General of the Ministry of the Premier and Cabinet. The committee has a broad cross-section of the community on it.

The Safer WA committees are the old Community Policing Crime Prevention Committees. They are being set up right across Western Australia with great cooperation from not only local government but also communities around the State. There are also a chief executive officers' working group and interagency district committees. They are working well. I am trying to tell the member for South Perth that Safer WA is a lot more than local government audits or local governments providing security patrols. It is an across-the-whole-spectrum effort to minimise crime in WA.

As to legislative reform, the centrepiece of the program will be amendments to the Sentencing Act, providing a totally new scheme for sentencing which will provide a clear, consistent sentencing regime that the public will be able to understand, that will make the courts more accountable and consistent in their sentencing, and that will give Parliament more control over the sentences that will be imposed, particularly for offences seen as a particular aggravation to a community. Those are only some of the legislative reforms.

I know that we are talking about immobilisers. However, as the member raised the issue, I need to respond. Some of the other legislative reforms include changes to the Justices Act to enable summons complaints to be dealt with on the first court date in the absence of the defendant; changes to the Bail Act to tighten up on the granting of bail for offences of a serious nature and providing greater protection in the case of domestic violence; changes to the Police Act to enable police to take direct action to prevent graffiti damage; changes to the Road Traffic Act to enable regulations to require all passenger cars and motor wagons being licensed for the first time or being transferred to a new owner to be fitted with approved immobilisers, which we were talking about; new surveillance devices legislation to assist police and law enforcement agencies in the detection and prosecution of offences through the use of surveillance devices; legislation to make the failure to pay a taxi fare an offence and prescribing a penalty not exceeding $1 000; and legislation to provide police with powers to combat the increased use of non-firearm weapons in crimes against the community.

In relation to funding, prior to announcing Safer WA only two government law and order funding programs supported community-based crime prevention activities. They were the community policing fund, which provides police officers with funding for community-based activities that promote better relations between the police and the community, and particularly young people. The fund is worth around $600 000 a year and is managed by the Police Service in conjunction with Safer WA committees executive. The maximum grant limit is $5 000. The other is the State crime prevention strategy fund, which provides money for community groups undertaking community-based crime prevention activities on a one-off basis. This fund is around $500 000 a year and is managed in much the same way as the community policing fund. Grants of between $5 000 and $50 000 are available. However, grants of over $50 000 can be approved in exceptional circumstances. As part of Safer WA, two additional funds have been established. The first is the Safer WA community security program for local government crime prevention activity, which is worth $4m over four years. As I mentioned, the first round consists of grants of up to $10 000 in 1998-99 for community security audits.

That is a summary of some of the things that are happening. The Premier has taken a direct interest in this issue and the

response has been received. Over the weekend I attended a country shire councils conference in Darwin. It included Kimberley councils and Northern Territory councils. That meeting was attended by the Presidents of the Western Australian Municipal Association and the Country Shire Councils Association, who are keen to address the issue of crime.

The Road Traffic Vehicle Standards Regulations do not provide a general power which would enable the director general or any other person arbitrarily to exempt a vehicle from complying with the prescribed standards. It is intended to amend the regulations by including provisions relating to the requirement to fit an immobiliser to passenger cars and motor wagons registered for both family and business purposes with a tare weight not exceeding 3 000 kg. The regulations will also include exemptions from the fitting of immobilisers to prescribed vehicles, including vintage-type vehicles and vehicles which are registered as farm vehicles. Most of those matters were discussed during the second reading debate.

The federal Chamber of Automotive Industries has advised that it has agreed to work with the federal Office of Road Safety to fast-track the development of an Australian design rule for the fitting of immobilisers to new vehicles. Indications are that the initiative could be introduced as early as July. As to authorised immobiliser installers, it is currently a voluntary scheme. Information from the Insurance Council of Australia Ltd indicates that as at 21 October 1998 there were 173 authorised immobiliser installers - that is, 130 in the metropolitan area and 43 in country locations in 24 towns. That network of installers provides more than 200 installation outlets, and some provide a mobile service.

I have attempted to respond in a slightly unusual way, as I was not present to listen to all second reading contributions, and I have tried to respond to members' concerns. I thank members for taking part in the debate and I commend the legislation as a positive initiative to reduce car theft.

Question put and a division taken with the following result -

Ayes (33)

Mr Ainsworth	Mr Day	Mr MacLean	Mr Shave
Mr Baker	Mrs Edwardes	Mr Marshall	Mr Sweetman
Mr Barnett	Dr Hames	Mr Masters	Mr Trenorden
Mr Barron-Sullivan	Mrs Hodson-Thomas	Mr McNee	Mr Tubby
Mr Board	Mrs Holmes	Mr Minson	Dr Turnbull
Mr Bradshaw	Mr House	Mr Omodei	Mrs van de Klashorst
Dr Constable	Mr Johnson	Mr Pendal	Mr Wiese
Mr Court	Mr Kierath	Mr Prince	Mr Osborne *(Teller)*
Mr Cowan			

Noes (18)

Ms Anwyl	Mr Graham	Mr McGinty	Mr Ripper
Mr Brown	Mr Grill	Mr McGowan	Mrs Roberts
Mr Carpenter	Mr Kobelke	Ms McHale	Ms Warnock
Dr Edwards	Ms MacTiernan	Mr Nicholls	Mr Cunningham *(Teller)*
Dr Gallop	Mr Marlborough		

Pairs

Mr House	Mr Thomas
Mrs Parker	Mr Riebeling

Question thus passed.

Bill read a second time.

Committee

The Chairman of Committees (Mr Bloffwitch) in the Chair; Mr Omodei (Minister for Local Government) in charge of the Bill.

Clause 1: Short title -

Ms MacTIERNAN: The Opposition has indicated that it withdraws its earlier support for the legislation. As I set out during the second reading debate, I wrote to the Government on behalf of the Opposition, on 22 October, advising the Minister for Transport that we would support the legislation only if an exemption were granted to vehicles valued at less than $3 000. We also pointed out in that letter that less than 10 per cent of the moneys that had been allocated for the immobiliser subsidy scheme had been used and that there was a good argument for increasing the carrot rather than applying the stick. The figures that were provided by the Government today verify that. The Government's original estimation was that about 600 000 people would take up the offer of the subsidy within three years, but as we find now, after 18 months, which is half that period, only 63 000 people have applied. Although half the time has gone, only 10 per cent of the projected number of people have applied.

I want to address a couple of the arguments which have been mounted by the Government in its letters and by some of the comments of members of the Government about our desire to exempt vehicles which are valued at less than $3 000. The first argument that was used by the minister in the letter he gave us during the second reading debate was that there is no evidence to suggest that older vehicles are targeted less often than new vehicles.

The CHAIRMAN: There is a growing inclination that members can have a free-ranging debate on the title of the Bill. I remind members that if they wish to discuss the title, it should be along the lines that something is wrong with the words, "This Act may be cited as the Road Traffic Amendment Act 1998." If members have difficulties with that, they should by all means explain it. However, we cannot continue discussing what was said in the second reading debate or giving a general résumé of the Bill.

Ms MacTIERNAN: I was hoping to save the time of the Chamber by setting out the circumstances of our special case. Because the Government did not announce its full position to us until after we had spoken at the second reading stage, it is important for us at this stage of the Committee, which will not be lengthy, to establish the framework of our position. Although in general I understand that principle, I ask the Chairman's indulgence for another two minutes to make my final points. The issue never was that these vehicles would be less of a target. We do not keep statistics in Western Australia, so we are unable to say what is and what is not a target. That is an indictment of our Police Service. The second argument was that these older and less valuable vehicles would become a target because they would be the only vehicles that were not fitted with an immobiliser. That is absolute nonsense. This legislation will not make vehicle immobilisers compulsory for all vehicles; it will only make vehicle immobilisers compulsory for those vehicles that are being transferred. If I bought a late model Mazda yesterday and I kept that vehicle for the next five or 10 years, it would not require an immobiliser. For many years, a lot of late model cars will not have immobilisers because it is not compulsory for all vehicles to have immobilisers; they will be required to be fitted only on transfer.

The argument that was then used was that the older vehicles would be as vulnerable in cases of theft and could contribute to crime. That argument applies to cars that have not been transferred. A car I bought last week would not be required to have an immobiliser. That car would be as capable of harming someone as would be one which is bought a week after this legislation comes into operation. We have come to a compromise on this legislation. The Government has suggested that it will not make all vehicle owners comply and we said okay. However, we want another compromise to be made because we think there is a special case for people with limited funds who are seeking to purchase a vehicle and will now have to pay an extra $80 on top of the existing purchase price of that vehicle.

The CHAIRMAN: I will be very strict on the first title of the Bill. The short title of the Bill is the words that are contained in the clause; not a free-running debate. Whether or not this is a special circumstance, I make that ruling.

Mr Pendal: Given that admonishment, I seek the Chairman's guidance. Which of the five clauses is free-ranging in terms of funding and financing the scheme?

The CHAIRMAN: Clause 4 is fairly free-ranging.

Mrs ROBERTS: Given the Chairman's comments, I hate to disappoint him. I will address the wording of the Road Traffic Amendment Bill. The word "immobiliser" could be included in the title because the Bill does not deal generally with only the Road Traffic Act. It might be clearer to indicate that it deals with immobilisers. That is why this legislation has been brought before the House; it specifically deals with immobilisers. However, they are not mentioned in the title of the Bill. They are certainly the principal content of the Bill. The Opposition opposed this at the second reading stage. A number of members of the Government have been stood over on this legislation. It is disappointing that the title does not also include in brackets "hand-held mobile telephones and radar detectors in vehicles". This is an inadequate piece of legislation. Better things could be done about road safety. Calling it the Road Traffic Amendment Bill does not make the reasons for its introduction clear to people.

Clause put and passed.

Clause 2: Commencement -

Ms MacTIERNAN: This clause relates to the day on which people will find themselves liable to purchase immobilisers. It is important for us to know precisely the circumstances of the subsidy which might be available to them. Will the minister provide the details that we requested during the second reading debate that appear to have been left out? How much was allocated for this scheme when it was announced at the election in December 1996? We understand it was $18m. Will the minister confirm that the target figure for vehicles accessing the scheme over a three-year period was 600 000 vehicles?

Mr OMODEI: The member has the committee notes, which indicate that section 20 of the Interpretation Act states that, unless otherwise approved, an Act comes into operation 28 days after it receives royal assent. In view of the need to introduce these initiatives as early as possible, these provisions provide that the Bill comes into effect on the date of assent. Under the voluntary arrangements for equipment to immobilise vehicles, $18m was allocated and the target at that time was to fit 600 000 vehicles.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Section 24A inserted -

Mr PENDAL: I will explore the question of the funding that was set aside in this year's budget and perhaps in previous budgets. How much have we contributed to that free or subsidised system? Depending on that answer, I want to raise an associated question with the minister.

Mr OMODEI: As at 31 October, under the current voluntary schemes administered by the Police Service, 62 340 rebate applications have been received, 57 780 have been processed and rebates totalling $1 733 400 have been issued.

Mr PENDAL: That was one of the most sensible and practical things the Government did in its budget to induce people to fit immobilisers. It makes my earlier point for me. Given that $1m or so has been spent in subsidising about 60 000 motorists -

Mr Omodei: Six hundred thousand.

Mr PENDAL: On my calculation, the $4m set aside for the spin-doctor stuff that I referred to earlier would be capable of funding immobilisers to another 240 000 vehicles. Has any consideration been given to channelling the $4m - some of which is going into the audit of local crime - into a proven area such as subsidies to people to voluntarily fit another 240 000-odd immobilisers?

Mr OMODEI: No, consideration was not given to that. The $4m allocated to the local government scheme was purely to assist local governments. The $10 000 maximum per application for audits was purely for that purpose so that communities were aware of what was happening already. As I mentioned in response to the second reading debate, a number of initiatives have been undertaken by the police, by communities and by local governments. The community in the City of Bayswater was the first to initiate security patrols. That was followed by communities in Stirling and Melville; and Gosnells has its own community crime prevention strategy. Therefore, a number of things have been happening concurrently. Homeswest has a security arrangement to protect its audits; the Education Department has another scheme to protect its audits; and there are other community-related crime prevention strategies, including domestic violence committees and so on. Therefore, the intention was that the $10 000 audits under the Safer WA program were to be implemented to assist communities to know exactly what was happening across the board in their communities. To that extent, it was a sensible thing to do rather than people requesting the provision of community crime prevention strategies on an ad hoc basis. I urge all members, if they are not aware of the Safer WA program, to seek a briefing on the program. It has been a thorough process. A range of matters have been implemented as a structure or base so that we can get some positive outcomes rather than continuing on an ad hoc basis as occurred in the past.

Ms MacTIERNAN: The Opposition now has the information from the Government that it has been seeking. Prior to the election it was announced that the Government would spend $18m on vehicle immobilisers; and that in a three-year period the Government anticipated that 600 000 Western Australians would take up the subsidy. What we know now is what we thought; that is, less than 10 per cent - $1.7m - of that money has been spent although we are halfway through the program. What does that suggest? Would that not suggest that we should consider, first, the level of subsidy, and, secondly, the way in which the scheme is being promoted before we go down the route of compulsion in this area? About 60 000 of the targeted number of people - 10 per cent - have taken up the scheme. Obviously, the scheme, as it is, is either not attractive enough or is not being well enough promoted. We should offer a substantial increase in the value of the scheme and start using it before we implement the compulsion.

Mr Wiese: As well as.

Ms MacTIERNAN: The Government could do it as well as; however, I do not think the Government, particularly as it is from the conservative side of politics, should tell people that they have to do this and they have to do that until it has at least tried other options and at least attempted to get public support for the scheme.

Mr Omodei: We have just tried the other option.

Ms MacTIERNAN: What I am saying is there is a big lump of money left. The Government has in excess of $16m sloshing around waiting for someone to come and claim it. The Government must say to itself, "Let us make this a bit more attractive. Let us put the subsidy up to $50 or $60."

Mr Omodei: But you are opposed to this legislation. You just voted against the second reading.

Ms MacTIERNAN: We are telling the Government to try the carrot and not the stick. It is not as if the Government does not have the money. With a huge fanfare before the last election, it promised $18m. Obviously, the Government has not made it attractive enough. If the Government wants to go down this path, it should increase the subsidy and encourage people to take it up. The Opposition is particularly concerned about the impact this legislation will have on people on low

incomes - people who traditionally buy vehicles that are valued at $3 000 or less. They will now have to cope with an additional impost as well as the vast increases proposed by this Government in vehicle registration and third party insurance fees. Those people will have to fork out another $80 or so in order to purchase an immobiliser. That is not acceptable; it is crossing the limit and we are not prepared to support this legislation. There are other ways to try to encourage people to use immobilisers. The clear option for the Government now is to ramp up the level of its subsidy so that some of the $16m-plus that it has lying around dormant waiting for application is used.

I do not want to hear the Government use the phoney argument that a low-cost vehicle is as capable of being stolen and used in a ram raid as is a more expensive model. The Government has set up a structure that does not mean that every other vehicle must have an immobiliser. The threshold is whether the car is being transferred. That means that the Government is telling people that if they have a more expensive model of car, they will not be required to invest in an immobiliser unless they transfer it. If the Government can make that exemption for existing car owners, many of whom will be far better off than those people buying a $3 000 car, it can make an exemption for the low-cost vehicle.

Mrs ROBERTS: I said in my contribution to the second reading debate that the Opposition agrees with the Government on one key point; that is, we want to see car theft reduced. Another key point on which we agree with the Government is that the current scheme is not working because the participation rate is not high enough. How many vehicles are transferred in this State each year? We need to know that figure so that we have an idea of how many vehicles will be caught up compulsorily each year because of the transfer of vehicle licences. That figure should be available. However, I point out that not all vehicles are transferred every year. Some vehicles are not sold or transferred for a number of years. A great many cars on the road will not be subjected to this compulsory scheme. I note that other members of this House raised that point in the second reading debate. The member for Mandurah pointed out that someone transferring a vehicle to his son or daughter will have to incur the extra cost of fitting an immobiliser. The conclusion the Government came to is correct: The current scheme is not working. The Government's answer to the problem is where it has run off the rails.

Unfortunately the Government's answer is to make it compulsory, not just for people who can afford it, but also for those who cannot. As highlighted by the ignorant comments of the Minister for Police, the Government is completely out of touch with the fact that, because of the poor public transport system, not just low income earners but also many ordinary families need a second vehicle to get their children to school or to kindergarten or to access a number of services. In that context I am concerned at this impost we are placing on those people. We would be far better to apply a carrot approach, as it has been referred to by the member for Armadale - an incentive approach. We have heard the pig-ignorant response by the Government that the incentive approach has been tried, but it does not work. Perhaps the incentive was not great enough, and that is why the Government has drawn the wrong conclusion. The Government should be providing a far greater incentive. The member for Armadale suggested that a better incentive would be a subsidy of $50 or $60 instead of $30 or $40. At some point it will be cost effective.

Mr Omodei: Has she said that?

Mrs ROBERTS: She said that about five minutes ago. Obviously the minister was not listening.

Mr Omodei: What level do you want it to be?

Ms MacTiernan: We are suggesting something of the order of $50 or $60, which is about half the cost of the immobiliser.

Mrs ROBERTS: At some time, the incentive scheme will kick in. However, a mere $30 is not much incentive if it costs a minimum of $100 to have the immobiliser installed. The Government is responding to this issue because the community is concerned about the level of car theft. If people in the community were so concerned, because their cars or those of their friends have been stolen or have been involved in ram raids, they would take up the incentive of the present subsidy. As it stands, many people cannot afford immobilisers. Making immobilisers compulsory will not make them more affordable. The only way to do that is to provide a greater subsidy. Many people want to install immobilisers in their cars but they have difficulty affording them and do not sign up for the voluntary incentive scheme. It would be far better if, by way of encouragement, the scheme enabled them to receive subsidies of $50 or $60, rather than having a compulsory scheme which singles out people who transfer their vehicles.

Mr OMODEI: There has been wide-ranging discussion on this clause. Members talked about the voluntary arrangements not working. A total of $18m was allocated to this program. The arrangement is dependent on people voluntarily taking up the subsidy of $30. When the new scheme comes into effect, that subsidy will increase to $40, at which stage many more people will take up the offer. A person who takes up the offer to install immobilising equipment will pay $89; that is, a total of $129 for the immobiliser, less the $40 subsidy. I cannot see why the Labor Party will not support this scheme. A measure of the uncertainty of those opposite is their suggestion of a subsidy of either $50 or $60. What will members opposite do then? Will they find out the names of all the wealthy people and means test them? If so, at what level will the means test apply? It is a bit of a nonsense. I have the carriage of this legislation because I am the representative minister in this House. This legislation is a step in the right direction to stop the large number of cars being stolen. The Government introduced the legislation and even the Independent member for South Perth supports it. The opposition of the Labor Party indicates it does not support the efforts of the Government to stop car theft in Western Australia.

Mr NICHOLLS: I will direct some questions to the minister and I hope he is able to answer them so that we can not only proceed with the debate, but also put some matters in context. First, how many vehicles which were fitted with government-approved immobilisers were stolen in the past 12 months in Western Australia? Secondly, what qualifies as a government-approved immobiliser? A number of immobilisers are on the market; however, I have not heard anyone outline the difference between a government-approved immobiliser and one that is not approved. Thirdly, are these products required to carry identification to inform consumers whether they are government-approved; and, if so, what are those markings? Fourthly, I understand that for the past couple of years a number of new cars have been released onto the market which have not been fitted with government-approved immobilisers. I ask the minister to outline which makes and models fall into this category. We will then know the number of new vehicles that have been sold in Western Australia without government-approved immobilisers. The regulations will come into play soon, given that we agree that this legislation will be effective as soon as it receives royal assent. Given the time of year, I assume people may be making decisions about purchasing new cars in the near future and they may care to know which ones have government-approved immobilisers fitted and which do not.

Mr OMODEI: I am advised that the Insurance Council of Australia Ltd has no records of the number of stolen cars that were fitted with government-approved immobilisers.

Ms MacTiernan: Is that because there are no records or because the records they have do not show this? When you say they have no records, have they been actively collecting that data?

Mr OMODEI: I am told there have been no claims; therefore, that information -

Mr Nicholls: Are you relying on the insurance company records and not on police records?

Ms MacTiernan: Do you know whether insurance companies ask whether or not an immobiliser was fitted to the stolen vehicle?

Mr OMODEI: It is part of the policy proposals.

Mr Nicholls: That would mean that no Australian-made new vehicle purchased within the past 12 months has been stolen in Western Australia. I understand all Australian-made vehicles have government-approved immobilisers fitted. My question was: Has any car fitted with a government-approved immobiliser been stolen?

Mr OMODEI: I am advised that the voluntary scheme does not relate to new vehicles which have factory-fitted immobilisers.

Mr Nicholls: I understand that all new Australian-made vehicles have government-approved immobilisers fitted.

Mr OMODEI: That is not true. I am told that no Australian standard has yet been developed that covers immobilisers. I think I said that in my response to the second reading debate.

Mr Nicholls: I am talking about Western Australian government-approved immobilisers. This legislation will provide regulations for a government-approved immobiliser. Are you saying we do not have any schedule or idea of what is a government-approved immobiliser?

Mr OMODEI: There is a list of about 200 approved immobilisers in Western Australia. We do not know of any vehicles fitted with them being stolen. The other questions related to makes and models. At present there is no Australian standard; they are factory-fitted immobilisers. We are seeking to have the standards changed to make them uniform across the country.

Mr Nicholls: Are you saying that we do not have an Australian standard, therefore all factory immobilisers are deemed to be adequate or serving the purpose?

Mr OMODEI: At this stage, yes.

Mr Nicholls: Are all new cars sold in Western Australia fitted with factory-made immobilisers that are government approved?

Mr OMODEI: Yes.

Mr Nicholls: Why on occasions have comments been made that new cars coming into Western Australia are being sold without approved immobilisers?

Mr OMODEI: Under the voluntary scheme -

Mr Nicholls: I am talking about new cars. Are you saying that new vehicles in all car yards are fitted with anti-theft devices which meet the requirements? In other words, not one new car is being sold in Western Australia that is not fitted with an immobiliser that is approved by this Government?

Mr OMODEI: No, some Korean makes of vehicles do not have them.

Mr Nicholls: So, some Korean-manufactured cars do not meet the standards? Does the same apply to other cars?

Mr OMODEI: I am advised there is no standard and there is no compulsion that cars which are brought in must have immobilisers fitted. Under this scheme there will be.

Mr Nicholls: Are you saying that not all new cars being imported into Western Australia have factory-fitted immobilisers and those that do do not meet the standards that would be attached to a government-approved immobiliser under this legislation? Would the person buying the vehicle be responsible for fitting an immobiliser to the new car?

Mr OMODEI: I am advised that under the new scheme we will accept all factory-fitted immobilisers because of the warranties.

Mr Nicholls: That will mean that a non-factory, non-standard immobiliser could result in a person having problems with his warranty because an electrician mucked around with the wiring system. Are you saying that we will accept any factory-fitted anti-theft device as a government-approved immobiliser? If one is not factory fitted, even though it should be under the terms of the sales contract, will the Government compel those foreign companies to live up to their warranties or will they be exempt from that provision? If so, how?

Mr OMODEI: I daresay that if motor vehicles in a dealer's yard do not have factory-fitted immobilising equipment the dealer will not sell many cars. When they go to buy their cars, people will ask whether they are factory fitted That will be the benchmark that resolves that issue rather than the Government's making the fitting of immobilisers mandatory for international manufacturers. It will be a rather difficult situation unless they make that decision.

Mr NICHOLLS: The minister has not yet outlined what will make an immobiliser government approved. Will a requirement in the regulations clearly identify a product as being government approved so that a customer is not hoodwinked into buying a product and subsequently finding himself making a false declaration?

Mr OMODEI: I understand that already 200 installers are in Western Australia and 200 different devices can be fitted to vehicles. Lists of the devices will be available through the dealers and the Department of Transport.

Ms MacTiernan: How will people know whether they meet the regulations?

Mr NICHOLLS: The minister is suggesting that before the purchaser of a vehicle signs the declaration it is up to him to find out whether the person who installed the immobiliser was licensed to install it. I am referring to cars that change hands privately, where the new owner takes the word of the person selling the vehicle. I understand that sections within our Evidence Act provide for people making false declarations in good faith. We will create a major problem which, potentially, could land people in difficulty. Most of those people would be reasonably young and inexperienced in dealing with the law. Is the application of this legislation limited to immobilisers, or will we create an opening in the Road Traffic Act to allow the police or the Department of Transport to make regulations to prescribe upon registration the mandatory fitting of items such as light covers, mudflaps, and tinted windows?

Mr OMODEI: The items will be identified in the approved list, and it will be an offence under section 97 of the Road Traffic Act to wilfully make a false statement. The Government has no intention to proceed beyond immobilising equipment.

Mr NICHOLLS: I take that answer in good faith. I accept implicitly that it is not the minister's intention to go further. However, I am not sure about other people who will sometimes get caught up in the heat of the moment and will use this provision to impose mandatory regulations, without a lot of debate. The clause contains no parameters to limit the regulation to the fitting of immobilisers; in fact, it will create a mechanism that will allow the department to require any action to be taken prior to registering a vehicle. I must accept that the Government will act in good faith and limit the application of the Bill to the mandatory fitting of immobilisers.

Mr OMODEI: The Government has no intention to extend the Bill beyond immobilising equipment. The member referred to the possibility of requiring equipment such as mudflaps to be fitted to vehicles. Section 111(2)(d) of the Road Traffic Act prescribes the standard of and maintenance requirements for equipment fitted to vehicles, and mudflaps are already required to be fitted to some vehicles.

Mr BAKER: Concerns have been expressed about possible future regulations that may arise from the extended scope of this clause that will require other steps to be taken to protect the security or safety of the public. If these regulations are tabled, will it be possible to move a disallowance motion and hence debate the regulations in due course?

Mr OMODEI: Any regulation that comes into this Chamber as part of any legislation must be laid on the Table for the prescribed number of sitting days and is subject to disallowance by the Parliament.

Ms MacTIERNAN: The Australian Democrats in the other place successfully moved an amendment to clause 5 to reduce the scope of the Government's capacity. That amendment reduced the potential for the Government to expand beyond immobilisers. I move -

Page 2, after line 19 - To insert the following -

(2) Subsection (1) will apply only to vehicles valued at $3 000 or more.

The Opposition does not believe sufficient justification exists to impose an additional impost on low-income Western Australians. By and large, it will be an imposition on people of limited means and will add at least $80 to the cost of such a vehicle. Western Australians have already been hit with increased costs for motor vehicle registration and third party insurance. The Government has decided, no doubt for political and pragmatic reasons, to apply the legislation to vehicles at the point of transfer. If it is good enough for the Government to make that sort of separation, it is entirely appropriate to make the sort of distinction that the Opposition has proposed, which is to give low-income people a break by avoiding an additional impost.

I purchased a Mazda a couple of weeks ago, and an immobiliser was not fitted as a standard device. Under this legislation I will not be required to fit an immobiliser to that vehicle. However, a student, or someone on a low income, who buys a car for $2 000 will be required to fit an immobiliser, so the minister should not talk about inconsistency. My Mazda could be stolen and used in a ram raid as easily as an early-model Cortina. The Opposition wants the pragmatic limitation that immobilisers be fitted at the point of transfer extended to provide protection to low- income Australians, who have been unfairly dealt with by the Government over the past couple of years.

The Government will not apply this legislation to vintage, post-vintage and similar vehicles, so the owner of a classic Jaguar will not have to fit an immobiliser. The Government claims the exemption is due not only to the stringent design of such vehicles, but also to the value they derive from being retained in their original condition. The Government is not so worried about those vehicles being used in a ram raid that it is prepared to impose something that will damage their intrinsic value. The bleatings by the Government that it does not want to be inconsistent do not stand up.

Mr Omodei: The model-T Ford would not go too well in a ram raid, and they would not be parked out on the street.

Ms MacTIERNAN: The minister should re-read and absorb his second reading speech, which refers to "vintage, post vintage and similar vehicles" being exempt. The minister said that part of the reason for that exemption was that he wants to preserve the value of those vehicles. If it is good enough to preserve the value of a classic Jag, it is good enough to give a break to low-income people buying a car valued at $3 000 or less. Also, the subsidy should be ramped up to encourage people to fit immobilisers. I urge the Committee to support my amendment.

Mr PENDAL: I will be interested to hear the minister's response to the amendment. Will he consider taking up the earlier suggestion of the member for Armadale? If he is prepared to do so, it might mean that the member's amendment is unnecessary. I remind the Committee that we were told that $1.7m has been paid out by the Government for 62 000 motorists to fit devices to their vehicles.

Mr Omodei: That was at $30; it is intended under this proposition to up the subsidy to $40.

Mr PENDAL: Yes. However, I understand the original amount the Government set aside was $18m.

Mr Omodei: We did not expect them to take it all up in the first year.

Mr PENDAL: The member for Armadale made the point earlier that with so few people taking up the subsidy, one of two things have eventuated - or perhaps both: The scheme is not very attractive, or it is attractive but has been promoted poorly. Therefore, $16.3m remains to be allocated in a scheme which we all know may prevent tens of thousands of cars from being stolen. On my calculation, the Government could pay for a device to be fitted on about another 540 000 vehicles. I am not sure whether we have that many vehicles in Western Australia. If the minister still has $16.3m of the $18m he was prepared to spend, he could afford to vote against the opposition amendment before the Committee if he announced tomorrow a trebling or quadrupling of the existing subsidy. The Government would then still not be spending in excess of what was promised in the first place.

I am not terribly keen on the opposition amendment and it is likely that I will not vote for it. Immobilisers should be fitted to every vehicle. However, the Opposition has, perhaps inadvertently, given the Government a way out; namely, to drastically increase the subsidy per vehicle and, if necessary, to pay for devices to be fitted gratis. The capacity to make those payments is built into the original $18m allocation, $16.3m of which is unspent.

Mr OMODEI: The technology of early model vehicles - that is, the vintage and post-vintage vehicles - means that it would be easy to bypass an immobiliser if such devices were fitted. In other words, a wire run from the magneto to the battery would start the vehicle.

Ms MacTiernan: You're changing your tune from the second reading speech.

Mr OMODEI: That comment is in addition to what I said in the second reading speech.

Ms MacTiernan: You're going to the second leg of the reasons outlined in the second reading speech as you're embarrassed by the first leg.

Mr OMODEI: That is not the case at all.

Ms MacTiernan: It is partly to retain the value of the vehicles.

Mr OMODEI: Obviously, as it was a reason given as part of the second reading speech, it was part of the rationale. The easy bypass of the technology was another reason for these vehicles to be exempted.

The amendment moved by the member for Armadale is not supported by the Government. If we give a signal that the amount of the subsidy may change in the future, no-one will take up the scheme. We propose to increase the subsidy from $30 to $40. Once the scheme is compulsory, people will take up the option. Ultimately, we are talking about $89. The member referred to students and the like. My 21-year-old son has a 1964 Volvo, which is not very valuable, which he picked up for a couple of hundred dollars and fixed up. He is no multi-millionaire, but he must find the $89. It is as simple as that.

Ms MacTiernan: His dad is earning $150 000 a year.

Mr OMODEI: His dad is not a benevolent society. My son is expected to stand on his own two feet, although that may sound a little harsh.

In relation to the proposal that the requirement apply to vehicles valued at $3 000 or more, I mentioned in my reply to the second reading debate that advice received and information reported by the South Australian Office of Crime Statistics outlined that in 1997, 53.3 per cent of vehicles stolen in that State were valued at $3 000 or less.

Ms MacTiernan: Why do we not have statistics for Western Australia?

Mr OMODEI: Does the member suggest that the situation in Western Australia will be dramatically different; therefore the Government should agree to the amendment? Even if the figure were far less than 53 per cent, the proposal put by the Government should be supported. Again, the vehicle values outlined in that report were based on information provided by owners at the time of reporting a theft. The report also highlights that the victims of vehicle theft are more likely to be drivers of 15 to 25-year-old vehicles valued at less than one-tenth of the price of current models. In addition, the report suggests that vehicles manufactured in the 1970s are nearly eight times more likely to be stolen than those manufactured in the 1990s, and vehicles manufactured during the 1980s are four times more likely to be stolen than the 1990s models. On that basis, the Government opposes the amendment.

Amendment put and a division taken with the following result -

Ayes (18)

Ms Anwyl	Mr Graham	Mr McGinty	Mr Ripper
Mr Brown	Mr Grill	Mr McGowan	Mrs Roberts
Mr Carpenter	Mr Kobelke	Ms McHale	Ms Warnock
Dr Edwards	Ms MacTiernan	Mr Nicholls	Mr Cunningham *(Teller)*
Dr Gallop	Mr Marlborough		

Noes (31)

Mr Ainsworth	Mr Day	Mr MacLean	Mr Shave
Mr Baker	Mrs Edwardes	Mr Marshall	Mr Trenorden
Mr Bloffwitch	Dr Hames	Mr Masters	Mr Tubby
Mr Board	Mrs Hodson-Thomas	Mr McNee	Dr Turnbull
Mr Bradshaw	Mrs Holmes	Mr Minson	Mrs van de Klashorst
Dr Constable	Mr House	Mr Omodei	Mr Wiese
Mr Court	Mr Johnson	Mr Pendal	Mr Osborne *(Teller)*
Mr Cowan	Mr Kierath	Mr Prince	

Pairs

Mr Thomas	Mrs Parker
Mr Riebeling	Mr Sweetman

Amendment thus negatived.

Mr NICHOLLS: Does the Government intend, via this legislation or any other supplementary legislation, to impose penalties on people who do not engage their immobilisers? My concern arises from a media report in August or September, in which a member of the Police Force indicated that people who had their cars stolen might face prosecution.

How does the Government intend to ensure that once the installation of an immobiliser has been made compulsory, people in the industry will not crank up the price of immobilisers? I am concerned that compulsion will take competition out of the industry, and that the cost of immobilisers will increase over time, to the point where the government subsidy will be

built into the price as fat for the industry. How will the Government monitor the process to ensure that the industry does not build in a bigger profit margin?

I understand that the regulations will put the onus on the purchaser rather than the seller of the vehicle. What process will be put in place to ensure once the vehicle has been registered, the immobiliser is not removed? It seems obvious to me that a person may have an immobiliser fitted, but once the car has been registered, may remove the immobiliser and no-one will be the wiser. Will a penalty be imposed on a person who removes an immobiliser from a car once it has been registered?

Mr OMODEI: The vehicle standards regulations require that vehicles must be fitted with immobilising devices, and those devices must be maintained in working condition. The device is self-arming, so if it is maintained in good working condition, the need for a penalty will not arise. A person who fitted an immobiliser but removed that device after the vehicle had been registered would not be complying with the vehicle standards regulations. With regard to the question of price, 200 different dealers are licensed to fit these devices, and I expect that competition will keep the price down.

Mr NICHOLLS: I am still concerned that the regulations will create an unfair situation in the community. I agree with the Government's push to require immobilisers to be fitted to new vehicles. I agree also with the Government's program of voluntary installation, and the payment of a subsidy. Therefore, I move -

Page 2, after line 19 - To insert the following -

(2) Subsection (1) will only apply to new vehicles.

If a non-factory-fitted immobiliser became unserviceable, would the vehicle then be declared unroadworthy; and what onus, if any, would be placed on the owner of the vehicle to keep the immobiliser in working order once the vehicle had been registered?

Mr OMODEI: The member obviously wants the regulations to apply only to new vehicles. Considering the debate that has ensued and on the information available, it is obvious that vehicles other than new vehicles are stolen in large numbers. Therefore, the Government will not support the amendment. In relation to equipment becoming unworkable or out of order, the standing regulations under the vehicle standards regulations require all equipment in vehicles to be in working order.

Mr BAKER: I wish to speak against the amendment. Although the words "new vehicles" may be inserted into the clause, subject to how the vote pans out on the issue, the member does not propose a definition of the term "new vehicles". Hypothetically, a new vehicle could be a vehicle that has been driven as a demonstrator model and then made available to the public for sale. Would that be considered a new vehicle?

Mr Nicholls: Yes.

Mr BAKER: That is the member's intention. Other people may say that a demonstrator vehicle is not a new vehicle. If a vehicle is advertised as being a new vehicle, save for kilometres travelled during the running-in process, that vehicle would not have travelled further than those kilometres. Is it the member's intention that the word "new" should relate to second-hand vehicles in certain circumstances, namely demonstrator models?

Mr NICHOLLS: My intention is that the word "new" is to apply to vehicles that have not been registered or owned previously. The member for Joondalup raised an issue of the definition of "new". I am happy to debate that, although if that is an issue of contention, we can produce a form of words that applies to vehicles that have not previously been owned or purchased. It is not a major issue. The understanding of "new vehicle" is quite clear. However, I am happy to accept advice if that will be dealt with in the regulations.

Amendment put and negatived.

Clause put and passed.

Clause 5: Section 111 amended -

Mr NICHOLLS: I understand the intent of this clause is to require the equipment to be fitted to vehicles to be maintained in a prescribed manner. Will there be a prescribed manner for the maintenance of immobilisers that are not factory fitted? If not, what is the Government's intended prescribed penalty?

Mr OMODEI: Those devices that are fitted to vehicles are required under the vehicles standard regulations to be maintained in working order. There is a maximum penalty of $500 for failure to do so, and that penalty would stand.

Mr NICHOLLS: I have a philosophical difference with the Government. This legislation will create the situation where two vehicles of exactly the same make, age, model and capacity will be treated differently. One is owned by someone who does not transfer registration after the proposed regulations come into effect and another is transferred after the regulations are enacted. One person could be fined $500 for not keeping the government-approved immobiliser in working order, or as prescribed by the regulations; and the other person will not be required to fit the immobiliser and will not face a potential fine of $500. I suggest to the minister that therein lies the inequity in this legislation.

Mr Wiese interjected.

Mr OMODEI: Just in case Hansard did not get the interjection from the member for Wagin, in the end I dare say the member is right - the only difference is that the person who does not fit an immobiliser on their vehicle takes the chance of having that vehicle stolen.

Mr NICHOLLS: The minister's comments reflect the freedom of choice by which I wish the Government would stand in relation to all vehicles currently owned. Freedom of choice means that a person can choose to take up the subsidy scheme, fit an immobiliser and reduce the chance of their vehicle being stolen; or take the chance. They can do that with insurance. A member of the public can choose to insure their vehicle, whether it be third party property or comprehensive, or not insure it. They take the chance through freedom of choice. However, the Government is saying that with immobilisers they do not have freedom of choice if they purchase a second-hand car. The Government will make it mandatory to have an immobiliser fitted although another person with exactly the same model car reserves this choice. I suggest to the minister that the Government should maintain its voluntary subsidiary scheme and concentrate only on new vehicles because, by taking this path, we will be penalising a part of the community, which is totally unjust.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

MR OMODEI (Warren-Blackwood - Minister for Local Government) [5.18 pm]: I move -

That the Bill be now read a third time.

MR NICHOLLS (Mandurah) [5.19 pm]: It is interesting that this debate has undergone some changes. During debate last week, my understanding was that the Opposition planned to vote with the Government. I would like to think that the power of debate persuaded it to reconsider that issue, although I doubt it. Secondly, a number of members expressed views which they have reconsidered for various reasons. That is democracy at work. It gives me no joy to stand against the coalition Government, although I feel strongly about the issue. The legislation we have approved is not just. I would like to think that at some time in the future, we will reconsider the way in which we are applying this legislation and revert to the voluntary scheme. I fear a number of people will be put in an unenviable situation. I worry that we will see an unworkable situation in our community. I am very intrigued to see what will happen in the industry that, supposedly, will work unchecked and look after the consumer. I do not think that will happen. I am worried that a number of foreign motor vehicles which have recently been purchased will not meet the standards. I register my concern about the enforceability of the warranty of new vehicles when people are required to fit a non-factory immobiliser upon purchase of these vehicles. Having followed the legislation in this State and fitted these immobilisers, if those consumers run into trouble with the car manufacturers over their new car warranties, I wonder whether the Government will step in and provide them with the financial and legal expertise to fight the case if their warranty is either void or not fully enforceable. With those few words, I regret to say that I think the immobiliser legislation, although well-intended, will not achieve what we hope it will.

Question put and passed.

Bill read a third time and passed.

NATIVE TITLE (STATE PROVISIONS) BILL

Committee

Resumed from 19 November. The Deputy Chairman of Committees (Mr Barron-Sullivan) in the Chair; Mr Court (Premier) in charge of the Bill.

Clause 3.1: Definitions -

Progress was reported after the clause had been partly considered.

Mr RIPPER: When we last debated this clause, the Committee defeated an opposition amendment which would have shifted current vacant crown land which had been subject to an historic leasehold tenure from this part to the part 4 right-to-negotiate procedures. At that time, the Premier argued that historic tenures had impaired native title rights; therefore, native title claimants should not have the same right-to-negotiate procedures under part 3 on leasehold land as they would on crown land that is not subject to any historic tenure. I have since consulted and I do not think the Government's argument is right; that is, at common law, historic tenures have impaired native title rights. That is an assumption made by the Premier to justify restricting this land to consultation procedures only. It would be of interest to know on what the Premier bases the

Government's assertion that current vacant crown land must be considered under these consultation procedures, rather than under the right-to-negotiate procedures. The Government has asserted that at law historic tenures impair native title rights, which justifies the position it has taken. That is not in accordance with the advice I have received; therefore, I am interested to know how the Government has arrived at that conclusion.

Mr COURT: It is based on section 43A of the Native Title Act, which states -

> **Exception to right to negotiate: satisfactory State/Territory provisions**
>
> . . .
>
> (2) An ***alternative provision area*** is:
>
> (a) an area
>
> (i) that is, or was (whether before or after this Act commenced), covered by a freehold estate in fee simple or by a lease (other than a mining lease); and
>
> (ii) over which all native title rights and interests have not been extinguished; or

That is the basis on which those comments were made.

Mr RIPPER: The point is that the State was not required to take advantage of the alternative provision areas under the Native Title Act. The State could have allowed the right to negotiate over these areas in addition to the areas which are allowed in part 4. The State could have accepted the Labor amendment to shift current vacant crown land from part 3 to part 4. The State has made political judgments here. It is not legally bound under part 3 even to have consultation procedures for alternative provision areas. All of it could have been in part 4 had that been the choice the State wanted to make. That choice was available to the State under the Native Title Act. Further, the State is not required to have all the land that is currently in part 3 of this Bill in that part. The State could have arranged for a smaller area of land to be covered by part 3 and a larger area by part 4. There is no legal requirement under the Native Title Act for the Government to make the decisions it has made. It has made its own political judgments.

Mr COURT: The Deputy Leader of the Opposition is right: That is the choice we have made.

Clause put and passed.

Clause 3.2: Request for determination under section 43A(1)(b) of the NTA -

Mr RIPPER: This clause allows the state minister to request a determination that this clause complies with the requirements of the Native Title Act. This clause highlights some difficulties the Government has experienced with this legislation. This legislation is not in a fit condition to be considered by the Chamber. We have had terrible problems coming to grips with the amendments which the Government has put before us, given the time lines that the Government has imposed on consideration of this legislation. A great deal of speedy work on the part of the Opposition has been required to assess the late amendments which have been submitted by the Government. The Government should have finished its negotiations with the Commonwealth before it presented the Bill to the Chamber.

Mr Court: You presented another raft of amendments today.

Mr RIPPER: That is right. Those amendments were in response to the Government's amendments, and on we go. The process of dealing with this legislation is complicated by the two conflicting requirements which the Government is putting before us. Those requirements are: Pass this legislation in an expeditious fashion and accept the fact that the Government has not quite got it right yet and deal with the late amendments. The reason for these late amendments is pressure from the Commonwealth to ensure that the legislation complies with the Native Title Act. There is evidence of commonwealth concerns about the shape of the legislation. To a certain extent, the Labor amendments have been designed to assist the State's Bill to comply with the Native Title Act; for example, Labor foreshadowed a detailed amendment setting out procedures for judicial review under this part. The Government has responded with a judicial review amendment of its own, which we appreciate. That is one area of the legislation which we thought needed improving to ensure compliance with commonwealth requirements. The State has evidently agreed with us.

It is not a good way for us to be legislating. It is not good for a Bill to come to the Chamber and then for the Government to present 30 pages of amendments to it. It complicates everyone's consideration of the legislation. Both government and opposition members are having to wrestle with amendments with only a short period of notice. This is one time when I am grateful that we have an upper House, because upper House consideration of this legislation will be needed to tidy it up, given the rushed and somewhat unsatisfactory nature of the process in which we have had to engage in this Chamber.

Mr COURT: I would hardly call it rushed. We all know that native title legislation is complex; that is not new. These amendments are not in response to the Opposition's amendments. I have made it clear that in issues such as judicial review,

it is a matter of wording relating to a response to the Federal Government. We are not going to the barricades on it with federal officials. It does not change the policy direction. We have the Opposition's amendments and we will work through them as the debate continues.

Clause put and passed.

Clause 3.3: Transitional provisions -

Dr GALLOP: The clause states -

> The regulations may make transitional provisions, so far as the legislative power of the Parliament permits, that are necessary or expedient to be made in connection with the making, amendment or revocation of a determination referred to in section 3.2.

Clause 3.2 deals with the request for a determination by the federal minister that the Act, if it goes through this Parliament, will comply with what the Commonwealth has set down in the Native Title Act as amended in 1998. Is it expected that any transitional provisions will flow from this legislation?

Mr COURT: There are over 2 500 matters within the commonwealth system. There are transitional regulations and the Commonwealth has similar powers in its legislation. With such a large number of matters, many of them will have to be addressed.

Mr RIPPER: Can the Premier advise the Chamber how some of these major categories of matters which are currently tied up with the National Native Title Tribunal will be handled? My understanding was that the new registration test would be administered by the National Native Title Tribunal for applications which it currently holds. However, the registration test will be administered by the Native Title Commission at a later stage. I am not clear on that matter. Can the Premier advise how the transition is expected to work?

Mr COURT: The transitional provisions to which we are referring are about future acts matters that are before the tribunal. There are other provisions for other areas with registration tests. We covered that matter last week to some extent. This just covers future acts matters.

Clause put and passed.

Clause 3.4: Purpose of this Part -

Mr RIPPER: This clause outlines the purpose of this part, which is to provide for provisions alternative to those contained in part 2, division 3, subdivision P of the Native Title Act. In other words, this legislation is providing state procedures which will substitute for procedures which would otherwise apply under the commonwealth legislation. It concerns me that we have had some difficulty meeting the standards imposed by the Commonwealth for this part of the legislation. This has been a choice of the State Government. The State Government did not need to push the envelope with regard to the commonwealth standards. It did not need to always look to the minimum standards that were required under the Native Title Act. By looking for the minimum standards, the State Government has apparently fallen below the minimum on a number of occasions and, thus, has been subjected to commonwealth demands for improvements and amendments to the legislation.

There was an alternative approach. The State Government could have decided to produce decent and fair legislation and not to seek to take advantage of every minimum requirement in the commonwealth legislation. The State Government's approach of going for the minimum that is necessary and occasionally running the risk of falling below that minimum, might get the State Government into trouble when the legislation goes to the commonwealth authorities. If the State Government does not run into trouble with the commonwealth minister or on judicial review of the commonwealth minister's determination, it might run into trouble with Senate disallowance. Its political colleagues in the coalition do not have a majority in the Senate so the Premier may find himself and his Government dealing with non-government parties in the Senate in order to obtain Senate concurrence that this legislation meets the standards set by the commonwealth legislation. The State's approach of skating along the bottom of what is allowable, and occasionally failing to meet even that requirement, runs the risk of getting into trouble with the non-government senators.

The Queensland Government has not been in that position. It did not adopt only the minimum necessary legislation. It was able to satisfy the Queensland Parliament that it met the requirements of the Commonwealth. It did not leave it at that. I understand the Queensland Premier spoke to non-government senators in Canberra about the merits of the Queensland legislation in order to ensure, as far as possible, that it will not be subject to disallowance by the Senate. Does the Premier intend to engage in a similar lobbying process with those who hold the balance of power in the Senate and to indicate to them that the Western Australian legislation is better than the minimum standards required by the NTA? Can the Premier be credible when putting that argument? What will he say about the consultation process in which he is engaged and his demand that the Western Australian Parliament deal with all this legislation by Christmas, even though the Government is still producing amendments to it? Can the Premier give the Parliament any confidence that the legislation will receive Senate approval for meeting the requirements of the NTA?

Mr COURT: The Opposition is producing the amendments to the legislation this week, and not the Government. In answer to the question about the Senate, I am sure that whatever comes from this Parliament and goes to the Senate, if it gets that far, will have a hard time. That is the situation this State faces with native title legislation.

Dr Gallop: That is all John Howard's doing.

Mr COURT: Is the Opposition suggesting that this State should not try to establish an alternative regime? That is typical of it. After John Howard has won the election on tax reform, members opposite have run around the countryside saying they are opposed to taxation reform and will knock out the legislation in the Federal Parliament.

Dr Gallop: Have you heard about the Senate? Why do we have the Senate?

Mr COURT: I can recall the attitude of Paul Keating when he was Prime Minister. He said that if people voted for the Fightback package, the Labor Party would not stop it going through the Senate. The people have voted for a tax package and a refund on private health insurance, but the Labor Party will fight that every inch of the way. As far as members opposite are concerned, there should not be an alternative regime. The Government will lobby in the Senate, as it has been for the past six years. I do not like going to Canberra, and some of the people involved test one's patience. The way things are going, there will be another couple of years' lobbying in the Senate unless some commonsense is applied.

Mr CARPENTER: I take it from the Premier's answer that there is some prospect that he must do some fairly severe lobbying to get the legislation through.

Mr Court: The Government has been lobbying for six years in the Senate, but I cannot say it has been successful.

Mr CARPENTER: Given that the legislation passed in the Western Australian Parliament must meet the approval of the Federal Parliament - that ultimately means the approval of the Senate - have any negotiations already taken place between the Western Australian Government and the Federal Government to ascertain exactly what legislation is required? This Parliament is in the process of passing the legislation and arguing about various amendments. I wonder whether any meaningful discussion has taken place between the WA Government, the Federal Government, Senator Harradine and others in the Senate on the final shape of the legislation. I am aware that the Government moved certain amendments as a result of intergovernmental discussions held last week. Has the Government had an indication that these amendments will be sufficient and have discussions been held with people such as Senator Harradine - who hold the balance of power in the Senate - on whether the proposals in the legislation will satisfy them?

Mr COURT: There has been no issue with the federal people on the format of the legislation and the concepts. They wanted certain wording in some minor technical matters, and the Government has gone along with that. No-one in the federal sphere can give an assurance that any State's legislation will get the nod. This Government has been dealing with federal officials, under both the Labor and coalition Governments, and put a very clear case when the original legislation was introduced on where it would run into problems from a practical point of view. That was not listened to and when it ran into trouble, lengthy meetings were held with a number of senior Labor ministers and bureaucrats in both Canberra and Perth. Michael Lavarch was the last person in the Labor Government with whom this Government dealt. I had detailed meetings with the then Prime Minister on these matters. There have obviously been many discussions with the coalition Government about the amendments debated in the Federal Parliament. A number of the officials involved have gone through two Governments and they have a bank of knowledge. The member said that the Queensland Government was lobbying in the Federal Parliament, but there is no guarantee that anyone's proposal will get through the Federal Parliament. No-one can give it a tick, even if the legislation passed is exactly the same as the Federal Parliament's legislation, because someone in the Senate, for one reason or another, may not support it. Therefore, I cannot give that assurance.

Dr GALLOP: The Premier signed up to the John Howard approach on this issue. His approach was to allow the States to establish alternative regimes, so long as they meet certain conditions, and that will be a matter for those State Parliaments. It will also be a matter for the Federal Government and the Federal Parliament to determine. The Premier agreed to this approach. It means State Parliaments are going through their own processes and must go back to the Commonwealth and through the Senate. We are just doing what the Prime Minister said was necessary to tackle this issue. It will be done to the best of our ability.

Mr Court: The option is to operate under federal legislation.

Dr GALLOP: The other option, which was available at the time, was for the Federal Parliament to get agreement on how it should be structured so that all parties agreed, and the States could set up their own systems, but totally and utterly under the federal law, as allowed for in 1993. The Premier is not in a position to criticise the Opposition because it is doing what is required under the federal agreement between the coalition Government and Senator Harradine. The Opposition has said all along that it will do the job properly. It will scrutinise the legislation using the criteria set down and in accordance with the best interests of all stakeholders in this State. The Premier should not criticise the Opposition, because he signed up on a particular model by which the States are doing the things that the Prime Minister was incapable of doing at the federal level.

Mr PENDAL: It seems to be a misunderstanding that this is the first occasion on which we have been invited to parallel the tribunal arrangements. My recollection is that that is not the case. The opportunity existed for three or four years under the original Native Title Act for the States to legislate in a complementary way for state mechanisms. My only criticism about that is that it has never been taken up in the past. Sadly, we are doing now what we should have done three or four years ago. It seems that we could have operated for three or four years under a new system, state-based, perhaps expedited, which we have not been able to have, even to this point.

It disturbs me, and I would be interested to hear from the Premier at what point in the negotiations, and on whose suggestion, it was indicated that we would pass legislation here, which would then be effectively subjected to being disallowed in both Houses of Federal Parliament. That has always bothered me, for this reason: Legislation that has required complementarity has always been capable of being disallowed only, I thought, in the High Court of Australia. That is one of the reasons that we have a High Court. It bothered me that the State Government ever entered into an arrangement with the Commonwealth at an administrative and political level that we would agree to a situation in which the matter would be subjected to virtual disallowance in the Senate - forgetting the House of Representatives. That is not to say that I am ever against the idea that when two governments agree to bring about complementary legislation, there should be no umpire. My point is that the High Court is always the umpire. Why did we on this occasion follow what appears to be a dangerous route of saying, "Oh well, when our legislation is through, it can be up to the Senate" - or in theory, the House of Representatives, but in practice that would never happen.

Mr COURT: The member is correct; a state body could be set up under the legislation, but only if it complied exactly with the federal legislation. The reason that was not done is that the federal legislation and the National Native Title Tribunal were unworkable. We said we would not waste our time and effort setting up something that would be a farce. We have all operated under the National Native Title Tribunal and it has not worked. That is why changes were made to it.

It is not the Act on which a decision is being made by the Federal Parliament; the process is that the federal minister must determine whether the legislation complies with the federal Act. In doing that, he must seek judicial advice and other matters, and then what can be disallowed in the Senate is the federal minister's determination on the Act. That is the part of it - it is not all of this Act - and that is basically the process. I do not like it, but the Commonwealth has the constitutional power over Aboriginal issues. It is only through goodwill that the Commonwealth is saying to us, "We will let the States establish an alternative regime within these guidelines," and the minister then makes a decision whether the relevant parts of this Act fit within those guidelines.

Mr PENDAL: I thank the Premier for that. It partly allays my concerns. Can I seek an assurance this way? I said that I was not aware that the legislation that goes to the Senate for potential disallowance is only something on which the federal minister disagrees. In other words, he initiates it, not the Senate; am I correct in saying that?

Mr Court: It is an overall determination. You cannot get into the detail. At the end of the day, it is a yes-no decision.

Mr PENDAL: If it is the case, as the Premier has indicated, that the federal minister is the one who initiates any disallowance, for want of a better word, as distinct from the Senate, that partly allays my concerns. My questioning comes back to an issue I raised in the earlier part of this debate. We have an opportunity to ensure that any of these amendments that have been dealt with either from the Government's side or the Opposition's side are never in dispute with the federal minister, and therefore are never potentially the subject of disallowance in the Senate. This is what I sought from the Minister for Aboriginal Affairs on the Titles Validation Amendment Bill. I asked him for an assurance - because the minister and the Premier are being advised by law officers - that if the officers in the State Government are working hand in hand with the officers in the commonwealth arena, does it then mean that neither set of officers has the chance of saying to the minister in their jurisdiction or to the Premier, "This is not in line with what we are required to do"? In other words, it seems that we need the assurance from the Premier that federal law officers are confident, along with state law officers, that what we are doing is complementary. If it is complementary, we legislate here in the sure knowledge that the federal minister will never have to activate that provision in the Senate because my hope is that he should never do that. I find it an affront that we are dealing with something in this Parliament that the federal minister can ultimately disallow. It is one thing to have the High Court as the umpire - that is tough enough to swallow on occasions - but at least it is the umpire. To have a federal minister making those decisions over legislation in this Chamber is tantamount to not being federalism at all.

Mr COURT: Unfortunately, we cannot obtain that assurance because the Western Australian minister, in this case the Attorney General, is the minister who must make a judgment after he has gone through an extensive consultation process and sought a range of legal advice, and so on. He would never be in a position to say, "If you do it this way, it will get a tick." We have changed some wording, and so on, and minor issues to try to achieve exactly what the member is saying. We cannot obtain the assurance because that person must keep an open mind until he has received all that advice in that process, which, as I mentioned, takes about six months in the other House.

Mr RIPPER: I absolutely refute the Premier's assertion that we do not support state procedures. I made it clear in my speech in the second reading debate that one of the things that we took into account was the desirability of a Western Australian solution. I also point out that we voted for the second reading of this Bill and we intend to vote for this Bill to proceed to

the upper House. We are moving amendments to the legislation and we hope the Government will, in the end, perhaps after debate in the upper House, accept a great number of the amendments which we are moving. It is not correct for the Premier to say that members of the Opposition do not support state procedures. We do, we have said so, and we have voted that way. If the Premier does not like the amendments to his legislation, which perhaps the upper House will support, and if he does not want to proceed with his own legislation, we are not left with a Labor solution to native title issues, but the John Howard-Brian Harradine solution to native title issues. I hope that he would not think that his coalition colleague was so far out of step with the needs of Western Australia that he produced a solution which would be a disaster for Western Australia. We prefer that a Western Australian solution be the alternative to a John Howard solution.

Clause put and passed.

Clause 3.5: Acts to which this Part applies -

Mr RIPPER: I move -

> Page 11, line 12 - To delete "high-water" and substitute "low-water".

This amends the part of the clause which reads -

> This Part applies to an act only to the extent that the act relates to a place that is on the landward side of the mean high-water mark of the sea.

We are essentially debating the definition of "land". Is land everything that is on the landward side of the high-water mark or everything that is on the landward side of the low-water mark? Most people might think this is esoteric. Probably in the south west of this State it does not matter very much but in the north of the State the difference between high and low-water marks can run to many square kilometres because of the presence of mudflats and the very high tidal ranges. When we are arguing this point in the north west, we are talking about the difference between including or not including, for the purposes of the requirements of the consultation periods, many square kilometres of land. The areas of land could be important to Aboriginal people in the north west. They might use the land for hunting, fishing or recreational purposes. I have no specific information but it may be of some cultural significance. I reiterate the main point which is that at the moment in the north west extensive areas of land are excluded from the application of any procedures at all under the State's proposed native title legislation. This was not always the case.

We are really victims of a change in the definition of the term "waters" in the Native Title Act. When the Howard Government amended the Native Title Act, it included in the definition of "waters" the shore or subsoil under or air space over the shore between high water and low water, so the intertidal zone was included as waters in the new definition of waters in the Native Title Act. That affected the definition of "land" which is provided in the Native Title Act, which includes the air space over or subsoil under land but does not include water. The Howard Government defined "waters" to include the intertidal zone, which meant that its definition of land did not include the intertidal zone. That was a change from the way in which the Keating Government had dealt with the definitions of land and waters in the original Native Title Act of 1993. The shift in the definitions has excluded from the operations of the Native Title Act the intertidal zone, which is an area of largely vacant crown land which could be significant to Aboriginal people in the north west. My amendment proposes to make at least part of the intertidal zone subject to consultation procedures under the native title legislation of this State. I am advised that we cannot make the whole of the intertidal zone subject to procedures under parts 3 or 4, but circumstances will occur where leasehold tenure includes intertidal zones. If we make this amendment, in those cases where leasehold tenure includes the intertidal zone the consultation procedures will apply. This is only fair and just, given the significance of the intertidal zone to Aboriginal people in the north west of the State.

Mr COURT: Under the Keating Act the intertidal zone was a no-man's-land. The amendments to the Act under section 26(3) on page 88 read -

> *Sea and intertidal zone is excluded.*
>
> (3) This Subdivision only applies to the act to the extent that the act relates to a place that is on the landward side of the mean high-water mark of the sea. A reference to an act to which this Subdivision applies is to be read as referring to the act to that extent only.

The member's amendment is totally inconsistent with the Native Title Act. As it is not consistent with the federal Act it would not get a tick because it completely changes the treatment of the intertidal zone.

Mr Ripper: I suggest you get more advice on this, because I think you are misleading us.

Mr COURT: The member wants to make it subject to the right to negotiate under part 4 or consultation under part 3 of the state Bill. The subsection that I have read specifically excludes future acts in the intertidal zone from subdivision P, which is the Native Title Act right to negotiate, and any approved alternative state regimes.

Mr Ripper: We are talking about the right to consult.

Mr COURT: Hang on! Future acts in the intertidal zone are dealt with under section 24 of the Act. It will depend on the type of act as to which specific provision in section 24 will apply. For example, if it is a facility for services to the public, section 24KA applies, whereas if it is an act that passes the freehold test, which covers the granting of mining titles, section 24MB applies. Therefore, in general terms section 24 provides that the native title parties must receive the same procedural rights as a freeholder, including the right to compensation for future acts in the intertidal zone.

Dr GALLOP: The Opposition has had a look at this. To the best of my ability I will indicate the advice to us on it. First, there is the issue of principle, which is that the intertidal zone is an important area of land from the point of view of Aboriginal people; in fact, they have made strong representations to us that it is important for cultural and economic reasons. The fact that under the federal Native Title Act it has been excluded from the right to negotiate is of concern to them. We acknowledge that it is not possible for us as a State Parliament to re-establish the right to negotiate on the intertidal zone. The Federal Parliament has made that impossible for us to do. However, where there is within the intertidal zone some type of lease arrangement that has not extinguished native title, we think that this Parliament can give the native title interests in that area the right to be consulted on any future acts in that area.

Our advice is that we can do this. The provision establishes that the right to consult can apply in respect of an intertidal zone inasmuch as these coexisting-interests situations exist. The Premier may dispute the advice we have received. However, he cannot argue that we are trying to re-establish a right to negotiate. We cannot do that, as Federal Parliament made that impossible. This represents our second-best solution, on behalf of people who approached us and said it was important to establish the right to consult in those areas with the coexistence of interests where interests have not been extinguished. As far as the Labor Party is concerned, it is a reasonable and important amendment.

Currently, part 3 is limited to apply to land above the high-water mark. This provision removes intertidal zones from the scope of part 3. This has significance for Aborigines, particularly above the twenty-sixth parallel in the State, where these zones can stretch for kilometres. Under part 3 of the Bill, which establishes the consultation process, we can incorporate the intertidal zone; therefore, it will operate where there is no extinguishment of native title within a particular leaseholding. If a future act will operate in that area, under this amendment, the right-to-consult processes will be called into operation.

Mr RIPPER: When the Premier quoted a section from the Native Title Act I asked him to indicate the relevant provision. He replied that it was section 26(3) headed "Sea and intertidal zone is excluded". The Premier's reference to that section was entirely misleading. Section 26 relates to subdivision P, which deals with the right to negotiate. The Opposition accepts that on the face of it, the intertidal zone cannot be included under the State's right-to-negotiate procedures unless we receive some other advice that points to another way in which we might achieve that aim. On the face of it, we cannot include the intertidal zone in the right-to-negotiate procedures because of that section. However, it is misleading of the Premier to refer to section 26(3) in his argument: We are not talking about the State's right to negotiate, but about the consultation procedure. It may be that the Premier by interjection wants to refer to other sections of the Native Title Act. However, in view of recent experience when he glibly referred to a section of the NTA, which, upon checking by the Opposition, was found to be wrong, he should make his reference to the Native Title Act by formal speech rather than interjection so we can see whether he has his argument right this time - the Premier was wrong the first time.

Mr COURT: Section 42, which refers to the alternative right to negotiate, and section 43A, involving consultation, are still part of subdivision P. I now quote from an authoritative source; namely, *Native Title News,* Volume 3, Number 11, in an article from a senior official, Peter Jeffery, which reads -

> These procedural rights -

That is, the procedural rights in sections 20 and 24 -

> - were moved as last-minute Government amendments. They are very similar to the procedural rights described in s 43A but, unlike s 43A, they do not require Commonwealth "approval" of State/Territory legislation in order to apply. The rights are conferred by the Native Title Act, so States and Territories have no option but to comply with them. They may choose to legislate to modify their existing processes so as to comply with the obligations, or they may satisfy the requirements administratively.

It further states under "Future acts excluded from the right to negotiate" -

> Certain future acts that are otherwise within these categories are excluded from the right to negotiate.

Among other things, these include "future acts in the intertidal zone".

Mr RIPPER: We are dealing with section 43A(2) of the Native Title Act, which defines an alternative provision area. That section governs the application of part 3 of the Bill, regarding the consultation period. It defines an alternative provision area as one -

> (i) that is, or was (whether before or after this Act commenced), covered by a freehold estate in fee simple or by a lease (other than a mining lease); and

(ii) over which all native title rights and interests have not been extinguished;

A pastoral lease which went to the low-water mark would fit the definition of alternative provision area under section 43A(2). The pastoral lease would go to the low-water mark; therefore, the intertidal zone would be available, if we amend this clause as I hope we will, for at least consideration under the consultation procedure. I accept that we cannot include, at least on the face of it, the intertidal zone under the right-to-negotiate provision. As a result of the definition of alternative provision area under section 43A(2), we have a capacity as a State Parliament to make some limited recognition of indigenous interests over the intertidal zone. That is not entirely satisfactory. It would be preferable from the indigenous point of view to have the right to negotiate over all the vacant crown land within the intertidal zone. However, they cannot have that. It may be possible to restore some limited rights; that is, some consultation procedures over some limited areas. I refer to areas of the intertidal zone which are covered by leasehold tenures.

Mr COURT: The member referred to the rights in section 43A; however, we do not get that far. Section 26 outlines when the subdivision applies, and subsection (3) removes its application from these areas. That is why it does not reach section 43.

Mr RIPPER: We would like to see the Government's legal advice on this matter. The Labor Party has consulted lawyers and is not acting on a mere whim in moving this amendment. Naturally, if the Premier has listened to my arguments on the question of indigenous interests in the intertidal zone, and the extent of that zone in the north west, he would be aware that the Labor Party would rather be doing more for indigenous interests than provided by this amendment. We have moved this amendment advisedly as the best we can achieve given the constraints of the NTA. All we can offer within the constraints of the NTA are limited consultation rights over limited parts of the intertidal zone. Perhaps the Premier and I need to examine each other's legal advice and have this matter debated again in the upper House. I would like a minute to read the *Native Title News* article the Premier just gave to me to see whether it supports the arguments the Premier posed to the Chamber.

Mr COURT: I suggest that the Deputy Leader of the Opposition have his legal advisers look at the rights available under section 24. In many cases, he will find that they are greater than those under section 43A. That is what I read out to the Chamber. In some circumstances the rights under section 24 could well be greater than those within section 43A.

Mr CARPENTER: The clause was brought to our attention by people, specifically Pat Dodson, representing Aboriginal interests in the Kimberley. It was also brought to our attention by lawyers who assist the Kimberley Land Council and other groups in the community. They put the case to us that it is a matter of great importance to Aboriginal people in the north west, particularly in the Kimberley, given the coastal nature of many Aboriginal groups and their use of the intertidal zone, which was a concept on which I had not previously exercised my mind until our briefing from that group. They were adamant that there was great importance for Aboriginal people in the Kimberley and Pilbara coastal areas in maintaining an interest in the intertidal zone and in being able to be involved in decisions on uses to which the intertidal zone would be put. Given the nature of previous legal opinions and despite the advice that the Premier apparently has, I am inclined to follow the advice that was provided to us by the lawyers, Mr Dodson and people from the Kimberley Land Council. Historically, they have been proved to be right and the Government's legal opinion has been proved to be deficient and it has led the State into all sorts of costly, time-wasting exercises.

The matter is of great importance to Aboriginal people and we will not let it go lightly. Although it is clear that it does not have the numbers to sustain the amendment, unless the Australian Labor Party is convinced otherwise - I doubt that it will be, given the nature of the advice that we have received - it will pursue the matter in the other place. A right should be protected, and it is the basic right of Aboriginal people to exercise their historical and cultural links with the intertidal zone in the area in which they have a native title interest - that is, the Kimberley and Pilbara coast. It is unfortunate that the Government has taken such a mean-spirited attitude to native title, and it is difficult to accept at face value that it is acting in good faith in this matter. The history of the Government's attitude leads one to believe otherwise. The basic requirements of the Native Title Act are not inconsistent with Aboriginal people's desire at least to be consulted on the provisions about activities in the intertidal zone, and I would be very surprised to find contrary legal advice.

Mr COURT: The member for Willagee thinks that our attitude is mean-spirited. That is his judgment. We must govern for all Western Australians and make sure that we represent the interests of all people. The Kimberley Land Council has consistently misled in relation to the intertidal zone. It has claimed that by removing that right to negotiate, there are no rights on the intertidal zone. However, that is just not the case. Under section 24 there are extensive rights. We recognise that there are important issues on that intertidal zone, but the council conveniently does not talk about what rights are available under section 24. There are some rights for the rest of the community, too, in relation to the intertidal zone.

Mr Carpenter: Where are they?

Mr COURT: It depends on the type of act to which specific provision in section 24 will apply. If it is a facility for service to the public, section 24KA applies. If it is an act that passes the freehold test, and that covers the grant of mining titles on those lands, section 24MB applies.

Mr RIPPER: I have looked at the document which the Premier was kind enough to hand to me. It relates to section 24MD(6B) of the NTA. The relevant part of the state Bill that deals with the provisions in section 24MD(6B) is part 5. We are dealing with part 3. The argument in the document which the Premier has given to me might have some bearing on what we can move when we consider part 5 of the state Bill, but it does not relate to what we can move - as far as I can see, although I have had a chance to read it only briefly - with regard to part 3, which relates to procedures associated with sections of the NTA different from that section of the NTA which is covered by the document which the Premier has given to me.

In view of the Premier's assertions, opposition members will seek further advice on the amendment - not that we are backing off from the amendment; we remain convinced that we are entitled to move it - so that we can take the argument further with the Government in either this place or the other place. The Premier has referred to section 26. However, I understand that we are dealing not with the right to negotiate but with alternatives to the right to negotiate, and those alternatives are provided for in section 43, with their own definitions, and those are the definitions on which we are working.

Dr GALLOP: Let me point to the basis upon which we are arguing. Section 26(3) refers to subdivision P of the Native Title Act as amended in 1998. Section 43A provides for alternative provision areas limited by subsection (4), which deals with the process of notification and other matters; subsection (6), which deals with compensation questions; and subsection (7), which deals with the protection of sites of significance and so on. Those subsections limit the way in which alternative-provision-area laws can be set up. None of those sections limits the area to be above the high-water mark. In fact, section 43A provisions apply to an alternative provision area defined in section 43A(2) of the Native Title Act, and that section defines clearly where the alternative provisions can apply, and nowhere does it mention the intertidal zone.

The intertidal zone can be incorporated into state legislation in a way that is consistent with the Native Title Act 1993. The Government's argument as to why that cannot be done is that John Howard obliterated the rights of Aboriginal people in the intertidal zone. John Howard might have done that, but is there a way for State Parliament to bring back some of those rights within the limits that have been laid down? It can do that through the alternative-provision-areas measure which establishes the right to be consulted. We stand by our view that we can do that. That would be a small way to re-establish rights in the intertidal zone.

Mr COURT: The Leader of the Opposition missed the point. The alternative provisions can operate only within subdivision P, and subdivision P takes that out.

Dr Gallop: Read section 43A, which provides for alternative provisions.

Mr COURT: That is right, but that can operate only in subdivision P, and that has been spelt out.

Dr Gallop: That is your interpretation.

Mr COURT: That is the law.

Sitting suspended from 6.30 to 7.00 pm

Mr BRIDGE: It appeared to me that the conversation that took place between the Opposition and the Premier just prior to the dinner suspension was about the land that lies between the high waters and the low waters, which is generally referred to as mudflats. The argument put by the Opposition seemed to raise real concerns about the claimability of that area, which is fairly sizeable, and which may be argued to be land. Will the proposition that is being argued apply to that land?

Mr COURT: Part 5 will apply to the intertidal zone, and the consultation procedures in part 5 are identical to the consultation procedures in part 3.

Mr BRIDGE: Is the Premier saying that that will be dealt with at a later stage of this Bill, under part 5?

Mr Court: Yes. That covers the consultation procedures.

Mr RIPPER: We need to clarify the meaning of that last contribution from the Premier. Part 5 relates to certain acts, such as compulsory acquisitions and the provision of leases for mining infrastructure developments. The Premier has said that the consultation procedures in part 5 are broadly the same as the consultation procedures in part 3. However, we cannot draw the conclusion that because the part 5 procedures are available for the intertidal zone, that satisfies the point that the Opposition is making. The Premier may argue that a part 5-style act on the intertidal zone will initiate the consultation procedures for part 5 on the intertidal zone, but we are concerned not about the part 5-type acts, but the acts which are applicable under part 3. I still believe we need to move our amendment if part 3 procedures will apply when a part 3-style act rather than a part 5-style act is about to occur on the intertidal zone.

Mr COURT: Section 24 of the Native Title Act sets out a hierarchy of procedures, one of which is section 24MD(6B), which applies to the majority of the types of acts that are contemplated under part 3. I think that is where the member for Belmont's confusion lies.

Mr RIPPER: I do not think I am suffering from any more confusion than has been created by the Premier's continued surprise assertions in this debate. The Premier has just told us not to worry about the intertidal zone because it is covered under part 5. However, part 5 applies to compulsory acquisitions, lease renewals and mining infrastructure, not to part 3, which applies to the grant of a right to mine, and other things. We are seeking to amend part 3. It does not matter what applies in part 5; that is dealing with another set of acts altogether. Let us come back to part 3. The Premier has ducked and weaved and thrown up one legal furphy after another to persuade us not to proceed with this amendment; and he has thrown up new ones before we have even dealt with the ones that have already been bowled up to us. The Premier said before the dinner suspension that we do not need to worry about the intertidal zone and about amending part 3; we need look only at section 24NA, which is headed, "Acts affecting offshore places". That section does contain certain procedural rights, which are described in subsection (8) as follows -

> In the case of any future act to which this Subdivision applies, the native title holders, and any registered native title claimants in relation to land or waters in the area concerned, have the same procedural rights as they would have in relation to the act on the assumption that they instead held any corresponding rights and interests in relation to the offshore place that are not native title rights and interests.

That leads us to the conclusion that native title holders or claimants with regard to offshore places have some -

Mr Court: We are talking about intertidal zones, not offshore places.

Mr RIPPER: We are talking about intertidal zones, but in purported rebuttal of our argument to include the intertidal zone in part 3, the Premier argued that the procedural rights under section 24 might be better than the consultation rights which the Premier is seeking to have applied to the intertidal zone. I have looked at the Act and have found that the procedural rights for offshore places are the same as the corresponding rights and interests in relation to the offshore places that are not native title rights and interests. I would like the Premier to advise the House of his Government's interpretation of the meaning of those rights. What procedural rights would native title holders and claimants have on the intertidal zone if we accept the Premier's argument that they will be covered by the offshore rights provisions of the Native Title Act 1993? It is unclear to me what those rights will be.

Mr COURT: It is covered under section 24MD(6A) and (6B).

Mr CARPENTER: The Premier, through his adviser, is directing us to various sections of the federal Act.

Mr Court: You are asking me questions about where it is covered. I am telling you in which sections it is covered.

Mr CARPENTER: Yes, and I will ask another question: Can the Premier stand in his place and explain to the Parliament - not just refer to a passage which is open to interpretation - what rights will apply under clause 3.5 unamended?

Mr COURT: Clause 3.5 unamended covers consultation rights. However, the rights - such as mining rights, compulsory acquisition rights and so on - apply to areas above the high-water mark.

Mr CARPENTER: Let us keep it nice and simple. The Opposition wants to amend clause 3.5 to replace "high-water mark" with "low-water mark".

Mr Court: That brings it into the intertidal zone.

Mr CARPENTER: Initially, the Premier told us we could not do that because it would be in conflict with the federal Native Title Act.

Mr Court: That is right.

Mr CARPENTER: Then the Premier said that in any case under another section of the federal Act, which I think was section 24MD, the native title rights that accrue might be superior. Can the Premier explain why that would be the case?

Mr COURT: That is the point that I made at the beginning of this debate. I said that future acts in the intertidal zone are dealt with under the Act in section 24. I gave two examples. If it is a facility for services to the public, section 24KA applies; whereas if it is an act that passes the freehold test, and that covers the granting of a mining title, section 24MB applies.

Mr Carpenter: Is the Premier saying that there are rights equal or superior to the right to be consulted?

Mr COURT: It would vary. Under that section, it depends on what sort of act it is.

Mr RIPPER: I am bemused by the Premier's reference to section 24MD because the previous section 24MC is headed "Only onshore places covered". Leaving that aside, the procedural rights covered under subsection (6A) are not much different from the procedural rights covered under the next subdivision, in section 24NA, subsection (8). Basically, they are procedural rights that would be held by non- native title holders of corresponding rights and interests. Can the Premier establish what are those rights? What rights would any non-native title holders have over the intertidal zone? I am trying

to think of some possible corresponding rights or interests. Can the Premier give us an example of a corresponding right or interest and the procedural rights that would apply in that case so that we can make a judgment as to the extent of the rights that would be available to native title holders or claimants?

If the Premier needs help with an example, I have in mind someone who wants to drill for oil or gas on a pearl farm. What rights would the lessee of the waters for the operation of that pearl farm have over someone who wanted to drill in the location of the pearl farm? That is perhaps an extreme example; however, it is one which occurs to me. It is otherwise difficult to think of what rights, other than native title rights, there might be on the intertidal zone that would enable us to make a comparison.

Mr COURT: Under subsection (6A), which covers the Government acquiring land, native title holders must be treated as freeholders. The rights are equivalent to the rights on the land adjoining.

Mr RIPPER: Let us think about this. If there is freehold land adjacent to the ocean, what rights does the freeholder have to the intertidal zone? The Government is arguing, "Don't worry about your amendment, Labor Party; it is covered by other sections of the Native Title Act." When our attention is drawn to those other sections, we find that the native title holders apparently enjoy corresponding rights to the holders of adjoining interests. The Premier argues that a native title holder would have the same procedural rights to the intertidal zone as a freeholder of adjacent land. What are those rights?

Mr COURT: I do not have to explain in detail what those procedures are under section 24. However, the situation is spelt out and I will read it -

> The native title holders, and any registered native title claimants in relation to the land or waters concerned, have the same procedural rights as they would have in relation to the act on the assumption that they instead hold ordinary title to any land concerned and to the land adjoining, or surrounding, any waters concerned.

Mr Carpenter: What section are you reading from, Premier?

Mr COURT: That is section 24MD(6A).

Mr RIPPER: In the Premier's view, is section 24MD(6A) subject to section 24MC; because section 24MC says "only onshore places covered."

Mr COURT: Under the construction of the Native Title Act, the intertidal zone is treated as an onshore place.

Mr RIPPER: I find this somewhat bemusing, because we began by examining the definitions.

Mr Court: You have asked me whether it applies to section 24MC.

Mr RIPPER: We began by examining the definition of "waters" and "land" and found that "waters" included everything below the high-water mark. Therefore, the intertidal zone was water and not land. The Opposition moved its amendment to allow certain parts of the intertidal zone to be included under the part 3 consultation procedures. The Premier then referred the Committee to section 24NA, relating to offshore places. The Opposition then asked questions about that and he stopped referring to that and referred the Committee to section 24MD, relating to onshore places. That was pointed out to him and he then said that the intertidal zone is land for the purposes of this section.

Mr COURT: Land above that point is described as "onshore waters", and I mistakenly said "onshore land". The Act defines that point up to the high-water mark as an "onshore place" or "onshore waters".

Mr RIPPER: Nevertheless, the Premier is now arguing that above the low-water mark is an onshore place for the purposes of the NTA.

Mr Court: Yes.

Mr RIPPER: Therefore section 24MD(6A) applies. I have asked what procedural rights will apply to the intertidal zone. The Premier has said that the native title holders will have the same rights as a freeholder would have if he owned the adjoining land. I wonder whether the owner of the land adjoining the intertidal zone has any procedural rights. On the face of it, I cannot see that he would have any procedural rights; he does not own the intertidal zone, so why would he have procedural rights? Does this clause give native title holders anything at all? I am only confirmed in my intention to pursue this amendment.

Mr COURT: We have done a complete circle. I provided the advice from the officials in the *Native Title News*. I do not know whether the member has read it. It outlines how section 24MD(6B) applies. The member might have read the highlighted section, but one must read the introduction, which explains how the two tie together. I can provide that again.

Mr RIPPER: That would be useful. I am reminded that the Premier has not answered my question, which is important. His argument for not including the intertidal zone in part 3 to the extent that it can be included is that native title holders have other rights to the same land under the NTA. Members on this side questioned him about those other rights, but we have

not received a convincing explanation. He points to a section of the NTA which provides that they have the same rights as ordinary title holders of adjoining land. As far as I can see, someone who owns the freehold of land adjoining the intertidal zone but who does not own the intertidal zone will not have any rights with regard to that zone. We seem to have arrived at the point at which native title holders will not have any rights because they will have the same rights as the owner of the adjoining land.

Mr COURT: The procedural rights are listed in subsection (6B). They are the equivalent of the rights in part 3 of our legislation, but they have been included in part 5. The procedural rights on page 81 are the equivalent of the part 3 rights in our legislation, but they are in part 5. I will not read them out to the Committee.

Mr CARPENTER: I would like the Premier to read that clause and to provide an interpretation. I would like an outline of what procedural rights native title claimants will have.

I refer back to one of the Premier's reasons for rejecting the amendment; that is, that it would make the Western Australian Bill incompatible with the federal Act. I have been reaffirmed in my view by legal opinion provided during the dinner break that the federal Native Title Act provides minimum requirements to which the State must adhere. There is nothing preventing the State from going beyond those minimum rights. We are talking about the rights applying to native title claimants. If the federal legislation provides a minimum right associated with the high-water mark and we seek to amend that in the State Parliament to extend those rights to the low-water mark, we would not put the state legislation in breach of the federal legislation because we would be providing more and not fewer rights. That is the consistent legal advice the Opposition has received.

Mr Court: Who has been giving that advice?

Mr CARPENTER: The same people to whom I referred previously. The State can go beyond the minimum rights provided in the federal legislation. It cannot fall short of the minimum requirements, but it can go beyond them, and could do so in this case.

Mr COURT: I will not read the Act but I will interpret it. It is the right to be notified that an act is to be done, a right to be consulted, to object and to be heard by an independent body. It is entirely consistent with the NTA, which has been the subject of much consultation with federal officials. Now does the member want it in detail?

Mr CARPENTER: It may come to that. The Opposition is seeking to have the right to be consulted extended to the low-water mark. The Premier has said that that applies under another provision of the Bill. He referred to the right to consult as a corresponding right. I do not see any possible objection to extending the right to consult from the high-water mark to the low-water mark if, as he already pointed out, it will apply anyway.

Mr COURT: The Opposition has another amendment to put the intertidal zone in part 4.

Mr Carpenter: Can we deal with this amendment?

Mr COURT: That is what the Opposition wants to achieve. The Government is saying that it is covered in part 5 and it includes the provisions I mentioned; that is, consultation, objections, being heard by an independent body, the right to be notified and so on. It is simply in a different part of the legislation. The Opposition wants to go further and put the intertidal zone into a right-to-negotiate regime.

Mr RIPPER: Several points need to be made in response. First, on the face of it, the intertidal zone is difficult to include in the part 4 right-to-negotiate provisions of the Bill because of certain sections of the NTA. We are examining the legal position and an argument has been put to members on this side that we can include the intertidal zone in part 4. We have not yet reached our conclusion on the argument that has been put to us. It seems to be at variance with certain sections of the Native Title Act.

Mr Court: You have given us notice of that.

Mr RIPPER: We have given notice, but we do not have to put what is on the Notice Paper until we have reached our conclusion on the sometimes conflicting legal advice we receive. We will determine that matter as we approach that clause of the Bill. I refer to the assertions of the Premier that we cannot put the intertidal zone into part 3 and that we do not need to because it is in part 5. We are not seeking to put all of the intertidal zone into part 3. We do not think that is legally possible. We are seeking to put into part 3 only those parts of the intertidal zone that are covered by leasehold tenure. That is what we think is legally possible under the provisions of the Native Title Act. In view of our understanding of the importance of the intertidal zone to Aboriginal people, particularly those in the north west, we would like to be able to do more. We are acting, as the Government must, within the constraints of the Native Title Act. We have moved an amendment to put a small amount of land into the limited procedures under part 3.

The Premier says that we should not worry about it, because it is under part 5. That is great, except that part 5 deals with the compulsory acquisition of native title rights and interests for the purpose of conferring rights or interests in relation to

the land or waters concerned on persons other than the Commonwealth or the State or the Territory to which the act is attributable. In other words, part 5 deals with compulsory acquisition for the purpose of passing the land to third parties. Part 5 also deals with the creation or variation of a right to mine for the sole purpose of the construction of an infrastructure facility. Part 5 refers to a very specific class of acts.

We have a part 5 of the Bill and a part 3 of the Bill for a reason: Part 5 refers to certain types of act; part 3 refers to other types of acts. It is no good for the Premier to say that we should not worry about the intertidal zone because it is under part 5 and it does not need to go into part 3. That ignores the distinction between the sorts of acts that can occur under part 5 and those that can occur under part 3. The intertidal zone will be subject to some consultation procedures from the point of view of indigenous people only when we are talking about compulsory acquisition of the land or an infrastructure facility for a mine. The sorts of acts contemplated under part 3 will not make the intertidal zone the subject of consultation procedures unless our amendment is accepted. Even if it is, the whole of the intertidal zone will not be included under the consultation procedures, much as we would like that to be the case; only those sections of the intertidal zone that will be covered by leasehold tenure will be included. We have been misled on this topic for some considerable time. We have been debating this matter for about an hour, or more, and we have had one legal furphy after another.

I will make one more point which backs up what the member for Willagee said: Let us not be mean spirited about this. We do not have to do just the minimum that the Commonwealth asks us to do. We can be a little more respectful of indigenous interests than the Commonwealth has set out as its minimum requirements. We can do a little more for Aboriginal people, without the legislation running foul of the commonwealth jurisdiction or the possibility of Senate disallowance of our legislation. We will not lose this Bill by Senate disallowance or ministerial determination because we have been slightly more generous to Aboriginal people than has the Commonwealth.

Mr COURT: It is all very well for those opposite to keep using the term "mean spirited". From the outset of this debate, we have said that this is a compromise on a compromise. We do not go along with all the things in the commonwealth legislation; however, we have no option but to accept that that is its legislation. There are plenty of things in the commonwealth legislation with which we do not go along, which we have had to put into this legislation because that is what is in the commonwealth legislation. Those opposite can keep using the term "mean spirited". For six years we have being saying that we do not like the way in which the commonwealth Act has been structured.

I accept the explanation from the Deputy Leader of the Opposition that he might not proceed with the proposed amendment to part 4.4. That makes quite a difference. He is now saying that on the one hand members opposite have an amendment to bring in the right-to-negotiate provision; on the other hand, they do not want to do that. That changes the argument a little. We are now down to the fact that it is all covered in part 5, and those opposite want to put it into part 3. The rights and processes are identical. The way the Bill is structured, it covers more than those opposite are saying it does. There is no argument. What they want with consultation is already in part 5. The processes relating to rights are identical, but we will have the argument about the right to negotiate a little later.

Mr RIPPER: The Premier perpetrates and repeats a fallacy. Certain acts are covered by part 5. When they occur on the intertidal zone, or when people seek to have them occur there, the part 5 consultation procedures will apply. Certain other acts are not covered by part 5; for example, the creation of a right to mine. It will not invoke consultation procedures under part 3 when it is sought to occur on the intertidal zone. Let us take the case of a miner who wants to use part of the intertidal zone for an infrastructure facility, a port facility or something like that. It will be covered by the part 5 consultation procedures. If the miner wants to use the intertidal zone for a mining operation, it will not be covered by the part 5 consultation procedures. It should be covered by the part 3 consultation procedures to the extent that it can be under the Native Title Act, but it will not be unless the Government accepts our amendment.

Whether we decide to proceed with an attempt to put the intertidal zone into the part 4 right to negotiate is irrelevant to the argument we are having tonight. That is not a policy decision for us; it is a matter of what we can achieve, given the legal constraints which flow from the Native Title Act and apply to this legislation. We are presently examining whether there is a way through those legal constraints of the Native Title Act when it comes to the right to negotiate under part 4. It is no good for the Premier to say that it is covered under part 5. We are talking about part 3. Part 3 acts are different from part 5 acts, and a part 3 act occurring on the intertidal zone, unless our amendment is carried, will not invoke the same consultation procedures that would be invoked by a part 5 act. If it is good enough to invoke part 5 consultation procedures - the Premier has already said they are much the same as part 3 consultation procedures - when a part 5 act is sought for the intertidal zone, why will he not invoke those same consultation procedures when it is a part 3 act on the intertidal zone?

Mr COURT: I have said that the part 5 and part 3 procedures and rights are identical. The Deputy Leader of the Opposition is wrong when he said that section 24MD(1) of the Native Title Act covers only compulsory acquisition and infrastructure. It also applies to townsites, the intertidal zone and lease extensions. Had the Deputy Leader of the Opposition read the bit of paper I gave him before the dinner suspension, we would have been able to progress this matter further.

Amendment put and a division taken with the following result -

Ayes (14)

Mr Bridge	Mr Grill	Mr McGinty	Mr Ripper
Mr Carpenter	Mr Kobelke	Mr McGowan	Ms Warnock
Dr Edwards	Ms MacTiernan	Ms McHale	Mr Cunningham *(Teller)*
Dr Gallop	Mr Marlborough		

Noes (29)

Mr Ainsworth	Mr Cowan	Mr Kierath	Mr Prince
Mr Baker	Mr Day	Mr Marshall	Mr Shave
Mr Barnett	Mrs Edwardes	Mr Masters	Mr Trenorden
Mr Barron-Sullivan	Dr Hames	Mr McNee	Mr Tubby
Mr Board	Mrs Hodson-Thomas	Mr Nicholls	Dr Turnbull
Mr Bradshaw	Mr House	Mr Omodei	Mr Wiese
Dr Constable	Mr Johnson	Mr Pendal	Mr Osborne *(Teller)*
Mr Court			

Pairs

Mr Thomas	Mrs Holmes
Mr Riebeling	Mr MacLean
Mr Brown	Mr Minson
Mr Graham	Mrs Parker
Ms Anwyl	Mr Sweetman
Mrs Roberts	Mrs van de Klashorst

Amendment thus negatived.

Mr COURT: I move -

Page 11, after line 21 - To add the following -

(5) This Part does not apply to an act in respect of which a determination is made under section 3.7.

If there is a mix of vacant crown land and a small piece of pastoral land, the process can all come under part 4 and it does not have to be split. I think members opposite will agree to this amendment.

Mr RIPPER: The Opposition is happy to support this amendment. It appears to allow the part 4 right-to-negotiate procedures to apply to a parcel of part 3 land in certain circumstances. I am interested to know whether this is one of the amendments that the Commonwealth urged the State to adopt or whether the State has come up with it for other considerations. It was introduced by the Government late in the day, and appears to be favourable to indigenous interests. I would like to know the origins of the late introduction of the amendment.

Mr COURT: The Government always proposed to do this because it is included in part 4 of the Bill, but it was told that a technical amendment was required in this part of the Bill to enable the Government to do what it has already included in part 4.

Mr BRIDGE: I am comforted by the fact that this amendment takes into account the aspects of Aboriginal rights and the significance of their involvement and position in this whole legislative process. As I said in the second reading debate, I hope that from this legislative process and framework will emerge a realistic Act of Parliament that will have regard for the position of indigenous people. I have looked through the whole process that has evolved since this nation became involved in native title matters, and it has resulted in a significant reduction in the legitimate rights and entitlements of indigenous people in this nation. The ultimate outcome of the varying degrees to which interpretations have been applied and the way in which legislation has been introduced or changed, has invariably been to reduce the position of indigenous people in the process of native title when dealing with their rights within the confines of legislation.

If the Premier is of the view, and the Government supports the understanding, that the extent to which rights are being preserved by this amendment is an improvement, that is good. I hope it sets the basis upon which the nature and scale of legislation will be enacted. We must get this right. There will not be many opportunities to get the law right. This is a tremendous opportunity. This Parliament should not be influenced by the commonwealth laws; we are dealing with a state issue. Members have jurisdiction, as state legislators, in framing law that is meaningful and purposeful and, ultimately, is unquestionably designed to protect and give regard to the rights of indigenous Australians. If that is the basis on which we proceed with this legislation, at least one Parliament in Australia will have come close to doing the right thing for the indigenous people.

Dr GALLOP: I ask the Premier to clarify the reasons for this amendment. Clause 3.7 of the Bill provides that -

> The Government party may, on the application of a person who has applied for, or made a request or submission for, the doing of an act that comes within section 3.5, determine that Part 3 is not to apply to the act but that it is to be treated instead as a Part 4 act.

Are we dealing with situations here involving one project on two different types of land? Will the legislation allow for one process rather than two, in order to make consideration of that future act proposal more efficient? The Government proposes to allow the right-to-negotiate process to be used. That is clearly an amendment that the Opposition will support. Last week the Opposition tried to encourage the Government to look at the historical tenures on much of the vacant crown land on the same terms. If the Government had agreed to that amendment, it would have reduced the possibility of conflicting tenures that can lead to two different processes because of different forms of tenure on one project area. However, the Premier did not agree to that. On this occasion, this is an amendment that the Opposition can agree to because it is not diminishing the rights in any way, and inasmuch as a clash exists, it is strengthening the rights.

Mr CARPENTER: I would like the Premier to give us his opinion on the point I have raised before which applies to this clause as well; that is, the assertion that the commonwealth legislation basically lays down a framework, a minimum set of standards and conditions, within which various state regimes must fall, and there is nothing to prevent the state regimes from providing more than those minimal provisions and standards. Is the Premier saying that the State must strictly comply with the letter of the legislation and has no ability to provide rights for the native title claimants and holders which are an improvement on or are superior to those that are laid down as the minimum requirements?

Mr COURT: Members are just seeing an example where one could not say we are being mean-spirited.

Dr Gallop: I do not think it is like that. I think you have been told by the commonwealth that being mean-spirited is not in your interests.

Mr COURT: No; I have explained that it is already built into part 4. However, to ensure that, as the Leader of the Opposition said, we make it easier when two different types of titles exist, it is a good example whereby we are -

Mr Carpenter: Giving a little extra.

Mr COURT: Yes.

Mr CARPENTER: Last week we debated and this week we are debating an issue that is a roller-coaster ride in logic - a magical mystery tour of logic. We bounced from one logically inconsistent position to another, and we have just gone through the same process. It is hard not to get a bit punch-drunk. As we were discussing our previous amendment, the Premier said he could not accept it because it did not comply with the requirements of the federal Act, but our position was that it did meet the minimum requirements and it provided a bit more. He said, "No, you must comply with the federal Act." When we come to the Government's amendment on the same clause and I ask whether it strictly complies with the federal legislation, he says, "Here is an example of our not being mean-spirited. We are giving that little bit extra to show how generous we are." The Premier's initial position on our amendment was incorrect and logically inconsistent with the position he has taken now.

Mr Court: I do not agree.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 3.6: Circumstances in which act is not valid -

Mr COURT: I move -

> Page 12, lines 9 to 12 - To delete the lines and substitute the following -
>
> > done, there is no native title party in relation to any part of the relevant land;

We seek to amend the clause to make it consistent with the Native Title Act by referring to native title parties rather than registered native title claimants and native title holders. It is a minor change to ensure that the terminology is consistent with the exact words that are used in the Native Title Act.

Mr RIPPER: Can the Premier tell us whether this is a commonwealth-initiated change to the legislation?

Mr Court: Yes, it is.

Mr RIPPER: In the Premier's view, does it have any impact on the operation of the legislation?

Mr COURT: Absolutely none.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 3.7: Part 4 may be applied to a Part 3 act -

Mr COURT: I move -

Page 13, line 18 - To delete "comes" and substitute "would otherwise come".

We seek to amend the clause to make the wording consistent with the amendment to clause 3.5. We have received advice that the wording should be identical and this amendment does that.

Amendment put and passed.

Mr RIPPER: Clause 3.7 allows someone who is seeking approval for a future act to have part 4 apply to that process rather than part 3. On my reading, it allows the government party to accept or reject that application. I would like the Premier to indicate his view as to how the Government intends to administer this clause. Under what circumstances is it envisaged that people will be applying to have part 4 rather than part 3 apply to the approval of a future act? Under what circumstances will the government party be likely to accept or reject that application? It appears that under this provision, the application can be made only by the developer. It does not seem possible for indigenous interests to make applications under this clause.

Mr COURT: The developer or the proponent may choose to do it in two separate parts. When it involves a mix of tenures, it provides that option.

Mr Ripper: It does not seem as though a mix of tenures is required for the operation of clause 3.7. There may be no mixed tenures, but somebody may never -

Mr COURT: Somebody may still want it to go into part 4; yes, that could happen.

Mr Ripper: Can you envisage any circumstances in which the government party would reject such an application? It appears that the government party does not have to accept that application; it may say, "No, it must be in part 3." What is your view on that?

Mr COURT: I am told that the Government is the only body that can make that decision. If the proponents ask for it, I would assume it would accept what they want to do.

Mr Ripper: Do you envisage that the Government would not be in a position to reject such an application?

Mr COURT: No.

Clause, as amended, put and passed.

Clauses 3.8 and 3.9 put and passed.

Clause 3.10: Identification of proponents in other cases -

Mr COURT: I move -

Page 14, after line 23 - To add the following -

(5) If there is any other consultation party in relation to the act at the time when a notice is given under subsection (4) the Government party must give the copy of the notice to each other consultation party.

This will ensure that where a proponent is determined by the government party, or the determination of a proponent is amended, any person who is, at that time, a consultation party will be notified of the determination. If the proponent changes, the Government must tell all the parties involved.

Mr RIPPER: What are the likely circumstances in which the Government may amend a determination about who are the proponents? Are we talking about changing commercial arrangements where one company is taken over by another?

Mr Court: That is the best example.

Mr RIPPER: Are there other circumstances in which the Government would make that sort of determination?

Mr COURT: It is mainly in cases of a change in the commercial party. It also could be a change within government, such as a change from the Department of Land Administration to LandCorp. Under this amendment, all other parties must be notified of that change.

Mr RIPPER: The Government's amendment, which the Opposition supports, appears to require indigenous interests to be notified of the determination about the change of proponents. Under the Bill before us, the government party must give notice in writing to each proponent of a determination or an amendment of a determination. However, there appears to be

no requirement to give notice to the other parties. Again, what is the origin of this amendment? Is this one of the amendments which the Federal Government insisted upon in order to ensure that the legislation met the requirements of the Native Title Act?

Mr COURT: It was not insisted upon; it was suggested because we were of the view that the proponents would have been in place before these processes started. It is a communication to all parties. Sometimes these matters can go on for some time. The Federal Government is of the view that the proponents are not necessarily fixed. It is a practical suggestion and we do not have any problems including it in the Bill.

Mr Ripper: At what stage did the Commonwealth ask the Premier for this change to the legislation? This is one of the amendments that was raised last Wednesday night.

Mr COURT: It was on 6 November. We went into no-man's-land for about six weeks after the election. That was the suggestion which was made after Federal Parliament resumed.

Mr RIPPER: The Opposition supports this amendment. However, it is an amendment that indicates the rush with which this legislation has been prepared.

Mr Court: You criticised us for not getting it in quickly enough.

Dr Gallop: They are two different arguments.

Mr RIPPER: That is right.

Dr Gallop: One set of arguments applies to the 1993 Act which you were thwarting and objecting to and the other arguments apply to the Howard legislation of last year.

Mr RIPPER: I endorse the remarks of my leader. The comment to which the Premier referred related to the State Government's failure to act under the Native Title Act 1993, not the Federal Government's actions under the amended Native Title Act courtesy of John Howard and Brian Harradine. Regarding that latter process, the Government has not only clearly rushed its preparation of the legislation to the extent that it has brought in 30 pages of amendments which it has given to the Opposition at late notice, but also it is seeking to have the Parliament rush its consideration by making a demand that we endorse the legislation by Christmas. That is the proposition the Government has put before us. I draw members' attention to the fact that although we support this amendment, its appearance on the Notice Paper and its appearance in Parliament only last Wednesday night indicates the unsatisfactory nature of the way in which this legislation has been handled by the Government.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 3.11 put and passed.

Clause 3.12: Notification of acts -

Mr RIPPER: I move -

Page 15, after line 14 - To add the following -

(2) Before a Part 3 act is done, public notice of the act must be given by advertisement -

(a) in a newspaper circulating generally throughout the State; or

(b) in a newspaper that satisfies any requirements prescribed by the regulations for the purposes of this paragraph.

Clause 3.12 provides for the notification of acts. Notice in writing must be given to any registered native title body corporate, any registered native title claimant and any representative body for an area which includes any of the relevant land. We seek to strengthen the notice procedures by this provision for public advertisement. Some of our advisers have recalled that provisions for notice by advertisement were included in an earlier draft of this Bill. Has the Government backed off from the provisions for notice of acts by public advertisement under part 3? We must remember that, in many cases, we are dealing with people in remote parts of the State and in areas where communication systems are not what they could be. We are dealing with people in locations where the mail is at times slow and unreliable and where there are sometimes floods, isolating communities for long periods. We are also dealing with people's property rights. We should go out of our way to ensure that there is every chance for those property rights to be dealt with fairly and justly.

It may be that the notice provisions under clause 3.12 are not sufficient to ensure that every person who might have a property right which will be affected by a part 3 act knows about the possibility of that act occurring. We must remember that there are time limits in this legislation within which objections must be lodged. If someone does not hear about an act

until the time has passed, that person will lose his right to be consulted. An act will occur on land over which a person might have a property right without further discussion with that person. This is an important matter. I would be disappointed if the Government thought that we should not make every effort to advise Aboriginal property holders and native title claimants of the possibility that acts might be done which might infringe the enjoyment of their native title rights and interests. This amendment is the sort of amendment which, if not accepted by the Government, would indicate a mean-spirited attitude.

Mr COURT: Through this amendment the Opposition wants the general public to be notified of any act proposed by the Government by advertisements in newspapers. This is inconsistent with the Native Title Act.

Dr Gallop: It is not inconsistent.

Mr COURT: The Native Title Act requires the notification of registered native title claimants, representative bodies and registered bodies corporate, not the public.

Mr Ripper: It does not say it is prohibited. Will it be invalid because they provide for a public advertisement?

Mr COURT: This is the member's move to make sure there is more advertising revenue for *The West Australian*! He is working on the assumption that *The West Australian* is read in the desert on a daily basis. The amendment is not required to ensure compliance with the Act. It would be an additional expense and unnecessary imposition on the notification party. Section 43A(4)(a) of the Native Title Act sets out the notification requirements. It specifically excludes notification to the public. There is already a requirement under the Mining Act for mining title applications to be advertised in the newspaper. For land title there is a requirement that all notices of intent to acquire land be published in the *Government Gazette*. There is no reason for any party not to know about the proposed future act. They must all go through that form of notification. It is simply not required, both because it would be inconsistent with the Act and because under the mining and land titles procedures one notification goes into the newspaper and the other goes into the *Government Gazette*, so everyone knows what the future act will be.

Dr GALLOP: The Premier seems to be working under the misapprehension that consistency with the federal legislation requires every aspect of it to be embodied in our legislation. It is actually saying that certain minimum conditions must be met in our legislation. As long as they are met, our State Parliament can improve on the rights that might be available to people. Nowhere in the Native Title Act does it say that we cannot improve on the rights that are laid down in the Act as minimum conditions. This is a very small amendment which embodies a fairly big principle; that is, that we will make an effort to make sure that everyone who should know about a future act will know about it. I cannot see any conceivable reason that the Government would not accept this amendment as adding to the sense in which legislation that will go through this Parliament will be seen as positive and will therefore encourage people to use it rather than to go down the route of common law. The Miriuwung and Gajerrong case went for how long?

Mr Court: Four years.

Dr GALLOP: We want to encourage people to use the processes that our Parliament sets up. The best way to do that is to come up with a procedure that encourages people to use it. The amendment says a lot about the attitude of our Parliament. The costs involved would not be significant, given the way that the Government spends money on promoting itself in the public arena, but the principle involved is a good one. We will be encouraging people to know about whether their rights will be affected by a future act. We will be encouraging justice to be done in our society. It is very simple and yet the Government cannot get itself to support it. The Government's argument that it is not consistent with the Native Title Act is absolutely invalid for refuting this amendment. The Government can say that it is too costly and it does not like it, but it cannot say that it is inconsistent with the Native Title Act.

Mr BRIDGE: The Leader of the Opposition puts the argument clearly to the Premier. What this amendment does procedurally is not all that big. However, as a set of principles what it achieves is quite significant. I ask the Premier to consider this amendment in the context of what it would do to appease and accommodate many people. The functions of government and the advocates of the indigenous cause cannot always be relied upon to provide the information that needs to get through and be available to people whose rights may well be touched upon by some course of action that is brought to bear. If we could agree on this amendment, the Premier would be agreeing to a significant principle through a fairly small part of a procedural arrangement. As to the cost, let us face it, when it comes to other interests in our society and their interests being made known, nobody hesitates in the advertisement process that takes place to ensure their rightful position is publicly known and a process is available to them to ensure the protection of their rights. That is all that is required with this amendment. It is consistent with what would be this Parliament's good spirit of application of the legislation. I plead that it is a worthy principle and I ask the Premier to accept it.

Mr COURT: I do not believe the member for Kimberley understands what one must do. One must notify Aboriginal parties by certified mail, not an advertisement in the newspaper. I read out earlier that it requires notification of the registered native title claimants, the representative bodies and the registered bodies corporate; not the public but all the players must be notified. The native title legislation does not require it and we are not putting it into the Bill. The member says that

advertising would cost only a few dollars. It is $600 per advertisement when the mining titles already must be advertised. The member wants them to advertise twice; once when they are going through the title process and again through this process. There are about 3 000 mining notices a year. It is a good little revenue earner for the newspapers. We are not saying that one does not notify people - it is the exact opposite. There are very strict requirements as to how one notifies people but for some reason the Opposition is saying that is not acceptable.

Dr GALLOP: A number of years ago I was the spokesperson for the Labor Party on electoral matters. One of the issues that has concerned the Opposition for some time now is the way Aboriginal people were taken off the electoral rolls before elections. The former member for Northern Rivers - now Ningaloo - Kevin Leahy, was concerned about this. He came to me and we went through the matter. I put a submission into the Commonwealth Parliament's standing committee on electoral matters. The mail was being used, and if people did not send back a reply they were simply taken off the electoral roll. For a whole range of reasons, this was highly discriminatory against Aboriginal people because of the nature of their lifestyle in some of the communities that we were dealing with. As a result of the rigid application of the principle, their rights were taken from them. This matter was taken up by the Commonwealth Parliament. The Electoral Commission is yet to get its act together on that point. The reason we are moving this amendment is that we acknowledge that we must achieve the minimum conditions in the Native Title Act as laid down in section 3.12. We agree with the minimum conditions and will certainly not reduce those but we want to add to them a requirement that a notice be put in the newspapers. We hope that it will increase the possibility that rights will not be lost. I ask the Premier to clarify an interjection that he made earlier when we mentioned the Miriuwung-Gajerrong case which today established native title in the Kimberley. Did I hear the Premier say that he will appeal that case? Will he spend more and more taxpayers' money on trying to thwart the process that was set up by the High Court back in 1990 to allow people access to their land?

Mr Court: Do you think we should appeal?

Dr GALLOP: The Premier tried to thwart native title from 1990 until the High Court decision in 1994. That cost us millions of dollars. From 1994 until 1998 he tried to thwart the process by not acting in good faith and by spending money on trying to restrict and obstruct genuine applications, and it now appears that he will do that again. I just want some clarification. There are lots of good things in the community on which I would like to spend the money which the Premier spends on his own prejudices only to be defeated in the courts.

Mr COURT: The Leader of the Opposition asked by way of interjection when the action started, and I said that it was in 1994. It has been running for four years. He now asks whether the Government will appeal the case. He says that if he were in government, he would not appeal it. Is that what he says?

Dr Gallop: On the basis of the evidence before me, Justice Lee is a good judge and he has come up with a good decision.

Mr COURT: On the evidence before me, we have been sitting in Parliament since that ruling came down -

Dr Gallop: It is a bit better than the evidence you put forward.

Mr COURT: Hang on. The Leader of the Opposition has asked me the question. He asked whether I will appeal it. My answer is that when I get advice on it, I will go to Cabinet -

Dr Gallop: You just said by way of interjection, "We haven't heard the last of it."

Mr COURT: No, I did not. I can guarantee that, because there were about 117 parties involved in that case, and about 100 of them in Kununurra today would be pretty uptight about some of the things that have come up. However, in answer to the question, I have not been briefed on what the decision is. The Leader of the Opposition asked whether we will appeal. I do not know.

Mr Ripper: Are you pleased that at last a determination on native title in Western Australia has been made? You have been complaining about the lack of a determination for some time. Now that there is one, are you pleased?

Mr COURT: I will tell the member for Belmont my summary of the situation. It is fascinating how the matter has unfolded before our eyes. I take people at their word. I took the former Labor Prime Minister at his word. In relation to pastoral leases, he said that there was no question.

Dr Gallop: He did not say that.

Mr COURT: I am telling Opposition members that he said it on the record, and I will quote him. He said to me at several meetings, "I have categorically told Aboriginal people that native title has been extinguished on pastoral leases." Before my eyes it has gone from that situation to a judgment today that extensive native title rights exist over those pastoral leases.

Dr Gallop: But why is that a problem?

Mr COURT: It is interesting because a large part of the State is covered by pastoral leases. In fact, large parts of several States are covered by pastoral leases. When we went through the native title debate we were told that the original Native

Title Act did all sorts of things to freehold land - it extinguished native title here and it set up certain processes there - as a response to the High Court rulings. The question of native title rights and what they are on pastoral leases is of great interest to us in Western Australia.

Mr Ripper: The court seems to have had a different view from the advice you gave the House last week.

Mr COURT: The court has a different view from the assurance that we were given by a Labor Prime Minister.

Dr Gallop: That is nonsense.

Mr COURT: It is not nonsense.

Dr Gallop: It is. He said that it was up to the court in the Wik case ultimately to determine it.

Mr COURT: In answer to the question -

Dr Gallop: Why do you see it as a problem all the time?

Mr COURT: I do see it not as a problem but as a responsibility. We govern a State for all people in that State.

Dr Gallop: All?

Mr COURT: Yes.

Dr Gallop: What about indigenous people?

Mr COURT: All people, which includes indigenous people. It is interesting that the Leader of the Opposition has now qualified himself. He has now said that he is not aware of all the detail and so he will not make a commitment.

Dr Gallop: No. I have confidence in the Federal Court, don't you?

Mr COURT: But that does not mean that one cannot appeal a decision.

Dr Gallop: When it comes to native title, that is your first response and your first instinct.

Mr COURT: It has not been my first response this time.

Dr Gallop: That was your interjection and now you are backing off.

Mr COURT: It is interesting that the Leader of the Opposition's first response was to say, "That's the decision, that's it, final", then he qualified it afterwards. My first response was to seek advice on what the decision is. I will not comment -

Mr Ripper: So you are considering appealing?

Mr COURT: I said that I have no legal advice on it. When I have legal advice, I will take it to Cabinet.

Dr Gallop: More money down the drain.

Mr COURT: It has cost millions of dollars. It is one of the biggest growth industries in the legal profession in this country and I reckon it is a disgrace.

Mr RIPPER: To return to the specific if more mundane subject of the amendment, the Premier has objected on the ground of cost. I draw his attention to clause 3.16, which is headed "Prescribed provisions about notice". Subclause 1(b) states that the regulations may make provision for how the requirement -

> may be satisfied in conjunction with the giving of notice under another written law that relates to a Part 3 act.

If he is so enthusiastic about the notices that must be given under other written laws, the Premier can use the regulations under clause 3.16 to harmonise some of the requirements that might apply to proponents and thus reduce the cost. This matter is about making sure that Aboriginal people have a fair go. It is all very well to send a letter by certified mail to a remote community.

Mr Court: It is safer than reading the newspaper.

Mr RIPPER: Wait a minute. It is all very well to send a letter by certified mail to a remote community, and that should be done, but the mail service to some communities will be uncertain, particularly when conditions are unseasonal. Also, as the Premier knows, people may be away on business. There are often circumstances in which people are away from their communities. This matter is about making sure that no-one misses out on finding out about the possibility of a future act on land in which they have an interest. They have only three months to object. If they do not put in the objection within three months, they lose all right to be consulted. They might come back to find that it is going ahead, that it is too late and that they have missed out. Sure, it is only a small addition to what is required, but it is a worthwhile thing to do. The

Premier's argument that it will make the Act inconsistent with the commonwealth legislation is just laughable. It will not be the sort of matter on which the federal minister or a majority of the Senate says, "Sorry, you don't meet the requirements of the NTA; you have been slightly too generous to Aboriginal people." That is not one of the things that will cause the legislation to be ruled to be inconsistent with the NTA.

Amendment put and a division taken with the following result -

Ayes (14)

Mr Bridge	Mr Grill	Mr McGinty	Mr Ripper
Mr Carpenter	Mr Kobelke	Mr McGowan	Ms Warnock
Dr Edwards	Ms MacTiernan	Ms McHale	Mr Cunningham *(Teller)*
Dr Gallop	Mr Marlborough		

Noes (27)

Mr Ainsworth	Mr Court	Mr Marshall	Mr Shave
Mr Baker	Mr Cowan	Mr Masters	Mr Trenorden
Mr Barnett	Mrs Edwardes	Mr McNee	Mr Tubby
Mr Bloffwitch	Dr Hames	Mr Nicholls	Dr Turnbull
Mr Board	Mrs Hodson-Thomas	Mr Omodei	Mr Wiese
Mr Bradshaw	Mr Johnson	Mr Pendal	Mr Osborne *(Teller)*
Dr Constable	Mr Kierath	Mr Prince	

Pairs

Mr Thomas	Mrs Holmes
Mr Riebeling	Mr Day
Mr Brown	Mr Minson
Mr Graham	Mrs Parker
Ms Anwyl	Mr Sweetman
Mrs Roberts	Mrs van de Klashorst

Amendment thus negatived.

Clause put and passed.

Clause 3.13 put and passed.

Clause 3.14: Notice and subsequent procedures may relate to 2 or more acts -

Mr COURT: I want to omit this clause because it will allow the notice of an act and subsequent procedures in part 3 to apply to multiple acts. Without this clause, notices can still be issued which relate to more than one act. However, native title parties will be able to object to any single act or group of acts as may be appropriate. It is not possible technically to put a group of future acts together under part 3 of the Native Title Act. We believe that in many cases it would make sense to do it that way; however, we are advised it is not possible technically. Therefore, we will omit the clause.

Mr RIPPER: The Opposition opposes the removal of this clause from the legislation. This clause will allow one notice to be issued relating to the doing of two or more part 3 acts. If such a notice is given covering a group of part 3 acts, one objection can be lodged by a registered native title body and then the consultation parties can deal with the acts together for the purposes of this part. This seems, on its face, to be a sensible procedure which, in certain circumstances, will reduce the paperwork with which all parties are required to comply.

Mr Court: We agree with you.

Mr RIPPER: The Premier agrees with me?

Mr Court: Yes.

Mr RIPPER: But?

Mr Court: But we are told it cannot be done under part 3. It can be done under part 4. As I said in my comment, the Government would prefer to be able to do it that way. However, we have not been able to do it technically, as it is inconsistent with the Act. As I said, it makes sense to do it. We can do it under part 4 because of the way in which the federal Act is written. However, we cannot do it under part 3.

Mr RIPPER: I have concerns about that because I fear the burden of paperwork that will apply to the representative bodies for Aboriginal people. If a great many notices are issued, sure there will be a burden for the proponents in issuing those notices. However, generally they are much better equipped to deal with the administrative workload than will be the

representative bodies. I am disappointed that this cannot be included in the legislation. It seems to be a sensible procedure which will be beneficial for representative bodies for Aboriginal people. I wonder, with the removal of this clause, whether proponents will be in a position to overload representative bodies with paper. If this clause is removed, representative bodies will have to respond to each notice with an objection rather than to a group of part 3 acts with one objection relating to the same or similar pieces of land. Can the Premier draw our attention to the sections of the NTA that prohibit us from proceeding down this path?

Mr COURT: Section 43A has no provision for what are known as project acts. There would need to be an amendment to the federal legislation to make it technically possible under part 3.

Mr Ripper: Who has advised that?

Mr COURT: The commonwealth officials have given us that advice.

Mr RIPPER: We seem to be in an unusual position. We cannot get advance approval from the Commonwealth for the whole package. Therefore, the State Parliament is in doubt about whether the whole package will meet the requirements of the Commonwealth. The Opposition cannot get from the State Government an indication on whether our amendments will be consistent with the NTA. We are subject to assertions from the Premier that from time to time various of the amendments that we propose will render the Act inconsistent with the NTA. However, we are unable to get authoritative advice on that. Yet, with a government amendment like this, we are told that the Commonwealth says that the clause as drafted will not fit with the NTA, even though it would be to the advantage of indigenous interests. In particular, we cannot proceed with the maintenance of this clause. We would be interested in obtaining copies of the advice from the Commonwealth on this matter.

We reiterate our support for the maintenance of clause 3.14 in the legislation. When it goes to the other place, we might be convinced if we were given some access to the advice from the Commonwealth on what is and is not consistent with the Native Title Act.

Mr COURT: As I said at the outset, that is subjective. We are bringing about these changes, most of which do not change the substance of the legislation. However, if that is the terminology, we are not going to have a fight with the Commonwealth. In this case we are told that it would have to change the federal Act for us technically to be able to do this in part 3. We agree with the Opposition; we think it makes sense to do it. However, the federal legislation - and our complying with it - is full of all sorts of lengthy administrative processes.

Clause put and a division taken with the following result -

Ayes (14)

Mr Bridge	Mr Grill	Mr McGinty	Mr Ripper
Mr Carpenter	Mr Kobelke	Mr McGowan	Ms Warnock
Dr Edwards	Ms MacTiernan	Ms McHale	Mr Cunningham *(Teller)*
Dr Gallop	Mr Marlborough		

Noes (26)

Mr Ainsworth	Mr Court	Mr Marshall	Mr Trenorden
Mr Baker	Mr Cowan	Mr Masters	Mr Tubby
Mr Barnett	Mrs Edwardes	Mr McNee	Dr Turnbull
Mr Bloffwitch	Dr Hames	Mr Nicholls	Mr Wiese
Mr Board	Mrs Hodson-Thomas	Mr Omodei	Mr Osborne *(Teller)*
Mr Bradshaw	Mr Johnson	Mr Pendal	
Dr Constable	Mr Kierath	Mr Shave	

Pairs

Mr Thomas	Mrs Holmes
Mr Riebeling	Mr Day
Mr Brown	Mr Minson
Mr Graham	Mrs Parker
Ms Anwyl	Mr Sweetman
Mrs Roberts	Mrs van de Klashorst

Clause thus negatived.

Clause 3.15: Who gives notice -

Mr COURT: I move -

Page 16, line 20 - To insert after "proponent" the words "or other person".

This is to make sure that notice has been given in an appropriate way to that other person.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 3.16: Prescribed provisions about notice -

Mr RIPPER: Clause 3.16 makes provisions about regulations which will govern the whole notice procedure. Earlier in the debate I drew attention to the possibility of requirements under this law being harmonised with requirements under other laws. Can the Government give us some indication of the way that it intends to administer this clause, and the level of integration that it proposes with notice requirements under other laws?

Mr COURT: We are simply trying to streamline the process under this provision so that the combined notices can be given to try to smooth things -

Mr Ripper: It seems a good way to go. However, what sort of combination of notices is the Government intending?

Mr COURT: It would probably be mainly in the mining area. The Mining Act contains certain requirements to serve notice on the landowners. It is basically enabling those notices to be combined.

Clause put and passed.

Clause 3.17 put and passed.

Clause 3.18: Requirements for objections -

Mr RIPPER: Clause 3.18(c) imposes a requirement for objections to comply with any other requirements of the regulations as to the form or content of objections. This seems to me to be a fairly important section of the legislation. It may be possible for the regulations to be drafted in a way which imposes unnecessary requirements on objectors in terms of paperwork or conditions that must be satisfied in order for an objection to be valid. Can the Premier advise us of the types of requirements which it is likely that the regulations will impose upon people who must lodge an objection? I am concerned about the position of overworked representative bodies and overworked legal representatives of indigenous interests having to comply with potentially onerous requirements under the regulations for the form or content of objections. I am interested to know from the Government what types of requirements it is proposing to put into the regulations. Further, it would be of interest to know what sort of consultative procedure the Government is likely to go through before it produces these regulations. I remind the Government that these may be matters in which the upper House will take a close interest when the regulations are gazetted.

Mr COURT: There will be consultation with all the parties involved, but it will also involve consultation with the commonwealth officials.

Mr RIPPER: It is nice to know that consultation will occur, but could we have a bit more information about the Government's intentions? If we endorse this legislation we are giving it authority to make the regulations.

Mr Court: We agree. We want to keep the process as simple as possible.

Mr RIPPER: I take it I am getting an assurance from the Premier that the requirements in the regulations of the form and content of objections will not be unnecessarily onerous to indigenous interests and that the Government's aim is to make it as simple as possible to put in an objection.

Mr Court: I give you that assurance.

Mr RIPPER: I am pleased to receive that assurance and I look forward to the consultation that is promised on these regulations. I hope we do not have too many complaints from indigenous interests when the regulations finally appear.

Clause put and passed.

Clause 3.19: Time limit -

Mr COURT: The Government will support the Opposition's amendment, but parliamentary counsel has suggested that "upon" be replaced by "on".

Mr RIPPER: I am going to take my life in my hands and read out the document just given to me by the Premier. I am sure most of my colleagues think I have run off the rails! It is on occasions such as this that I am grateful that we have a bicameral Parliament so that my colleagues in the upper House can remedy any mistake that I make. I move -

Page 18, lines 4 to 12 - To delete the lines and substitute the following -

(2) Where, on the application of a person made before the closing date, the Commission is satisfied that exceptional circumstances so require the Commission may -

(a) fix a later closing date for the lodgement of objections to the doing of this act; and

(b) give such directions as the Commission thinks appropriate as to the giving of notice of the date so fixed.

I am pleased that the Government has seen fit to essentially accept the amendment moved by the Opposition to this clause. The original clause gave power to the minister to do this. The Opposition thinks that in order to bolster the independence and status of the commission and to reaffirm that this is more a judicial decision, rather than the minister's dealing with applications for later closing dates in exceptional circumstances, it should be the commission. I understand the Government has arrived at a similar conclusion, if not by the same argument. I thank the Premier for support in essence of the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 3.20 to 3.24 put and passed.

Clause 3.25: Consultation -

Mr RIPPER: The Opposition will oppose clause 3.25 because it believes that the wording should be different. In view of the numbers in this place we may not be successful in our opposition to the clause; nevertheless, I will read out the amendment so that it is on the record. We propose the following words -

In the case of any Part 3 act, the consultation parties must consult with each other in good faith with a view to reaching an agreement about -

(a) minimizing the effect; and

(b) compensating for the effect,

of the act on the enjoyment of native title rights and interests in relation to the relevant land and waters.

The Opposition has put forward this amendment after some consideration and hearing arguments for and against it. If the amendment is successful it will be a case of the Parliament telling all of the parties to consultation regarding part 3 acts to take this matter seriously. Consulting in good faith means returning telephone calls, turning up for meetings, presenting proposals, presenting counterproposals if the party disagrees with proposals presented by others, and adopting consistent viewpoints without being rigid about negotiating positions. It means that people come to the consulting table with a view to reaching an agreement.

It has been argued that our amendment is included in the legislation and that we will be establishing a right to negotiate on part 3 land. I do not believe that is the case; the courts will look at this legislation as it is passed by the Parliament and say that there is a part 3 dealing with consultation procedures and there is a part 4 dealing with right-to-negotiate procedures. Part 4 must mean something different from part 3. Parliament would not have passed two different parts to the legislation if it intended them to operate in exactly the same manner. The fear of indigenous interests is that the court will interpret down the meaning of the consultation procedures, because they will feel a need to find a distinction between consultation procedures and the right-to-negotiate procedures. It will be the case that the consultation procedures will be interpreted differently from the right-to-negotiate procedures. Although the Opposition designed the amendment to enhance the consultation procedures, it cannot be argued that it will be the same as introducing the right-to-negotiate procedures over all leasehold land. It will be fairly difficult for the Government to argue that parties should not consult in good faith.

Mr Court: The amendment also refers to reaching an agreement and determining compensation. The Deputy Leader of the Opposition should go through the rest of the amendment.

Mr RIPPER: Is the Government seriously saying that it will oppose a requirement that the parties must consult in good faith? After all, the amendment does not apply only to proponents and developers but also to native title parties. They will also be required to consult in good faith - in other words, they will also be required to communicate properly, to maintain a consistency of viewpoint and to present counterproposals if they do not agree with the proposals of the developer.

The Premier by interjection has drawn attention to paragraphs (a) and (b) of the amendment with regard to both minimising and compensating for the effect, and that part of the amendment which relates to reaching an agreement. Does the Premier seriously contemplate that the consultation procedure should operate in a way in which no agreement is expected between the developers and the native title parties? Is he saying that the consultation procedures that he envisages will be satisfied if the proponents simply say to the native title parties, "This is what we intend to do. Tell us how you react to that, but we

will go ahead and do what we intended to do without regard to what you say"? That does not seem to be a fair treatment of indigenous property rights.

Mr COURT: The Government strongly opposes the amendment. Let us not beat about the bush: As the Deputy Leader of the Opposition said, it is an attempt by members opposite to reinstate a right to negotiate under another name.

Mr Ripper: I did not say that.

Mr COURT: It was a slip of the tongue. The Deputy Leader of the Opposition meant to say "consulting" but he used the word "negotiating". The Opposition proposes that the parties must consult in good faith with a view to reaching an agreement about minimising the impact of the act on registered native title and about compensation. That is inconsistent with the Native Title Act, because that Act does not say we must reach agreement and determine the compensation through consultation.

Dr Gallop: It does require agreement.

Mr COURT: It does not, because there can be consultation but the parties may not reach agreement and the processes can continue. The Opposition's proposal amounts to the reinstatement of the right to negotiate over pastoral leasehold land. One of the major problems with the unworkability of the legislation has been where a right to negotiate has been in place. The Leader of the Opposition knows that that has been used effectively as a veto that has led to payments of moneys to get through a process. The Opposition's proposal would result in all of the problems associated with the right to negotiate, with the issue of up-front compensation payments being demanded by claimants who have not yet proved native title. The Bill is clear that the parties must consult about ways to minimise the impact of the act on native title rights and interests. There is no such thing as bad faith consultation. By nature consultation must be in good faith.

Dr Gallop: What is the problem, then?

Mr COURT: The Opposition goes one step further and says there must be agreement and compensation determined, which is no different from the previous situation which has not worked. Unless a party has consulted, it cannot seek a hearing by the commission. The Bill also provides for the parties to make an agreement, if they wish. However, it is not compulsory. Matters can also be resolved if the consultation results in the objection being withdrawn. Under the amendment proposed by the Opposition the parties must reach agreement about the compensation before the grant can proceed, and this would be a de facto veto in practice.

Dr Gallop: That is the most ridiculous interpretation of those words I have ever heard.

Mr COURT: The Opposition's amendment refers to consultation in good faith with a view to reaching an agreement about minimising effect and compensating for the effect.

Mr Ripper: It does not say they must reach agreement.

Mr COURT: The Deputy Leader of the Opposition just argued that agreement is reached. The concept in paragraph (b) of the Opposition's proposed amendment is that compensation is required for the loss or impairment suffered by the activity that takes place, and that is determined only when native title has been established. That is the equivalent to what a pastoralist receives when mining occurs on a lease, or when the Government compulsorily acquires part of a lease. The Opposition's amendment is trying to equate a claim for native title with the rights of a freeholder. The Opposition can dress up its amendment however it likes, but it is simply reinstating a right to negotiate under another name.

Dr GALLOP: The Opposition is trying to ensure that the property right, which has now been established by both the Commonwealth Parliament and the High Court of Australia, has some meaning in respect of the consultation that must occur in situations like a future act proposed on a pastoral lease, just to use an example. Let us talk about the concept of consultation. The Australian courts have interpreted through common law that government has an obligation to consult with people. Most courts now interpret that in fairly specific terms. According to the Government the concept of consultation means that it simply informs people that something will happen, and that will happen whatever those who have a right to be consulted think about the matter. I have real concerns about the concept. If members read the debate in the Federal Parliament, particularly the comments of Senator Harradine, consultation was meant to be a meaningful concept.

When the Government says that people have a right to be consulted, the concept is that the consultation will have some real meaning. We are saying that we must give it some meaning by saying that we require the parties to engage in the consultation, first, in good faith, and second, with a view to coming to an agreement. Unless that is put into the Bill, those people who have the property right - in this case the native title holders - will be given no guarantee that their interests will be treated seriously. If the person who wants to do the future act or the Government that will be the overarching body dealing with this matter through its own processes and procedures is not required to act in good faith, how can those people know that their property rights will be taken seriously? The difficulty is that unless we build in this requirement that there be good faith with a view to reaching an agreement, we have not taken seriously the established property rights. The Premier tries to argue that the concept is taken from freehold. He has this thing in his mind all the time that there is freehold native

title which applies only in some particular circumstances and then there are a few foraging rights here and there and wherever, which can be overridden by other rights fairly easily. I am sorry, but it does not work that way. Whether on a pastoral lease, another form of lease or vacant crown land, it is a property right, which means that people have certain rights in relation to others. This notion that someone else who wants to do something can simply run over those people no matter what their concerns or objections is not something I believe the courts have laid down or something that the Commonwealth Parliament has laid down. They are saying that when the act is being proposed, the people on the other end who would have ownership through native title have a right to be properly consulted with a view to there being some sort of in-good-faith discussions and also with a view to having an agreement. Unless it is included in there, I ask the Premier what is native title? It does not mean anything. He has taken us right back to his 1993 legislation in which native title has no meaning at all and all other interests prevail over it. It falls short of what we understand to be a proper native title interest. Let us forget about whether the Premier's terminology of it is or is not consistent with some other section of the Act; let us look at consultation on its own terms and make sure that it has a proper meaning.

Mr RIPPER: What conclusion can the public of Western Australia draw about a Government that does not want the words "in good faith" attached to requirements for consultation? The Government cannot retain any sense of decency if it suggests to the public that people should be required to consult but not required to consult in good faith. The Government has said that our amendment requires people to agree on compensation. It is wrong on both counts. Our amendment requires people to consult with each other in good faith with a view to reaching an agreement; they are not required to reach an agreement. They may be consulting with each other in good faith and may be trying to reach an agreement but nevertheless fail to reach an agreement. The legislation provides mechanisms for dealing with cases in which people do not reach agreement. The matter may then be considered by the commission, which makes a recommendation to the minister, who may overturn that recommendation.

The Premier is also wrong when he becomes agitated about the inclusion of the words "compensating for the effect" in our amendment. I draw his attention to section 43A of the Native Title Act. The section provides for these alternative procedures. The alternative procedures provided for in the state legislation must meet the requirements of the Native Title Act. Section 43A(6) reads -

> *Requirement to be satisfied: compensation*
>
> (6) For the purposes of paragraph (1)(b), -

That is the paragraph that relates to the commonwealth minister being satisfied about the state provisions -

> - the alternative provisions comply with this subsection if, in the opinion of the Commonwealth Minister, they provide for compensation for the effect of the act on native title to be payable and for any dispute about the compensation to be determined by an independent person or body.

Quite clearly that provision of the Native Title Act, which specifically governs the procedures we are discussing, contemplates that people will be discussing compensation, that they may be in dispute about that compensation, and that there must be a mechanism for resolving such a dispute. The Premier is wrong to say that in our amendment we require an agreement. He is wrong to be agitated about the inclusion of words relating to compensation because the inclusion of those words is clearly contemplated in the Native Title Act under which we are operating when we design this legislation.

The difference between the right to negotiate and the consultation procedures is recognised by indigenous interests who fear the consultation procedures will be read down by the courts to their disadvantage. When it comes to the part 4 right to negotiate, we will be seeking to include in the state legislation words similar to those in section 33 of the Native Title Act, which contemplates discussions about payments related to profits and other income derived from the future act. We have not sought to include words similar to section 33 in our amendments to the consultation procedures under part 3 of this Bill; in other words, there is no reason for saying that what we are proposing for part 3 consultation means that we are seeking in a de facto way to extend the right to negotiate over all of that land. Plenty of people would want us to do that and there would be some who would not want us to do that, but we are distinguishing between consultation procedures and right-to-negotiate procedures. However, we are arguing that the consultation procedures must be fair.

Mr COURT: Let us get back to the real world of trying to negotiate and trying to go through the procedures of the Native Title Act. The problem we had with the legislation was that we had a number of claimants using a right to negotiate as a means of pressuring people in many cases to make payments and to try to get through the system. That was the practical problem. We can still have multiple claimants under the changes that have taken place to the legislation. The Opposition is saying that before one knows who are the native title holders, one must consult with the claimants to reach agreement on compensation.

Mr Ripper: One must consult with them with a view to reaching an agreement.

Mr COURT: What does the member reckon happens when one consults with someone with a view to reaching an agreement on compensation? That is the problem we have had with the legislation.

Dr GALLOP: I re-emphasise a point that was made strongly and correctly by the member for Belmont; that is, in the Native Title Act, which sets the minimum conditions for our own legislation, there is a requirement that the alternative provisions will comply such that in the opinion of the commonwealth minister they provide for compensation for the effect of the act on native title to be payable and for any dispute about compensation to be determined by an independent person or body. We now come to the independent person or body. Let us take it into account in what we are legislating. Taking into account the effect of the proposed act in respect of any compensation is an issue. The Government cannot just run away from it, ignore it and hope that it will go away; it is there. All that we are doing is acknowledging that and building it into the consultative process so that we are upfront about it and it is very clear.

The Government continues to tell us that it agrees with native title and that it is taking it into account. The only problem is that whenever the Government is confronted with the reality of it, it tries to make it into something else. It has tried to convert it from a property right into some sort of interest that can be overridden easily by other interests. That is not what the courts or the Commonwealth Parliament had in mind when they laid down native title. The Government falls into the classic trap of saying that it believes in native title, but when it comes to the crunch it does not give it any content. It is clear that the Government's intention is that, should there be any disagreement or dispute when the consultation process is going on, it will be referred to a government body which is constituted in such a way that it is virtually an arm of the Executive and which, if it does not satisfactorily come up with the answer, can be overridden by the minister so that all along the Government's intention to achieve a certain objective will not be compromised. That is the Government's perception. How many times must we say it? That is not the law of Australia. Australia no longer believes in that; we have moved on from that. The Government tried it in 1993 but it did not work. It has tried to do it through its own processes of thwarting the federal Act for the past three or four years. That did not work.

Mr Court: What do you mean by "thwarting the federal Act" - if you use the Act you are thwarting it?

Dr GALLOP: No, the Premier did not use it. Does the Premier know where my feet are? The ground underneath my feet is called the Constitution and laws of Australia. I much prefer to argue with that terra firma under me. The terra firma underneath the Premier is prejudice and it will get him nowhere because it is not a solid foundation upon which to legislate. He will always fall short. We are taking a clear line from the Native Title Act in terms of the compensation issue and putting it into the clause. We are taking the clear intention of the legislators that there be consultations in good faith to make sure that we survive any future tests that come along. In any case, what is wrong with what we are proposing in respect of a property right which now exists in our nation? It is an important amendment. The Government clearly does not believe in a meaningful concept of native title. Its concept of native title can be overridden very easily. That does not recognise what has been going on in Australia for the past decade.

Mr COURT: I despair. The Leader of the Opposition quotes the Act in respect of compensation. The Act outlines the processes whereby compensation must be paid after a determination and must be worked out after a determination has been made. We have the provisions in part 6 of the legislation for that to happen. The Opposition wants compensation to be negotiated and worked out before a person is a native title claimant. In practice, it cannot do that.

Mr CARPENTER: What we are seeking to do is not intended to be complicated but it is being complicated by the Premier and other interests because they fundamentally oppose the notion of native title in the first place. We have only to take a historical view of where the argument comes from to understand the Government's position - that is, total resistance to native title from day one. That is the truth. Unfortunately, the reality of the change in the interpretation of the laws of Australia does not seem to have dawned on the Government and the Premier, and the ramifications do not seem to have set in. There is no point in taking the attitude that we will give up nothing and that we will resist the concept of native title forever and a day. It has been recognised as existing in the law and it must be accepted and dealt with. The Government still seems to be unable to come to terms with that. It has been forced at every turn to make concessions; it does nothing willingly. The simple amendment states -

> . . . the consultation parties must consult with each other in good faith . . .

Who in the general community would have a problem with that if the Government's position were one of genuinely trying to make the legal concept of native title work? Who would object to parties to a proposal being required to consult in good faith? It is a point on which the Government will not win the debate, and nor will the mining lobby. The Government is being required to make consultation parties consult in good faith. The amendment goes on to state -

> . . . with a view to reaching an agreement . . .

I would have thought that a reasonable person looking at the issue would not find it to be an unreasonable objective of consultation that parties go into a consultation process with the objective of reaching agreement. The other two elements in relation to minimising the effect and compensating for it fall into line with the requirements of the Act. All that we are asking is that parties to native title claims and native title holders have the right to be consulted in good faith. Otherwise, in the absence of a definition of "consultation", native title parties might need only to be notified. Notification might be the only requirement. Consultation in the barest possible form could easily be construed as mere notification.

Consultation without the concept of good faith attached to it is meaningless. There are numerous examples of government activity in other areas of government policy which clearly demonstrate to the public the interpretation that the Government can sometimes place on consultation, which is, "We told you it was happening and that's it. We're not interested in your view and we are not interested in reaching consensus; all we are doing is notifying you of an intention or notifying you of an act." It is not good enough to wipe out the rights of native title claimants from the diminished position in which they are already placed, with the absence of the capacity to be involved in negotiation, to make them parties to mere consultation and to lessen that to notification. That possibility arises from the Government's legislation as unamended. It is not a difficult concept to grasp. To consult with each other in good faith is something that the public will clearly understand and support. The Government's failure to embrace the notion of consultation in good faith demonstrates its attitude to native title - that is, total resistance.

Dr GALLOP: It appears that we will not convince the Premier with an argument from principle. I will try another tack in defending our clause against his clause. His clause contains a requirement that the consultation parties consult with each other about ways of minimising the impact. In fact, they must consult with one another. Some courts may define "must consult" in very similar ways to the way in which we have in our amendment, and some courts may interpret it in another way. What is for certain is that "must consult" in the Premier's phrase has an air of uncertainty about it. The consultation requirement in our clause is that there is good faith. It is trying to seek an agreement about two matters. That is a much clearer statement about the meaning of "consultation" as opposed to clause 3.25. The implication of what I am saying is that if we want a workable system that provides for some degree of certainty, our approach is better than the Premier's approach. His approach encourages a litigation approach to the question. Inasmuch as anyone feels that the other side is not acting in good faith, that person will probably whiz off to the court and obtain an interpretation about that and there will be some uncertainty about whether he will win or lose. Under our amendment, the parties must consult in good faith. The courts have clearly laid down on many occasions what that is. A much larger effort will go into trying to find an agreement before parties litigate.

If I cannot convince the Premier on the principal argument that we are defining a good argument about the principles of the property right, I might convince him by saying that our amendment is clearer and provides for more certainty than his phrase and, therefore, it is less prone to an adversarial approach. The Premier is encouraging an adversarial approach and that is exactly what he will receive. The Premier is not taking the other side of the argument seriously. He will encourage adversarialism and litigation. He will encourage people to block the process because he is not providing a framework of certainty that respects people's rights. Our approach will be better for all of the stakeholders concerned rather than the approach adopted by the Premier.

Mr RIPPER: Most of the arguments which the Premier has advanced against our proposed amendment also relate to the right-to-negotiate process. I turn to clause 4.24 of his legislation, which deals with negotiations. That clause contains the words "the negotiation parties must negotiate in good faith with a view to . . . obtaining the agreement". The Premier is quite happy to have reference to the words "in good faith" and "agreement" in the right-to negotiate-process. However, when it comes to "consultation", he wants to delete both "agreement" and "in good faith". Why does the Premier think that people should not be required to consult in good faith? The arguments that he has advanced about people not having their native title confirmed and nevertheless being able to seek compensation for acts to be performed on land in which they have an interest, apply just as much to the part 4 right-to-negotiate process as they do to the part 3 consultation procedures. The Premier has in mind the situation that has arisen from the very low threshold for registration under the old Native Title Act. One of the reasons for that low threshold was the irresponsible attitude taken by coalition senators when the Keating Government was trying to push its native title legislation through the Senate. We now have a different registration test and a higher threshold so that we will not have the same frequency of multiple claims or the same frequency of claims in general under the new Native Title Act. Will that registration test not be applied retrospectively?

Mr Court: Yes, but that does not mean you will not have multiple claims.

Mr RIPPER: It does not mean that we will not have multiple claims, although, as with most assertions by the Premier, we may need to take some advice on that and make sure that it is absolutely correct. Claims and multiple claims will be reduced. The Premier has in mind the situation that applied under the previous, unamended Native Title Act. Regardless of which position he has in mind, the arguments that he has advanced against our amendment can equally be advanced against his legislation on the right to negotiate in part 4. How does the Premier envisage his version of clause 3.25 will work? Can the Premier give us a scenario on how his consultation requirements might be satisfied on the granting of a mining lease? I am interested to hear what the Government thinks would be enough to satisfy the consultation procedures under clause 3.25.

Mr COURT: The Federal Parliament, in its legislation, made it quite clear what it wanted in the part 4 right-to-negotiate processes and that the consultation process is quite a different process. The Opposition wants part 4 to apply on the leasehold land. All the amendments - there are more to come - are achieving that. Under our legislation, they must consult. There is no ambiguity; they must consult.

Dr Gallop: What does that mean?

Mr COURT: Consult is consult. Negotiate is negotiate.

Dr Gallop: Are you aware that the courts read the speeches made in Parliament to help them out?

Mr COURT: The courts have already defined what is consultation. The Opposition wants a compensation negotiation with multiple claimants to determine compensation before a native title claim is determined. Come back to the real world!

Mr Ripper: Does it not happen under part 4?

Mr COURT: A right-to-negotiate process is very different from what is proposed; that is why the two are different.

Mr Ripper: Is that not what you are saying?

Mr COURT: I do not know how many times I have to say it. The problem with the legislation was that people have a right to negotiate on pastoral leases, they put in their claims and the poor proponent must deal with multiple claimants and they try to buy their way through the process. The Opposition wants to go back to the situation in which, under its arrangements, we have to sit down and try to work out a deal. We do not even know who the claimant will be or who will acquire the native title claim. We are going back to where we started. We have unworkability in the legislation and the Opposition wants to keep it there.

Dr GALLOP: The Premier is wrong. We are dealing with a consultation process. The Premier says that he knows what the consultation process means and he does not have to define it in Parliament. He simply says that the courts have told us what that is and it is all very clear to everyone. Under his legislation, the consultation parties must consult about ways of minimising the impact of the act. We agree that they must consult about minimising the impact of the act. We say that they must do that in good faith. For the life of me, I cannot see what is wrong with including those words as part of the definition that this legislation will lay down. If those words are not included, what obligation is there to act in good faith? It may be that a court somewhere will say that the use of the words "must consult" means that they must act in good faith. The Premier may be surprised by what courts will say because, on balance, they probably will go down that path. However, let us be clear about it in our own legislation before we even start to build that into the legislation.

There should be consultation about compensating for the effect. It is absolutely clear to us that that will happen and it is absolutely clear under the federal legislation that that will happen. That is why the federal legislation stated that the alternative provisions must provide for compensation for the effect of the act on native title to be payable and for any dispute about the compensation to be determined by an independent person or body. If there is a dispute about it, presumably the parties have been having some consultations about it; otherwise why would there be a dispute about it in the first place? The Premier is really saying that he has a predetermined view about consultation.

Mr Court: No, my friend. The commission will decide whether consultation has taken place and the commission must be satisfied that consultation has occurred. If a party does not agree with the decision of the commission, it can take it to the court. Do you not reckon that is an extensive process? I reckon it is.

Dr GALLOP: That is what happens when we put the package together.

Mr Court: Yes. When you put the package together, that is what happens.

Dr GALLOP: Let us put the three parts of the coalition package together and see what they mean. Part one of the package is the Government's definition of consultation, which is vague and limited in intention. Part two of the package provides for a Native Title Commission, which will be an offshoot of the Ministry of the Premier and Cabinet, which makes recommendations. Part three of the package is the ministerial power to override. That is what it is all about. If we put those three parts together, there is not much respect for the property right that has been laid down by both the High Court and the Commonwealth Parliament. That is what we finish up with. They are the three things that we want to try to amend. We will amend the consultation legislation; we will amend the provision for a Native Title Commission; and we will ensure that the ministerial power to override will be exercised according to proper processes and subject to proper review. That summarises it clearly. Let us start with part one of the package and have a clear and meaningful definition of consultation. If we do that, we will be acting as we should be acting in this place on a property right that has been laid down, that has not been extinguished on a pastoral lease, that has not been extinguished on all types of leases and that will allow different interests to co-exist. That is what we are saying.

However, what the Government is saying is that it has had these problems with this thing called native title and pastoral leases and so on and it will sort them out by diminishing the value of that property right. As long as the Government keeps trying to do that, it will continue to get into trouble. It will continue to waste the time of this Parliament and taxpayers' money in not coming up with a solution because its solution to the problem is to consider it a problem rather than an opportunity. That has always been the difficulty with this Government. This is an opportunity to get some meaningful reconciliation between different interests. The Government sees it as a problem; and the more it sees it as a problem, the less chance it will have to come up with any solutions.

Mr RIPPER: The Premier's argument against our amendment relies on his outrage that proponents may be required to deal with native title parties when native title, in his words, has not been determined.

Mr Court: No. They have to reach a dollar figure.

Mr RIPPER: The Premier has a view that in many cases native title will be found not to exist on the relevant land. Of course, the alternative may be the case. We may be dealing with native title holders - people who will be found to have a native title interest in the relevant land. The Premier's and his Government's judgment on where native title rights and interests survive on particular pieces of land has not, on the record, been shown to be that accurate. Although the Premier is outraged that proponents might have to deal with native title parties before native title has been determined, his Government goes out of its way to make it difficult for native title determinations to be reached. After all, he has advised the Parliament that the Government spent $3.3m on legal costs on the Miriuwung and Gajerrong claim. That is a considerable amount of taxpayers' money to spend to try to frustrate a determination of native title on that claim. On the one hand, the Premier says that native title has not been determined; on the other hand, his Government goes out of its way to try to prevent native title being determined in particular cases.

Although the Premier makes those objections to consultation procedures, he is prepared to accept the same conditions on the right-to-negotiate procedures. Does the Premier accept his own legislation on the right to negotiate or has he reluctantly, with his arms being twisted by the Commonwealth, accepted the provisions on the right to negotiate but not accepted them in good faith; or does he not have an option? He does not like the right-to-negotiate provisions which he had to endorse in his own legislation, but he does not have an option. Everything the Premier has said tonight about the consultation procedures applies -

Mr Court: I have said you can't have an option. Part 5 says you must do it that way. Part 3 gives you some options and they have been put in place.

Mr RIPPER: I thought that might be the case because everything the Premier has said about the consultation procedures and all the objections he has raised to our amendment apply equally to the drafting of his own legislation on the right to negotiate.

I make one point again which needs to be made. The Premier is operating on an assumption that there will be a great deal of overlapping and multiple claims. He forgets the amendments that have been made to the registration procedures under the amended NTA. It is wrong to mislead the Committee and the public by acting as though there has been no change to the registration test.

Mr Court: I have not said that. However, there will still be multiple claims.

Mr RIPPER: The Premier has denied that he said that. However, he has spoken again and again about multiple and overlapping claims. In doing that, he has neglected to draw attention - which had to be done by the Opposition - to the changes that have been made to the registration test. The bottom line of the Premier's argument is that the parties should not have to consult in good faith or with a view to reaching an agreement. That is not a fair way to approach the issue. When we ask the Premier what he means by the words "consultation procedures", all he can say is that consultation means consultation. We are not much the wiser about what it will mean.

Mr Court: No. I said that the commission will decide if consultation has occurred and the commission must be satisfied it has occurred.

Mr RIPPER: We are not much wiser about what obligations his wording will place on proponents in native title claims. At least the Opposition was able to say a little about what its amendment might mean in practice.

Mr CARPENTER: The Premier has said that the commission will decide whether consultation has taken place. However, we are passing legislation in this place. What is the Premier's understanding of the concept of consultation? Is implicit in the meaning of the word "consultation" the notion of good faith and the concept of trying to reach an agreement?

Mr COURT: Consultation can take place only in good faith. As to the question I have been asked, it does not matter what I think. Under the legislation, it is what the commission thinks. If it is not satisfied, the process does not go any further. If the claimants are not happy with a decision made by the commission, the matter can be taken to the courts. People do not consult in bad faith. If consultation does not occur in such a way that people are trying to reach an agreement and the commission is not satisfied, it will not continue with the matter. As I have said, it is not what I think that counts; it is what the commission says. It will decide whether consultation has occurred and will make a decision on whether it satisfied. It is not up to me or the Government or any speaker in this debate; the commission must be satisfied that all the steps have been taken.

Have members opposite been following how some of these consultations have occurred? Sometimes some people roll up to meetings; at other times, half of them do not turn up. It has been impossible to bring parties together a lot of the time. Those opposite are saying that we must now have this process whereby the goal is to reach a figure on a compensation

payment even in multiple claims. Yes, the registration test has changed; however, there will still be multiple claimants on certain land. Already there are hundreds of multiple claimants on land.

Mr Ripper: Subject retrospectively to the new registration process.

Mr COURT: Does the Deputy Leader of the Opposition know what will happen? Of course he does not. I thought, in good faith, we were trying to get some workability into this legislation. Those opposite want to go back through different channels to what we have already proved does not work.

Mr BRIDGE: I am trying to figure out why the Premier has a problem with the words "in good faith".

Mr Court: I do not have a problem with those words. I have a problem with what happens after that.

Mr BRIDGE: I will put forward a suggestion which might clarify the position. We know that a process leads to a native title claim and a judgment being made in respect of that claim. The Premier is saying that if we were to include in this legislation this reference, in advance of that process being reached, negotiations and a range of things can be entered into; in other words, a form of predetermination of the native title claim. Is that correct?

Mr Court: Yes.

Mr BRIDGE: Because of what the Premier sees as the problem within that process, he is endeavouring to avoid the predetermined circumstances in advance of the native title claim and in advance of the decisions that follow from that normal process. It is important for me to know whether that is what the Premier is saying tonight.

Mr COURT: People must consult. We are not taking away a native title right that might be on a certain piece of land by certain parties. That is not happening. We are saying that there is a process of consultation and if it breaks down, a process still continues. Proper procedures are in place. The commission is able to make the decision on whether it is satisfied that proper consultation has occurred. If people go into the consultation process not wanting to reach agreement and are obstructive, and so on, the commission will tell those involved that they are not dinkum. Those opposite are attempting to imply that we are not allowing a proper process to take place. After the consultation either is agreed to or breaks down, there is still a proper process to go through. We are talking about the practicalities of it. In relation to these pastoral leases, what is being proposed is virtually no different from the situation that has not worked.

Mr CARPENTER: I take the Premier back to the answer to the question I raised before about his understanding of the meaning of "consultation", that implicit in it is the notion of good faith and reaching agreement. The *Hansard* will bear me out; my understanding is that the Premier said yes, his understanding is that "to consult" means to do so in good faith and obviously that is done with a view to reaching an agreement.

Mr Court: I have said if the commission is not satisfied that people are consulting in good faith, the process will not go any further. The commission will say that if it believes everything is being done to try to consult properly and that consultation breaks down, that will not be the end of it. The parties will be able to continue with the process. Under the current arrangements that is not possible.

Mr CARPENTER: The Premier's clear understanding of the notion of consultation is that it must occur in good faith with a view to reaching an agreement. We are trying to make explicit what the Premier says he understands to be implicit. He is saying that that is how the commission will view consultation anyway. Consultation should be in good faith and, therefore, must be done with a view to reaching an agreement.

Mr Court: The member is talking about an agreement on compensation. I am saying that by putting that in the legislation, we are back to square one.

Mr CARPENTER: I take the Premier through his notion of good faith, with which we agree, that it be done with a view to reaching an agreement. He does not object to the notion of consultation being done with a view to reaching an agreement about minimising the effect of the proposed legislation. That is explicitly stated in the legislation. Is the sole part of the amendment with which the Premier disagrees the notion of consulting in good faith with a view to reaching an agreement on compensating for the effect?

Mr COURT: The Opposition's amendment is the same as the old right-to-negotiate provisions. People must consult in good faith to reach agreement about the matters of compensation. That is what it boils down to. We are back to the money business. We are saying that people must undertake the consultation; the commission must be satisfied that they are dinkum about the consultation; and if the consultation breaks down, and genuine attempts have been made, the processes can continue. It is not the end of the line. We want to get on so that things start to happen. There is a process in place whereby things happen on pastoral leases; however, if native title rights are found to be on those properties, they are site-protected. If compensation is determined, it is paid - after a determination had been made. Those opposite want it to be done before. That is the problem.

Mr RIPPER: It will work in the following way: Notice will be given of an act, native title parties will lodge an objection,

there will be minimal consultation, the proponents will explain what they propose to do, the native title parties will explain the nature of their objection and the proponents will thank them, say that they understand why they object but that they intend to go ahead and do it anyway. It will end up in the commission, which will make a recommendation that will be overturned on a political basis by the minister. It will not be a fair process from the point of view of indigenous interests, unless there is a requirement to take consultation beyond the perfunctory communications that can be encompassed by that word. People in my electorate know very well what the Government can mean when it uses the word "consultation". People associated with Kewdale Senior High School know what the Government means when it talks about consultation. The Government said it would consult with parents about the future of local high schools. The Government had a predetermined agenda. The proposals put up by the parents at Kewdale were said to not meet the Government's planning criteria, and the Government went ahead, did what it always proposed to do and closed the school. That is the sort of consultation the Government is talking about with regard to indigenous interests and the operation of this Bill.

The Premier has mentioned again and again the money business, as if it is a dirty and horrible thing that people might want some compensation for an act performed by a third party on their land. It is horrible to contemplate that people might want compensation for something performed on their land! If the Premier is so upset about the money business, why is he not upset about it in part 4 of his own legislation under the right to negotiate? I cannot understand the righteous anger of the Premier with regard to these matters because under part 4 he will support words that are virtually the same as those he complains about with regard to these procedures.

Dr GALLOP: Following the lead of the member for Willagee, I seek clarification of the Premier's objection to this clause. Under this clause the parties must consult with each other in good faith with a view to reaching agreement on minimising the effect. If that were the complete clause, would the Premier object to it?

Mr Court: I have answered the question five times. When the Leader of the Opposition sits down I will answer it again.

Dr GALLOP: I am seeking some clarity from the Premier. If the clause stated that the consultation parties must consult with each other in good faith with a view to reaching agreement about minimising the effect of the act on the enjoyment of native title rights and interests in relation to the relevant land and waters, would the Premier agree with the clause? I am seeking clarity on the Premier's objection to the Opposition's proposal. If the Premier does not object to that, presumably the good faith and the agreement are not matters of concern; he is concerned just about the money business. If no mention were made of compensation, would the Premier object to the clause?

Mr COURT: The parties will be consulting on ways to minimise the impact. It does not say they must reach agreement. The clause is deliberately designed so that if the parties do not reach agreement, that will not stop the process. That is the difference. The part 4 right-to-negotiate provisions are set out and it is a different way of proceeding. Under part 3 provisions it is not necessary to reach agreement.

Dr Gallop: Why do you object to agreements?

Mr COURT: Because this is about consulting on ways to minimise the impact.

Dr Gallop: Why not seek agreement?

Mr COURT: The Leader of the Opposition has ignored the fact that under this legislation people have gone through years of consultation and it has not worked. One of the reasons it has not worked is that sometimes the process reaches the stage at which parties do not turn up for the consultation. The member has forgotten what has taken place. The purpose of consultation on these pastoral leases is to encourage ways to minimise the impact. The Government does not support the amendment because it provides the same procedures as those in part 4, which are the right-to-negotiate provisions. The Opposition's arrangements conveniently miss out the provision about compensation.

Dr Gallop: I am seeking clarity of the Premier's views.

Mr COURT: The Leader of the Opposition has been given the clarity.

Dr GALLOP: I do not have the clarity. The Premier says the consultation parties must consult with each other in good faith with a view to reaching agreement about minimising the effect. He is very unhappy about the notion of reaching agreement. What about the good faith? Supposing it read: The consultation parties must consult with each other in good faith?

Mr Court: How many times do you want to repeat yourself?

Dr GALLOP: I am asking the Premier a new question.

Mr Court: If you ask a new question, it will be the first.

Dr GALLOP: The brand new question is: Would the Premier be satisfied with the clause if it read that the consultation parties must consult with each other in good faith with respect to minimising the impact of the act?

Mr COURT: The Government is quite satisfied with the provisions in the legislation. There is a consultation process in the legislation. The Government does not support the Opposition's amendment.

Mr CARPENTER: It is an amazing experience trying to follow the Premier's trail. It can be likened to following him down a road, then he comes hurtling backwards at 100 kilometres an hour in the opposite direction. I invite the Premier to examine *Hansard* to find out how many times he has contradicted himself during this small part of the debate.

Mr Court: It is not a small part of the debate.

Mr CARPENTER: It is a very important part of the debate.

Mr Cowan: Have you heard the term "tedious repetition"?

Mr CARPENTER: The quality of the contribution from the barnyard bully leaves something to be desired, and the Minister for Aboriginal Affairs muttering under his breath is setting a very poor example. I am sure his constituency would be very pleased with his pathetic efforts. What contribution has the minister made to this debate?

Dr Hames: I have not opened my mouth.

Mr CARPENTER: Precisely. The Minister's contribution has been pathetic. The Premier has told us - it can be verified by an examination of *Hansard* - that the notion of consultation carries with it implicitly the concept of good faith and, therefore, that people consult in good faith with a view to reaching agreement. An agreement must be reached about something. His objection centred around the notion of reaching agreement about compensation. It cannot possibly be an objection about reaching agreement about minimising the effect of the act. Now the Premier says that he finds that objectionable. It is the fourth or fifth time during this debate that the Premier has turned 180°. Sometimes he has turned 540° because he has been through various positions two or three times. The whole concept that the Opposition wants included in this legislation would make explicit what the Premier has conceded is implicit; that is, there should be consultation in good faith with a view to reaching agreement. There appears to be disagreement about what that agreement should be. The Premier cannot now say he does not support the notion of consulting in good faith, because that would be totally inconsistent and would indicate his inability to manage the concepts in the legislation.

Dr GALLOP: I seek some clarity from the Premier about his objection to paragraph (b), the compensating effect. Let us assume a pastoral lease exists over which the processes of the Native Title Act have established the existence of a native title interest. In fact, the Federal Court brought down a decision today to say there is native title in an area - most of it was vacant crown land, not pastoral lease, but perhaps the Premier can check on that.

Mr Court: Former pastoral lease.

Dr GALLOP: Very former.

Mr Court: No, resumed for the Ord River scheme. Let us get the facts straight.

Dr GALLOP: The Premier should get the facts straight. The Premier said pastoral lease, trying to imply that the Wik decision that had been made about an existing pastoral lease was the sort of decision the Federal Court handed down today, and that was the basis of his interjections.

Mr Court: That claim is over all sorts of title, but predominantly land that was pastoral lease.

Dr GALLOP: Was. The example I am giving the Premier now is when we have a pastoral lease with established native title on it. That is one of the circumstances under which a future act would come into play. Someone wants to do something on that land in which a native title interest has been established. Does the Premier agree that when the future act proponent comes along, the first thing about which they will be required to consult is minimising the effect of that future act on their native title interest? Does the Premier also agree that they might actually discuss the question of compensating for the effect just as everyone else does; just as my constituents in Victoria Park have been doing over the Shepperton Road reservation, or - the member for Murray-Wellington knows all about this - as the farmers in the south west are doing about the installation of power lines through their property? Would they not be talking to the proponent about compensating for the effect on their native title? Therefore, is what the Premier objecting to that it is not only those people who can do that, but also people who may not yet have established a native title interest, and who have submitted a claim? I am trying to clarify the Premier's objection. Is it because he does not want any discussion about compensating for the effect, or is it simply because he does not want any discussion between any potential native title claimants about this issue? If they are existing ones, I cannot see why they could not talk about that. Everyone else can, so why cannot they?

Mr COURT: There is a big difference between someone who has native title rights over land and people who are claiming native title rights. What the Leader of the Opposition said about the people in Victoria Park is correct.

Dr Gallop: They have an existing right.

Mr COURT: That is what I am saying, and if they have an existing right, of course compensation can be claimed for the effect -

Dr Gallop: Why do you not include it in your legislation? You are precluding it.

Mr COURT: This is for the effect of the grant of native title, so they receive compensation in the same way as anyone else. We are talking about claimants - it could be multiple claimants or parties for the land. There is a big difference between that and the example the Leader of the Opposition just gave us.

Dr GALLOP: The Premier has just confirmed in this Parliament that when an existing native title interest is established by the processes of laws in this country, the claimants do not have the right to be consulted about the compensation for the effect of a future act on their property. That is the effect of the Government's legislation.

Mr Court: No, it is what you wanted me to say.

Mr MASTERS: I have listened to portions of this debate over the past few days and, while I respect the philosophical position that has been expressed by the Leader of the Opposition, the reality is that the Opposition does not understand what is happening in the real word. Members may recall that I have a background in the mining industry. A friend of mine has got a -

Dr Gallop: Will you tell us about the deals that are done between mining companies and farmers?

Mr MASTERS: I am just about to tell the Chamber of a deal.

Dr Gallop interjected.

The DEPUTY CHAIRMAN (Ms McHale): Order! The Leader of the Opposition will come to order. The member for Vasse has the call. Let him speak.

Mr MASTERS: An associate of mine with whom I have done work over the years has a small mining tenement north of Perth for an industrial mineral. It is not gold, nickel, or anything particularly valuable, but the area is subject to two or three native title claims. The details of one of the native title claims that has been lodged over the tenement states -

> . . . the claimants assert the right to live and enter upon the land, to collect food from the land, to collect such things as timber, stone, ochre, resin or grasses from the land, to conduct ceremonies on the land, to bury their dead in the land and to prevent any or all other persons from doing any or all of the above.

That sounds laudable, but the reality is something completely different. About seven days prior to a scheduled hearing before the Native Title Tribunal, the claimant contacted the mining representative. A discussion took place in which no interest was expressed about access to or use of the land for any of the purposes that I have just read out. Instead, the claimant was interested in only one thing - cash. My mining associate friend wrote down the details on a piece of paper, and then sent a letter to the claimant in which he wrote -

> I refer to your phone call on Saturday night. In order to be clear in my own mind, I made notes of our conversation and would like you to confirm whether I have got things right. My notes cover, amongst other things, the following points:
>
> 1. You would like to negotiate with me prior to any discussions with the Department of Minerals and Energy (DOME) or the Native Title Tribunal (Tribunal).
>
> 2. You are prepared to act quickly if we want to proceed quickly.
>
> 3. You are seeking a cash payment only.
>
> 4. You wish to assess the size of my operation so that you can determine the size of the cash payment. You indicated that for a large gold mining company you would be seeking hundreds of thousands of dollars, but for a small operation you would be seeking a few hundred dollars.

It goes on -

> If you agree that I have understood your position, would you please sign below. If I have misunderstood anything please make corrections, initial them and then sign below. . . .

The claimant signed this as an accurate record of the conversation that was held between the claimant and the miner. In my mind, it leaves no doubt whatsoever that the intention of the claimant was not to gain access for any of the traditional purposes that were listed within the native title rights and interests claim, but to be paid cash. The miner then said to the claimant, "What if I provide money for an educational scholarship for your children", and once again, the response came back -

Dr Gallop interjected.

Mr MASTERS: I can talk about that and some other adventure.

The DEPUTY CHAIRMAN: Order, Leader of the Opposition!

Mr MASTERS: The response came back from the native title claimant, "No, I am not interested in any educational scholarship or putting money into a trust for land for my people. I want cash and cash only." It is no wonder that the miner uses terms such as "blackmailer" and "extortion" to justify in his mind the way in which the native title claimant is dealing with the issue. The bottom line is that even though the miner offered money for all sorts of things - an education trust for children, a contribution towards the purchase of lands so that this Aboriginal person could buy a farm for his community or family to live on - the reality was that this person was interested only in cash. A second letter states -

> Following your phone call today, I understand that:
>
> * you are "willing to do a deal for $4000" . . .
>
> In order to make sure I understand your position, regarding the above points would you please acknowledge by signing below.

The native title claimant signed to indicate that he was interested only in the cash.

The reality with the current Native Title Act is that the pendulum has swung from one side, where there were too many powers and advantages in the hands of non-Aboriginal people, to the other side, where it confers unrealistic and unjustifiable powers on any native title claimant. The emphasis is on the word "claimant" and not on the people who have been granted title. I support the clause, because it is a totally justifiable attempt to pull that pendulum back into the middle and to put both parties on an equal footing.

Mr RIPPER: The "good faith" referred to in the amendment proposed by the Opposition applies to all parties to the consultation - the proponents and native title parties. If the member for Vasse thinks that some native title parties have not negotiated or consulted in good faith, the amendment would apply to those native title parties as well as to those proponents who are said not to have consulted or negotiated in good faith. The member for Vasse represents many constituents who are private landowners in the south west who have a right of veto on mining. Those people have exercised that right of veto to extract considerable payments from mining companies interested in mining for mineral sands. Those people do not have to say that they want to run sheep or cattle on the land, or grow a crop. They are able to say, "If you want to mine, give me the cash." The farmers in the electorate of Vasse have that right and they exercise it freely with mining companies seeking to mine for mineral sands, and I bet they get a bit more than $4 000! We heard a hypocritical argument from the member for Vasse, who objects to other people having a fraction of the rights which his landowning constituents have with regard to mining acts in the electorate of Vasse.

The Premier has pretended in this Chamber that the commission will be the police officer over failures of consultation. The clauses relating to the ability of the commission to intervene are weaker than the Premier has indicated. Clause 3.26(3) states -

> If the Commission considers that the consultation parties or any of them are not making sufficient attempts to resolve their differences the Commission is to use its best endeavours -
>
> (a) to have the parties consult together as required by section 3.25;

That is not as strong as the Premier would have us believe. Clause 3.29 is titled "Commission may notify intention to hear". That is only after the consultation period for that act has expired or on the application of a party, and the commission must be satisfied that the applicant has met certain requirements. I do not think that the powers of the commission are as stringent or likely to be as effective as the Premier has indicated. The Opposition wants parties to reach agreement, if at all possible. We should be passing legislation which encourages the parties to talk among themselves and to reach an agreement rather than put things into a semi-judicial context. Perhaps I am overstating the case when I refer to the commission as proposed by the Government as a semi-judicial body. The bottom line is that the Premier is left in a position where he and his Government are arguing that parties to these consultations should not be required to consult in good faith. That is a publicly untenable position for the Premier to sustain.

Mr COURT: Clause 3.29(3)states that the commission must not grant an application made under subsection (2)(b) in respect of a part 3 act before the expiry of the consultation period for the act unless it is satisfied -

> (a) that the applicant has made reasonable endeavours to resolve the issues on which the objections are based; and
>
> (b) that further consultation is not likely to serve any purpose in that respect.

Paragraph (b) was included because of the problems experienced in handling consultations over the pastoral lease lands. The Government is saying that more often than not agreement has not been reached in the consultations, and we must put some processes in place so life can go on.

Clause put and a division taken with the following result -

Ayes (29)

Mr Ainsworth	Mr Court	Mr Kierath	Mr Pendal
Mr Baker	Mr Cowan	Mr MacLean	Mr Shave
Mr Barnett	Mrs Edwardes	Mr Marshall	Mr Trenorden
Mr Barron-Sullivan	Dr Hames	Mr Masters	Mr Tubby
Mr Bloffwitch	Mrs Hodson-Thomas	Mr McNee	Dr Turnbull
Mr Board	Mr House	Mr Nicholls	Mr Wiese
Mr Bradshaw	Mr Johnson	Mr Omodei	Mr Osborne *(Teller)*
Dr Constable			

Noes (13)

Ms Anwyl	Mr Grill	Mr McGinty	Ms Warnock
Mr Carpenter	Mr Kobelke	Mr McGowan	Mr Cunningham *(Teller)*
Dr Edwards	Ms MacTiernan	Mr Ripper	
Dr Gallop	Mr Marlborough		

Pairs

Mrs Holmes	Mr Thomas
Mr Day	Mr Riebeling
Mr Minson	Mr Brown
Mrs Parker	Mr Graham
Mrs van de Klashorst	Mrs Roberts

Clause thus passed.

Clauses 3.26 to 3.28 put and passed.

Clause 3.29: Commission may notify intention to hear -

Mr COURT: I move -

Page 22, lines 27 and 28 - To delete "and whether or not section 3.14 applies".

This is a consequential amendment on the deletion of clause 3.14, as agreed to by the Chamber a little earlier.

Amendment put and passed.

Mr RIPPER: In debate on clause 3.25 the Premier made reference to clause 3.29(3) relating to the conditions under which the commission may grant an application for notification of hearings before the expiry of the consultation period. The Premier indicated that inclusion resulted from problems experienced in consultation between native title parties and proponents. Will the Premier indicate the sorts of problems this clause was meant to overcome?

Mr COURT: Is the member talking about when further consultation is not likely? I do not quite understand the question.

Mr Ripper: This is a situation in which the commission notifies its intention to have a hearing because the consultation effectively failed. In earlier debate the Premier said that this provision resulted from specific problems between a proponent and native title parties. With which problems is this intended to deal?

Mr COURT: They are the problems encountered when the parties do not show up for consultation. Many examples of total frustration have arisen. People have wanted to sit down and talk, and parties have not shown up. Does the Deputy Leader of the Opposition want specific examples?

Mr Ripper: I formed the impression from the Premier's remark that it was targeted at difficulties which might be sheeted home to indigenous interests rather than proponents. I was not sure what the Premier was getting at. Will he explain?

Mr COURT: We are trying not to say who is to blame, but to overcome a situation where a proponent or an Aboriginal interest - it could be either side - does not want to consult. There must be a mechanism to apply if a party wants to sabotage progress by not cooperating. Without such a provision, nothing could be done. That is why the mechanism is included.

Clause, as amended, put and passed.

Clause 3.30 put and passed.

Clause 3.31: Objections may be dismissed -

Mr RIPPER: This provision reads that the commission must dismiss an objection if -

(a) it is not made by a registered native title body corporate or a registered native title claimant as required by section 3.17(1) . . .

This raises an issue of concern I expressed when we debated the Titles Validation Amendment Bill; namely, that the extinguishment of native title on certain areas as a result of that Bill would create difficulties for people seeking to register native title claims. A native title claim cannot be registered if it covers an area on which native title has been extinguished. If such a claim is registered, it may be subject to a strike-out application by the proponent. The difficulty is that the Titles Validation Amendment Bill purports to confirm extinguishment of native title on many titles contained in the schedule of the Native Title Act.

Some of these interests in land may not be able to be determined by a title search, so people preparing a native title claim may not be able to determine that native title has been extinguished on particular parcels of land which are covered by the native title claim. The native title claim either is not registered or is subjected to a successful strike-out application. If that happens, under this clause the commission is required to dismiss an objection and consequently the parties lose their right to be consulted about the performance of the act. I raise this because we were given advice by the minister during debate on the Titles Validation Amendment Bill that this would not matter because people could submit a native title claim with a generic exception, excepting all of those areas in general on which native title might have been extinguished as a result of the passage of the Titles Validation Amendment Bill. I am not certain whether that advice was correct, because when one turns to the Native Title Act, one finds that native title claims are required to specify accurately the nature of the land claimed. The claims must specify the land in a way which enables people to be able to determine which parcels of land are covered by the native title claim. In short, it is not possible for a native title claim to be lodged in the way in which the Government advised this Chamber it could be lodged. If it is not possible for that native title claim to be lodged in that manner, the possibility of native title claimants being frustrated in the lodgment of their claims by the confirmation of past extinguishment under the Titles Validation Amendment Bill is quite real. If they submit such a claim and seek to have it registered, it will not be registered or it will be struck out and their objection, by the operation of clause 3.31, will be dismissed. The Government gave wrong advice to us in the debate on the Titles Validation Amendment Bill. I seek its further comments on this matter.

Mr COURT: Basically one gets the right to which the member refers only if one is a registered claimant or a native title holder. That is what the law sets out.

Mr RIPPER: I know there has been a bit of noise in the Chamber and it is difficult to concentrate when that happens, but I would have thought the Premier might have responded rather more fully to my argument. Let me try to summarise it at this hour when it is difficult to be concise about these matters. Only a registered native title claimant can have an objection to a future act considered under part 3. Under this clause the commission must dismiss an objection if it is not made by a registered native title claimant. It will be difficult for an Aboriginal group to become a registered native title claimant because of the operation of part 2B of the Titles Validation Amendment Bill, if it is passed by this Parliament. What will happen is that when they submit their claim for registration, it will be found to have included certain areas on which native title has been extinguished by operation of part 2B of the Titles Validation Amendment Bill. The Government may say that the lawyers who prepared the claim should have been more careful in ensuring that the claim did not include areas on which native title had been extinguished.

Mr Court: What is the point you are getting at?

Mr RIPPER: The Premier must follow me right through. It will be difficult for the lawyers to prepare a claim in such a way because some of the interests, which by the operation of part 2B of the Titles Validation Amendment Bill extinguished native title, are not capable of being located by a traditional title search. They may have to go back into the dusty, 1910 records of the Department of Land Administration to see whether a particular interest had been issued to determine whether native title has been extinguished on a particular parcel of land. Because of part 2 of the Titles Validation Amendment Bill some potential native title claimants will find that their claim is not registered. More likely, what will happen is that their claim will be registered and the third party who wishes to undertake the development on the land covered by the native title claim will do the research in the dusty corridors of DOLA and will find that an act occurred in 1910 which extinguished native title and will lodge a successful strike-out application in the Federal Court. Therefore, either the native title claim will not be registered or the registration will be struck out. If either of those two things happens, under the operation of clause 3.31 the claimant's objection to the future act will be dismissed because those people are no longer registered native title claimants.

The matter is complex, but when I put this matter to the minister handling the Titles Validation Amendment Bill, the advice given to the Chamber was that my feared scenario would not come about because native title claims would be able to be constructed in a way which generically excludes areas where native title has been extinguished; in other words, the claimants

would be able to say that they claimed the area apart from areas where native title might have been extinguished. However, the Native Title Act has a requirement for the claims to be constructed in such a way as to enable the precise areas of land that are the subject of the claim to be determined. People must be specific about the land they are claiming; they cannot construct a claim in the way the Government told the Chamber they could, when we were debating the Titles Validation Amendment Bill. I think the scenario I painted in that debate is very much alive and clause 3.31 will bring it to its awful conclusion. The Titles Validation Amendment Bill will make the claim incapable of being registered or make it subject to strike-out. If it is incapable of being registered or is struck out, the objection will be dismissed by the commission and people will have lost their right to consult over future acts on their land.

Mr COURT: I believe the member is suggesting that native title claimants who have had their claims struck out should still have access.

Dr Gallop: It is the basis on which they were struck out.

Mr COURT: That is not up to politicians to decide. How a native title claim is written and meets the requirements of the Act is a matter for the Native Title Tribunal. It is not for me to say how it is done. If claimants have had their claims struck out, I do not follow the argument that they should still have access.

Mr RIPPER: I am raising a problem about the interaction of the Titles Validation Amendment Bill and this piece of legislation. When I raised the same issue in the debate on the Titles Validation Amendment Bill, I was advised that it was not an issue because people could make a claim in a way which generically excluded any land that might possibly be subject to the extinguishment of native title.

However, that advice is not accurate. Section 62(1)(b) of the Native Title Act provides that the application for the claim to be registered must contain the details specified in subsection (2). Subsection (2)(a) provides that the details required are as follows -

> information, whether by physical description or otherwise, that enables the boundaries of:
>
> (i) the area covered by the application; and
>
> (ii) any areas within those boundaries that are not covered by the application;
>
> to be identified;

In other words, the application must specify the areas of land that are covered by, and the areas of land that are excluded from, the application. Therefore, the advice which the Government gave us during the debate on the Titles Validation Amendment Bill was wrong. I would like the Premier to acknowledge that that advice was wrong, and to acknowledge that the interaction of those two pieces of legislation contains a trap for indigenous interests. That trap is that proposed part 2B of the Titles Validation Amendment Bill extinguishes a lot of interests known as scheduled interests. Many of those scheduled interests are not discoverable by the normal title search. Therefore, when people who are preparing a native title claim do a title search to see whether native title has been extinguished on any tenures inside that area, they may not discover all of the tenures on which native title has been extinguished because some of those tenures will not be on the normal title databases, and they will go ahead and submit their claim in good faith. The registrar may then discover that the claim accidentally includes an area on which native title has been extinguished, by operation of the Titles Validation Amendment Bill; or the registrar may not discover that, and the claim will be registered, and a third party that wishes to develop part of the land covered by the claim will conduct its own historical searches and will have the resources to determine that native title has been extinguished by one of these scheduled interests, courtesy of the Titles Validation Amendment Bill, on a tiny part of land covered by the native title claim. It does not need to be on the whole claim, or on any reasonable percentage of the claim. All a person needs to do is discover that the native title has been extinguished on any square metre of the land that is covered by the native title claim, and that person can then mount a successful action to have the claim struck out; and once the claim has been struck out, that person ceases to be a registered native title claimant, and under the operation of clause 3.31 of this Bill, the commission must dismiss the objection.

The Premier may say, "The person can amend the claim and come back." However, the time limits in this Bill are not suspended. A person has three months in which to lodge an objection. If the claim is struck out after two months and two weeks, the commission can dismiss the objection, and by the time the person has had the claim amended and re-registered, the objection period will have run out and he will have lost his right to be consulted on these matters. That is a most unfortunate interaction of these two pieces of legislation. In my view, the advice that the Government gave to the Chamber was wrong, because it ignored the provisions of section 62 of the NTA.

Mr COURT: The advice that the member for Belmont was given was based on the current understanding of the registration of the application test between the Government and the Native Title Tribunal. I suggest that if the member for Belmont wants to take the matter further, he talk to the Native Title Tribunal and ask it whether it is possible to make generic exclusions.

Mr Ripper: Can the National Native Title Tribunal act contrary to section 62 of the NTA? I do not think so.

Mr COURT: I am told that the generic exclusion is not inconsistent with what the member for Belmont has said. The Native Title Tribunal is handling the NTA, and the advice that was given to the member for Belmont is based on the current understanding of how it is applying the NTA.

Mr RIPPER: The Premier is resisting engagement on the details of this argument. I could quote again the sections of the NTA upon which I have based my judgment. I have not made that judgment alone. I have discussed these matters with lawyers expert in native title issues. I am not simply drawing my own conclusions. I will let the matter go for the moment, but it will be pursued by the Opposition in the other place when we debate this Bill and the Titles Validation Amendment Bill, and the so-called confirmation of past extinguishment in that Bill, because this is a potentially quite nasty trap for indigenous interests.

Clause put and passed.

Clauses 3.32 to 3.34 put and passed.

Progress reported.

House adjourned at 10.58 pm

QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.

ARMADALE HEALTH SERVICE

Request for Proposals

629. Ms MacTIERNAN to the Minister for Health:

(1) Does the Armadale Health Service (AHS) Request for Proposals (RFP) contain a confidentiality clause?

(2) If yes, are the terms of the confidentiality clause the same as those in the RFP that applied to the Joondalup Health Campus (JHC)?

(3) If no to question 2, why not?

(4) Who was responsible for drafting the confidentiality clause in the AHS RFP?

(5) Did the Health Department of Western Australia, or any other government Department/agency retain independent legal advice for the preparation of the AHS RFP?

(6) Who provided legal advice and under what arrangements was the legal advice provided?

(7) How much has the preparation of the AHS RFP cost the Government?

(8) What amount constitutes legal fees?

(9) Who was paid those fees?

(10) Were any independent legal consultants with a contract to the Commissioner of Health used in the preparation of the AHS RFP?

(11) If yes to (10), what are the terms and conditions of that person/s contract?

(12) Has the contract/s referred to in answer to question (11) been subject to the tender process?

(13) If yes, who prepared the tender specifications and upon whose advice?

Mr DAY replied:

(1) Yes.

(2) No.

(3) The RFP that applied to the Joondalup Health Campus was an altogether different document and process to the RFP that applies to Armadale Health Service.

(4) The Armadale Health Service Redevelopment Evaluation Panel.

(5) Yes.

(6) Skea Nelson and Hagar. As part of their consultancy, they provide advice and assistance to the redevelopment project.

(7) As at 31 October 1998 the total project costs were $1,561,307.

(8) $863,526.

(9) Skea Nelson & Hager.

(10) No.

(11)-(13) Not applicable.

TAXI USERS SUBSIDY SCHEME

676. Mr PENDAL to the Minister representing the Minister for Transport:

(1) Was the review of the Taxi Users Subsidy Scheme scheduled for completion by July 1998?

(2) If yes to (1) above, why has it not been completed?

(3) When will it be completed and ready for public release?

(4) Will the Minister outline the funds allocated to the scheme in each of the past financial years?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) Yes.

(2)-(3) The review is continuing and is expected to be completed early in 1999.

(4)

1997/98	$4 157 714.
1996/97	$3 539 558.
1995/96	$2 813 902.
1994/95	$2 242 839.
1993/94	$1 821 202.
1992/93	$1 127 144.

GOVERNMENT DEPARTMENTS AND AGENCIES

Criminal Record Screening of Employees

688. Mr KOBELKE to the Minister for Resources Development; Energy; Education:

(1) Which agencies within the Minister's portfolios have a policy on criminal record screening of employees or prospective employees?

(2) In each agency that has a policy on criminal record screening, which categories or classes of employees, other workers or prospective workers are required to submit to criminal record screening?

(3) For each such agency, what is the cost of criminal record screening per individual?

(4) In which cases is the cost of criminal record screening met by the worker, prospective employee or the employing agency?

(5) Will the Minister table a copy of each such policy document?

Mr BARNETT replied:

Department of Resources Development

(1) The Department of Resources Development does not have a policy on criminal record screening of employees or prospective employees.

(2)-(5) Not applicable.

Office of Energy

(1) The Office of Energy requires prospective new employees from outside of the Public Service to declare on their job application forms if they have any criminal convictions. However these declarations are not verified.

(2) All prospective employees.

(3) No cost.

(4) Not applicable.

(5) There is no policy document.

AlintaGas

(1)-(5) AlintaGas does not have a policy on criminal record screening of employees or prospective employees.

Western Power Corporation

(1)-(5) Western Power does not have a policy of screening employees or prospective employees for criminal records.

Curriculum Council

(1) The Curriculum Council has a policy on the criminal record screening of employees and prospective employees.

(2) All employees who are required to make school visits must sign a declaration form relating to criminal record.

(3) There is no cost to the Curriculum Council.

(4) There is no cost of criminal record screening to a worker, prospective employee or the employing agency.

(5) The policy statement together with the form which is used is tabled. [See paper No 453.]

Department of Education Services

(1) The Country High School Hostels Authority's (CHSHA) policy is outlined on the application form and conditions of employment information provided to prospective employees.

(2) Since 1991 all new CHSHA employees (which mainly consist of supervisory and ancillary staff at its country residential colleges) have been required to disclose any criminal convictions and to provide as a precondition to appointment, original Record of Convictions Clearance Certificates from all Australian and/or overseas jurisdictions in which they have resided.

(3) There is no cost to the CHSHA.

(4) There has been no obligation placed upon staff appointed before 1991 to produce clearance certificates. Since 1991 all new CHSHA employees have had to provide the clearance certificate at their own cost.

(5) Yes. [See paper No 453.]

Education Department of Western Australia

(1) The Education Department of Western Australia (EDWA) has a policy on criminal record screening of employees and prospective employees.

(2) Screening Project Staff, Employee Screening Committee members, prospective employees and employees redeploying from non-teaching positions of minimal child contact to non-teaching positions requiring full child contact.

(3) There is no cost to EDWA for the vast majority of employees required to undergo criminal record screening. However, for members of the Employee Screening Committee, who are not involved in student contact but are required to undergo criminal record checks to ensure the integrity of the staff screening process, the Department covers the cost of $34 per individual.

(4) Prospective employees meet the cost of a police clearance. The employing agency does not currently require clearances from other category employees so the question of payment is not relevant. The employing agency meets the cost of police clearances for members of the Employee Screening Committee and screening project staff.

(5) Yes - Employee Screening Policy and Procedures Manual are tabled. [See paper No 453.]

GOVERNMENT DEPARTMENTS AND AGENCIES

Criminal Record Screening of Employees

699. Mr KOBELKE to the Minister representing the Minister for Racing and Gaming:

(1) Which agencies within the Minister's portfolios have a policy on criminal record screening of employees or prospective employees?

(2) In each agency that has a policy on criminal record screening, which categories or classes of employees, other workers or prospective workers are required to submit to criminal record screening?

(3) For each such agency, what is the cost of criminal record screening per individual?

(4) In which cases is the cost of criminal record screening met by the worker, prospective employee or the employing agency?

(5) Will the Minister table a copy of each such policy document?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

Lotteries Commission
(1) Yes.

(2) All categories or classes of employees, other workers or prospective workers are required to submit to criminal record screening.

(3) The cost of criminal record screening is $25 per individual. This cost relates to Australia-wide screening.

(4) The Lotteries Commission meets the cost of criminal record screening for all prospective employees.

(5) A copy of the relevant section of the Lotteries Commission's HRM Manual is tabled. [See paper No 454.]

Office of Racing, Gaming and Liquor
(1) Yes.

(2) See page 8 of the policy. [See paper No 454.]

(3) $16.

(4) Office of Racing, Gaming and Liquor meets the costs.

(5) Yes.

Burswood Park Board
(1) The Board does not have a policy on criminal record screening of employees or prospective employees.

(2)-(5) Not applicable.

Totalisator Agency Board
(1) Yes.

(2) All staff - full time/part time/casual.

(3) $16.

(4) TAB meets the costs

(5) Part of the recruitment procedure - there is no written policy.

W A Greyhound Racing Authority
(1) Yes.

(2) Stewards (FTE and Casual), Ground Staff and Child Care Supervisors

(3) Not applicable as this cost is borne by the applicant.

(4) All (employee to provide police clearance)

(5) Policy for police clearance to be provided forms part of WAGRA policy manual and specific policy for appointment of stewards and job description (separate documents).

GOVERNMENT DEPARTMENTS AND AGENCIES

Criminal Record Screening of Employees

703. Mr KOBELKE to the Minister representing the Minister for Transport:

(1) Which agencies within the Minister's portfolios have a policy on criminal record screening of employees or prospective employees?

(2) In each agency that has a policy on criminal record screening, which categories or classes of employees, other workers or prospective workers are required to submit to criminal record screening?

(3) For each such agency, what is the cost of criminal record screening per individual?

(4) In which cases is the cost of criminal record screening met by the worker, prospective employee or the employing agency?

(5) Will the Minister table a copy of each such policy document?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

Department of Transport
(1) Transport Licensing.

(2) Transport's new employees and employees of Transport's agents who perform vehicle and/or drivers licensing functions and are required to access the vehicle and drivers licence database.

(3) There are no direct costs to Transport as the WA Police Service carries out the necessary screening.

(4) Not applicable.

(5) The policy has been determined by the WA Police Service and is a prerequisite to gaining access to data and systems administered by the WA Police Service. Copy of Policy is tabled. [See paper No 455.]

Main Roads Western Australia
(1)-(5) Insofar as Main Roads is concerned there is no formal policy on the screening of employees or prospective employees. However, prospective employees are required to declare any previous criminal record when submitting their employment application form.

MetroBus
(1) MetroBus.

(2) Driving employees.

(3) Employee responsibility.

(4) In all cases, the responsibility is held by the employee.

(5) Yes. [See paper No 455.]

Westrail
(1)-(2) Westrail does not have a formal policy on criminal record screening of employees; however, it carries out criminal record screening as part of its recruitment procedures for the appointment of special constables, fare evasion officers and aboriginal liaison officers.

(3)-(4) There are no costs associated with Westrail's criminal record screening process.

(5) Westrail does not have such a policy document.

GOVERNMENT DEPARTMENTS AND AGENCIES

Criminal Record Screening of Employees

705. Mr KOBELKE to the Parliamentary Secretary to the Minister for Tourism:

(1) Which agencies within the Minister's portfolios have a policy on criminal record screening of employees or prospective employees?

(2) In each agency that has a policy on criminal record screening, which categories or classes of employees, other workers or prospective workers are required to submit to criminal record screening?

(3) For each such agency, what is the cost of criminal record screening per individual?

(4) In which cases is the cost of criminal record screening met by the worker, prospective employee or the employing agency?

(5) Will the Minister table a copy of each such policy document?

Mr BRADSHAW replied:

WESTERN AUSTRALIAN TOURISM COMMISSION
(1) As it is not an identified requirement to have such a formal policy in place, the Western Australian Tourism Commission does not have a screening process for any position within the organisation.

(2)-(5) Not applicable.

ROTTNEST ISLAND AUTHORITY
(1) The Rottnest Island Authority has a policy on criminal record screening of employees as a component of its recruitment procedure.

(2) Employees selected as preferred applicants for positions, and not previously screened, are required to provide evidence of police clearance prior to commencement of employment with the Rottnest Island Authority .

(3) Nil cost to the Rottnest Island Authority .

(4) In all cases, the cost of attaining a police clearance certificate is borne by the prospective employee.

(5) A copy of the Rottnest Island Authority's recruitment policy can be provided.

MID WEST GAS PIPELINE

747. Mr GRILL to the Minister for Energy:

With respect to the proposed Mid West gas pipeline project announced by the Minister for Energy -

(a) how firm is the commitment to extend the pipeline to Cue and Meekatharra;

(b) when will this happen;

(c) what is the costs of the extension to Cue and Meekatharra;

(d) is the subsidy payable by the Government prior to the extension of the pipeline to Cue and Meekatharra;

(e) if yes, how can that be justified; and

(f) on what basis is access to the pipeline shared by the joint venture partners?

Mr BARNETT replied:

Please refer to answer for Question on Notice 746.

GOVERNMENT DEPARTMENTS AND AGENCIES

Act of Grace Payments

847. Mr BROWN to the Minister representing the Minister for Transport:

(1) In the -

(a) 1996-97 financial year; and
(b) 1997-98 financial year

did the Minister approve any act of grace payments up to a maximum of $2,000 from any department or agency under the Minister's control?

(2) Who were such payments made to?

(3) What was the amount of each payment?

(4) In the -

(a) 1996-97 financial year; and
(b) 1997-98 financial year

did the Minister seek the Treasurer's approval for any act of grace payments between the amount of $2,000 and $50,000 from any department or agency under the Minister's control?

(5) What was the amount of each payment?

(6) Who was each payment to be made to?

(7) What was the purpose of each payment?

(8) In the -

(a) 1996-97 financial year; and
(b) 1997-98 financial year

did the Minister seek approval from the Treasurer and/or Governor to make any act of grace payments over $50,000 from any department or agency under the Minister's control?

(9) How many such payments were approved?

(10) How many such payments were made?

(11) What was the amount of each payment?

(12) To whom was each payment made?

(13) What was the reason or purpose of each payment being made?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

Department of Transport

(1) (a) Nil.
(b) Yes.

(2) (a) Not applicable.
(b) Ross Corporation PL
Mr D Shaw
Ms S Valiukenas
Mr James K Riordan
H & HD Transport

(3) (a) Not applicable.
(b) $195.00
$461.49
$180.00
$140.00
$461.40.

(4) (a)-(b) Nil.

(5)-(7) Not applicable.

(8) (a)-(b) Nil.

(9)-(13) Not applicable.

ALINTAGAS TEMPERED LIQUIFIED PROPANE RETICULATION SYSTEM, ALBANY

912. Mr GRILL to the Minister for Energy:

I refer to the proposed upgrade of AlintaGas' Tempered Liquified Propane reticulation system in Albany and ask -

(a) what is the cost of the proposed upgrade;
(b) what is the reason for the proposed upgrade;
(c) what is hoped to be achieved by the proposed upgrade;
(d) how many customers are currently served by the existing system;
(e) does the existing currently make a profit;
(f) it is proposed that the system will be more profitable after the upgrade;
(g) from whom does Alinta purchase the gas for the Albany region;
(h) has a cost benefit study been done on the upgrade;
(i) what was the cost benefit study;
(j) will the Minister make that cost benefit study available; and
(k) on whose initiative was this proposed upgrade commenced?

Mr BARNETT replied:

I am advised:

(a) The total cost of the system upgrade and appliance conversion is A$3.2 million.

(b) The TLPG plant has been running at peak capacity for the last 4-5 years. New customers keen to connect their homes with reticulated gas have been deprived of this facility. An increasing level of customer dissatisfaction is being experienced in Albany. Due to the plant capacity limitation AlintaGas is unable to connect new customers or extend the network to new sub-divisions.

(c) LPG has four times the heating value of TLPG. Hence, without increasing the pipelines (mains) size, AlintaGas will be able to supply gas to more customers, who will benefit from cheaper reticulated gas. The network could also be extended to outer suburbs. It is worth noting that TLPG, like Town Gas, is being phased out generally. Existing customers are finding it more difficult to find TLPG appliances and spare parts. LPG or natural gas appliances cannot be connected to a TLPG network.

(d) Presently there are 3278 customers. Some of them have both TLPG appliances supplied from the TLPG pipes and LPG appliances supplied from bottled LPG, because AlintaGas is unable to service additional TLPG appliances.

(e) The system operates at a small loss.

(f) It is expected that, with the potential system expansion after LPG conversion, the system will operate profitably.

(g) Wesfarmers LPG plant.

(h) Yes.

(i) There will be a marginal profit if gas prices are increased by 10% after the upgrade. It is worth noting that even with the increased price, the reticulated gas will be 40% to 60% cheaper than bottled LPG. An average customer using 25GJ of gas will save $160 to $250 on their annual gas bill.

(j) No. The study contains commercially sensitive information in respect to a highly competitive market.

(k) The proposal to upgrade Albany came from AlintaGas.

ALBANY HIGHWAY, ST JAMES, PEDESTRIAN CROSSING

913. Dr GALLOP to the Minister representing the Minister for Transport:

(1) Is the Minister aware of concerns being expressed by residents of St James about the safety of crossing Albany Highway between Salisbury and Walpole Streets?

(2) How many pedestrian fatalities have been recorded at this part of Albany Highway in -

(a) 1995;
(b) 1996;
(c) 1997; and
(d) 1998?

(3) What steps have been taken by Main Roads to investigate the concerns of the residents?

(4) Does Main Roads intend to make any improvements to ensure a safe crossing?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) Concerns raised by pedestrians crossing this section of Albany Highway are acknowledged and have been investigated by Main Roads.

(2) (a) 1995 None.
(b) 1996 None.
(c) 1997 One.
(d) 1998 One.

(3)-(4) As part of its investigation, Main Roads undertook a video survey of the area to identify locations where most pedestrians cross the Highway. As a result, Main Roads will install pedestrian islands on Albany Highway, north and south of Tennant Street and link those to the existing island, south of Victoria Street, with a painted median. These works will be undertaken as soon as possible, taking into account the need to relocate services and other project priorities.

CARAVANS, ROADSIDE STOPPING

929. Ms McHALE to the Minister representing the Minister for Transport:

(1) I refer to concerns raised by Western Australian caravanners about changes Main Roads has made to its roadside stopping policy which prohibits caravanners stopping at a road stop for more than four hours at a time and ask, why has the Minister decided to implement this policy which disadvantages caravanners?

(2) Does the Minister accept that requiring caravanners to move on when they are fatigued is not in the interests of road safety?

(3) If so, what steps does the Minister intend to take to have the policy changed to protect caravanners whilst ensuring the tourist value of the road network?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1)-(3) Main Roads is not proposing to restrict the length of rest periods in roadside areas. Roadside rest areas and parking bays are primarily provided to encourage fatigued drivers to stop and take a break and check their vehicles.

Overnight stays are not encouraged at the rest areas because the facilities are not designed for that purpose. Main Roads, in association with other interested regional organisations, will attempt, through positive advertising and better information, to attract travellers to local caravan parks and other appropriate facilities for overnight or extended stays.

WESTERN POWER

Joint Venture with Fletcher Challenge South West Cogeneration Limited

943. Mr KOBELKE to the Minister for Energy:

(1) Is Western Power involved in a joint venture with Fletcher Challenge South West Cogeneration Limited?

(2) What is the purpose of this joint venture or association?

(3) What was the date at which this joint venture or association was entered into by Western Power?

(4) Why was this particular partner, Fletcher Challenge South West Cogeneration Limited, chosen for this joint venture or association?

(5) What was the method of advertising or calling for expressions of interest prior to selecting this particular company for such a joint venture or association?

(6) What was the date of any such advertising or call for expressions of interest?

(7) What is the structure of the joint venture or association arrangement including the total number of directors and the number appointed by Western Power?

Mr BARNETT replied:

I am advised:

(1) Yes.

(2) To build, own and operate a gas fired cogeneration power station at Worsley's alumina refinery in the South West.

(3) September 1997.

(4) Fletcher Challenge South West Cogeneration Limited and Western Power were selected as preferred bidders to build, own and operate a gas fired cogeneration power station at Worsley's alumina refinery.

(5) Worsley Alumina Pty Ltd sought expressions of interest from third parties to build, own and operate a gas fired cogeneration power station at their alumina refinery.

(6) January 1996.

(7) An unincorporated joint venture, which does not require the appointment of directors.

WESTERN POWER

Joint Venture with Integrated Power Services Pty Ltd

944. Mr KOBELKE to the Minister for Energy:

(1) Is Western Power involved in a joint venture with Integrated Power Services Pty Ltd.

(2) What is the purpose of this joint venture or association?

(3) What was the date at which this joint venture or association was entered into by Western Power?

(4) Why was this particular partner, Integrated Power Services Pty Ltd, chosen for this joint venture or association?

(5) What was the method of advertising or calling for expressions of interest prior to selecting this particular company for such a joint venture or association?

(6) What was the date of any such advertising or call for expressions of interest?

(7) What is the structure of the joint venture or association arrangements including the total number of directors and the number appointed by Western Power?

Mr BARNETT replied:

I am advised:

(1) No. Integrated Power Services (IPS) is an independently registered company of which Western Power is a 50 per cent shareholder. The other shareholder is Brown & Root AOC, now a part of the Halliburton Organisation.

(2) IPS was formed for the purpose of providing asset management services to mining, process industries and utilities. These services focus on:

> Operation and maintenance of power plant facilities, high voltage switchyards and high, medium and low voltage switchgear;
> The design, installation and commissioning of gas turbines and diesel generation plants, cogeneration plants, substations and switchyards;
> Electrical and mechanical workshop facilities; and
> Provision of operation and maintenance support such as project management, project control, system safety management and industrial relations.

(3) Integrated Power Services Pty Ltd was incorporated on 19 January 1998.

(4) The formation of IPS was a mutually agreed initiative between Brown & Root AOC and Western Power. This initiative grew out of the recognition that Western Power's expertise in gas turbine operations and maintenance when combined with Brown & Root AOC's capabilities in project management and mechanical maintenance, would enable the establishment of world class gas turbine maintenance facilities in Western Australia which would not have been possible for either party alone.

(5) No formal expressions of interest were called by either party, since this opportunity was perceived and developed mutually between the parties over a period of time.

(6) Not applicable.

(7) Western Power Corporation and Brown & Root AOC (Halliburton) are each 50 per cent shareholders in the company IPS. As such, each party has three directors nominated to the Board of IPS.

WESTERN POWER

Joint Ventures

945. Mr KOBELKE to the Minister for Energy:

(1) As at 30 June 1998, had Western Power entered into any business arrangements of a joint venture or associate nature, other than those with Fletcher Challenge South West Cogeneration Limited and Integrated Power Services Pty Ltd?

(2) If yes, then who is the joint partner or associate and what is the purpose of the joint venture or association?

Mr BARNETT replied:

(1)-(2) Western Power is involved in many joint ventures and alliances with private companies and non-government entities. Providing the details to answer this question would be a very lengthy and time consuming process. As a Government Trading Enterprise, Western Power is required to act in a commercially prudent manner, as any commercial business would. Participating in joint venture arrangements forms part of commercial business dealings.

HIGH TENSION POWER LINES, COTTESLOE

960. Mr THOMAS to the Minister for Energy:

(1) Has the Minister received complaints from residents in Kathleen Street and Marmion Street, Cottesloe, regarding the fact that high tension transmission power lines will remain above ground after the undergrounding of power in the locality took place?

(2) Do residents near high tension power lines receive a discount on the amount charged to the other participants in the undergrounding program?

(3) If yes to (2) above, what is the discount?

(4) Is the discount considered to be adequate compensation for residents near high tension power lines for the residential disability of proximity to such intrusive elements of the street scape?

Mr BARNETT replied:

(1) Yes.

(2)-(3) How local authorities choose to raise their share of underground power project funding is a matter between Councils and their ratepayers. Cottesloe is understood to have raised its funding in full from households in the project area and to have given a 25 per cent discount to residents in streets where high tension transmission lines remain.

(4) This is a matter between ratepayers and their elected Council.

WESTRAIL, AT-GRADE CROSSINGS REVIEW

961. Dr EDWARDS to the Minister representing the Minister for Transport:

(1) When did Westrail commission a consultant to review at-grade crossings and related issues?

(2) Who was the consultant?

(3) When was the report completed?

(4) Will the Minister table a copy of the report?

(5) If not, why not

Mr OMODEI replied:

The Minister for Transport has provided the following response:

Assuming the question refers to at-grade crossings in the urban electrified area:

(1) June 1997.

(2) Sinclair Knight Merz.

(3) March 25 1998.

(4) Yes. [See paper No 456.]

(5) Not applicable.

BUS SERVICES, FREE TAXIS

969. Ms MacTIERNAN to the Minister representing the Minister for Transport:

(1) Is the Minister aware of any examples of private bus companies providing taxi travel to dissatisfied commuters who have had their travel disrupted by late, early or missed services?

(2) In what instances are free taxis made available?

(3) Is there an official MetroBus policy relating to provision of free taxis to dissatisfied commuters?

(4) If yes, what is the policy?

(5) Will the Minister state how much each private bus company has provided in free taxi travel to dissatisfied commuters -

(i) between 1 January and 30 June 1998;
(ii) between 1 July and 30 September 1998?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) In instances where private bus companies have offered free taxi travel this was a business decision on the relevant company's part, as the bus companies are not compensated for provision of taxi services to customers.

(2) On isolated occasions Transperth staff, or Serco, at the instruction of Transperth, have organised taxis for customers who have clearly been disadvantaged due to a problem with a public transport service. This is known to have occurred on at least six occasions this year. Generally bus operators are able to supplement services where an emergency situation occurs, such as a bus being involved in a traffic accident. Under some circumstances Transperth may utilise a taxi to assist a customer, as Transperth views customer service to be paramount.

(3)-(4) Service operators have been instructed by Transperth to ensure that any service deficiencies are addressed immediately through the provision of supplementary buses. If a bus is either not available, or is too distant, service operators are required to make use of the taxi service at their cost.

(5) Not applicable for reasons indicated in (1) above.

BUS SERVICES, FINES

971. Ms MacTIERNAN to the Minister representing the Minister for Transport:

(1) How many fines were issued to each of the four private bus companies for late, missed or early services in September 1998?

(2) What was the value of those fines and have they been paid?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) 56 contract penalties were imposed for late, early or missed trips in September 1998. Southern Coast Transit incurred 48 penalties, Path Transit 5 penalties and Perth Bus 3 penalties.

(2) The value of these contract penalties totalled $16 800.00. The penalties are not paid as such, but are simply deducted from the contractors next contract payment.

SEX OFFENDERS TREATMENT UNIT, BUDGET

1024. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

(1) With reference to the Sex Offenders Treatment Unit (the Unit) run by the Ministry of Justice, will the Minister provide details of the budget funding for the Unit for each of the financial years -

(a) 1998-1999;
(b) 1997-1998; and
(c) 1996-1997?

(2) Will the Minister list the programs run by the Unit?

(3) Are any of these programs outsourced to service providers external to the Ministry of Justice?

(4) If yes to (3) above, will the Minister provide details?

(5) What category of prisoners are entitled to access the programs run by the Unit?

(6) What is the purpose of the different programs offered by the Unit?

(7) For each prison that offers a program run by the Unit, will the Minister specify -

(a) the programs that are offered;
(b) the purpose of the programs; and
(c) the number of prisoners that accessed the program in the financial years -

(i) 1996-1997;
(ii) 1997-1998; and
(iii) 1 July 1998 to date,

(d) the frequency and duration of the programs;

(e) whether there is a waiting time before prisoners are able to participate in a program;
(f) if so, for how long; and

(g) whether programs are able to be specifically designed to meet the needs of individual prisoners?

(8) In the past five years, have there been any assessments of the effectiveness of the programs offered by the Unit?

(9) If yes to (8) above -

(a) when was this assessment undertaken;
(b) who conducted the assessment; and
(c) what was its conclusion?

(10) Can prisoners, held in prisons where the Unit's programs are not offered, access the programs by alternative means?

(11) If yes to (10) above -

(a) by what means; and
(b) how many prisoners are currently participating in programs by these alternative means?

(12) On release from prison, can former prisoners continue to access the Unit's programs?

(13) If yes to (12) above -

(a) in what circumstances; and
(b) how many former prisoners are currently participating in programs?

(14) Does the Unit provide specifically designed programs to meet the needs of -

(a) female prisoners;
(b) juveniles held in juvenile detention centres; and
(c) Aboriginal prisoners?

(15) If yes to (14) above, will the Minister provide details?

(16) When was the Unit established?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1) (a) $1,180,000
(b) $1,200,000
(c) $1,163,800

(2) Intensive.
Pre-release.
Community.
Cognitive Impaired.
Treatment Maintenance.

(3) No, however individual contractors are engaged to work with MOJ staff as required.

(4) Not applicable.

(5) Prisoners convicted of sex offences.

(6) To provide treatment programs that address the offending behaviour of convicted sex offenders, to reduce reoffending and therefore protect the community. *The Intensive program* for those individuals who pose the greatest risk of reoffending. The *Pre-release Program* for sex offenders who have been incarcerated for their sex offences but are not considered to warrant the Intensive Program *The Community Based Program* is for those sex offenders who have previously completed one of the prison based programs and are still considered to be at further risk of reoffending. *The Cognitive Impaired* program is provided to address the offending behaviour of those offenders who are cognitively impaired. *The Treatment Maintenance* program is provided for individuals who have completed one of the Unit's intervention programs.

(7) *Casuarina*
(a) Intensive and Pre-release.
(b) See (6).
(c)

	Intensive	Pre-release
(i)	50	Nil
(ii)	25	11
(iii)	12	Nil

(d) Intensive 3 ½ days per week over 9 months with additional out of hours homework completed between sessions.
(e) Yes.
(f) Participation in a program is determined by an offender's release date and the availability of the relevant program.
(g) Yes.

Bunbury
(a) Intensive and Pre-Release.
(b) See (6).
(c)

	Intensive	Pre-release
(i)	Nil	21
(ii)	13	12
(iii)	Nil	9

(d) Intensive 3 ½ days per week over 9 months with additional out of hours homework completed between sessions.
Pre-release 36x3 hour sessions with additional out of hours homework completed between sessions.
(e) Yes.
(f) See Casuarina Prison.
(g) Yes.

Karnet Prison
(a) Pre-Release.
(b) See (6).
(c) (i) 47
(ii) 50
(iii) 20
(d) 36x3 hour sessions with additional out of hours homework completed between sessions.
(e) Yes.
(f) See Casuarina Prison.
(g) Yes.

Greenough Prison
(a) Pre-Release.
(b) See (6).
(c) (i) 21
(ii) 18
(iii) 11
(d) Pre-release Aboriginal specific program over 4 months with additional out of hours homework completed between sessions.
(e) Yes.
(f) See Casuarina Prison.
(g) Yes.

(8) Yes.

(9) (a) 1995, 1996 and 1997.
(b) MOJ staff and Masters Students.
(c) A positive change in reducing recidivism.

(10) No.

(11) Not applicable.

(12) Yes.

(13) (a) Maintenance program runs fortnightly and paging service.
(b) 12.

(14) (a)-(b) No.
(c) Yes.

(15) Greenough Pre-Release.

(16) 1988.

ALTERNATIVES TO VIOLENCE UNIT, BUDGET

1025. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

(1) With reference to the Alternatives to Violence Unit (the Unit) run by the Ministry of Justice, will the Minister provide details of the budget funding for the Unit for each of the financial years -

(a) 1998-1999;
(b) 1997-1998; and
(c) 1996-1997?

(2) Will the Minister list the programs run by the Unit?

(3) Are any of these programs outsourced to service providers external to the Ministry of Justice?

(4) If yes to (3) above, will the Minister provide details?

(5) What category of prisoners are entitled to access the programs run by the Unit?

(6) What is the purpose of the different programs offered by the Unit?

(7) For each prison that offers a program run by the Unit, will the Minister specify -

(a) the programs that are offered;
(b) the purpose of the programs; and
(c) the number of prisoners that accessed the program in the financial years -

(i) 1996-1997;
(ii) 1997-1998; and
(iii) 1 July 1998 to date,

(d) the frequency and duration of the programs;
(e) whether there is a waiting time before prisoners are able to participate in a program;
(f) if so, for how long; and
(g) whether programs are able to be specifically designed to meet the needs of individual prisoners?

(8) In the past five years, have there been any assessments of the effectiveness of the programs offered by the Unit?

(9) If yes to (8) above -

(a) when was this assessment undertaken;
(b) who conducted the assessment; and
(c) what was its conclusion?

(10) Can prisoners held in prisons where the Unit's programs are not offered access the programs by alternative means?

(11) If yes to (10) above -

(a) by what means; and
(b) how many prisoners are currently participating in programs by these alternative means?

(12) On release from prison, can former prisoners continue to access the Unit's programs?

(13) If yes to (12) above -

(a) in what circumstances; and
(b) how many former prisoners are currently participating in programs?

(14) Does the Unit provide specifically designed programs to meet the needs of -

(a) female prisoners;
(b) juveniles held in juvenile detention centres; and
(c) Aboriginal prisoners?

(15) If yes to (14) above, will the Minister provide details?

(16) When was the Unit established?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1) (a) $680,000
(b) $694,455
(c) $460,282

(2) VOTP Violent Offender Treatment Program - Casuarina and Canning Vale Prisons only.
KOP Kimberley Offender Program - Broome only - includes prisoners and CBS offenders.
STAC Skills Training for Aggression Control - All Prisons except Broome, available in the community in the metropolitan area, Bunbury and the Pilbara. Available in individual format as required.
DV Domestic Violence Program - Community Based Services purchases places in programs run by community agencies. A trial prison program is currently being held at Greenough Prison.

(3) Yes - All Alternative to Violence (ATV) programs are outsourced. The ATVU's primary role is contract management.

(4) Contractors for the ATV program are as follows:

VOTP	Edith Cowan University		
KOP	Centrecare Kimberley		
STAC	Metropolitan area	-	Centrecare
	Bunbury	-	Ms S Smith
	Albany	-	Ms M Gordon
	Geraldton	-	Geraldton Sexual Assault Referral Centre
	Pilbara and Kalgoorlie	-	to be advertised

(5) Prisoners convicted of violent offences are entitled to access the ATV programs. For VOTP, the target group is men with effective sentences of 3 years or more.

(6) The overall purpose is to address the offending behaviour of men and women convicted of violent offences in order to reduce re-offending and therefore protect the community:

VOTP a six month program aimed at seriously violent offending. VOTP is a new program - from February 1997 to December 1998 five programs will have been completed.
KOP a 1 month, 42 hour program aimed at Kimberley Aboriginal men with violent offending and substance abuse - 5 programs per year.

STAC is an introductory program of 20 hours that teaches aggression control skills - 80 programs per year, presented in prisons according to need.

DV a 40 to 50 hour program aimed at men who have been mandated by the courts to attend a men's program - until current program in Greenough, has only been presented in the community.

(7) (a) See answer to (2).
(b) See answer to (6).
(c)

		VOTP	KOP	DV	STAC
(i)	96/97	7	55	n/a	752
(ii)	97/98	21	5	n/a	812
(iii)	98/99	3	10	8	238

(d) See answer to (6).
(e) Yes.
(f) Waitlists vary from time to time according to need and can range from one to three months.
(g) VOTP and KOP are designed for specific groups. STAC is a general aggression control program.

(8) Yes.

(9) (a) VOTP 1996 and 1998 - being undertaken as the program develops.
STAC 1996 - research study by Master of Forensic Psychology student. ATVU is currently negotiating with University of SA for a 2 year study across WA an SA.
KOP 1998 - preliminary recidivism studies.
(b) VOTP Edith Cowan University.
STAC Edith Cowan University Psychology student.
KOP Ministry of Justice staff.
(c) VOTP early indicators are that the program is having a positive effect.
STAC prisoner's knowledge of anger management skills improves after treatment in comparison to prisoners not participating in the program.
KOP more work is required before conclusions can be drawn.

(10) No - prisoners must be in prisons where programs are delivered.

(11) Not applicable.

(12) Yes.

(13) (a) Prisoners can access STAC in the community if required or attend domestic violence programs as determined by Community Corrections Officers.
(b) This information is not available.

(14) (a)-(b) No.
(c) Yes.

(15) KOP has been developed to relate to the needs of Kimberley men.
VOTP pre program case plans aim to make programs responsive to needs of all participants.
Aboriginal presenters at Casuarina, Canning Vale and Roebourne Prisons deliver STAC.

(16) 1991.

SUBSTANCE USE RESOURCE UNIT, BUDGET

1026. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

(1) With reference to the Substance Use Resource Unit (the Unit) run by the Ministry of Justice will the Minister provide details of the budget funding for the Unit for each of the financial years -

(a) 1998-1999;
(b) 1997-1998; and
(c) 1996-1997?

(2) Will the Minister list the programs run by the Unit?

(3) Are any of these programs outsourced to service providers external to the Ministry of Justice?

(4) If yes to (3) above, will the Minister provide details?

(5) What category of prisoners are entitled to access the programs run by the Unit?

(6) What is the purpose of the different programs offered by the Unit?

(7) For each prison that offers a program run by the Unit, will the Minister specify -

(a) the programs that are offered;
(b) the purpose of the programs; and
(c) the number of prisoners that accessed the program in the financial years -

(i) 1996-1997;
(ii) 1997-1998; and
(iii) 1 July 1998 to date,

(d) the frequency and duration of the programs;
(e) whether there is a waiting time before prisoners are able to participate in a program;
(f) if so, for how long; and
(g) whether programs are able to be specifically designed to meet the needs of individual prisoners?

(8) In the past five years, have there been any assessments of the effectiveness of the programs offered by the Unit?

(9) If yes to (8) above -

(a) when was this assessment undertaken;
(b) who conducted the assessment; and
(c) what was its conclusion?

(10) Can prisoners, held in prisons where the Unit's programs are not offered, access the programs by alternative means?

(11) If yes to (10) above -

(a) by what means; and
(b) how many prisoners are currently participating in programs by these alternative means?

(12) On release from prison, can former prisoners continue to access the Unit's programs?

(13) If yes to (12) above -

(a) in what circumstances; and
(b) how many former prisoners are currently participating in programs?

(14) Does the Unit provide specifically designed programs to meet the needs of -

(a) female prisoners;
(b) juveniles held in juvenile detention centres; and
(c) Aboriginal prisoners?

(15) If yes to (14) above, will the Minister provide details?

(16) When was the Unit established?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1) (a) $530,000
(b) $540,000
(c) $353,300

(2)

Men's Programs	Intensive program, Pre-Release program and remand prisoner program.
Women's Program	Individual counselling.
Ancillary Program	Triple P (program designed to engage prisoners prior to release and support them in treatment in the community).

(3) No.

(4) Not applicable.

(5) Prisoners assessed as having substance use problems, which have contributed to their offending.

(6) To reduce offending related to substance use by developing skills, strategies and support among participants.

(7) *CW Campbell Remand Centre*
(a) Remand prisoner program.
(b) To assist remand prisoners to cope with drug related issues in custody and to work on related underlying issues.
(c) (i) Not applicable.
(ii) 51
(iii) 58
(d) Program runs continuously.
(e) No.
(f) Not applicable.
(g) Yes.

Bandyup Women's Prison
(a) Individual counselling.
(b) To identify drug related issues and being able to respond appropriately.
(c) (i) 31
(ii) 24
(iii) 11
(d) Program runs continuously.
(e) Yes.
(f) Varies from time to time according to need and can range from immediate to 3 months.
(g) Yes.

Casuarina, Canning Vale, Wooroloo, Karnet, Bandyup
(a) Triple P
(b) To engage prisoners prior to release and support them in treatment in the community.
(c) (i) 141
(ii) 229
(iii) 117
(d) Continuous. Engagement is usually for 4 sessions in prison.
(e) Yes.
(f) Varies from time to time according to need and can range from immediate to 3 months.
(g) Yes.

Casuarina, Canning Vale, Wooroloo, Karnet, Bunbury, Albany, Greenough, Pardelup (pre release only)
(a) Intensive and pre release.
(b) Intensive program is to introduce participants to skills and strategies they can apply on release to alter their substance use and avoid related offending. Pre release counselling is to respond to prisoners needs including awareness, skills, knowledge and need for support upon release to reduce their risk of substance related offending.
(c) Combination of intensive program and pre release programs.
(i) 202
(ii) 389
(iii) 142
(d) Pre-release counselling is offered continuously.
Intensive group program is provided at particular prisons in response to demand at that location.
Groups run for 5 days over a two week period and there is individual counselling following the group work, conducted over a two week period.
(e) Yes.
(f) Varies from time to time according to need and can range from immediate to 3 months.
(g) Yes.

(8) No.

(9) Not applicable.

(10) No. Currently they need to be transferred to a prison where programs are offered.

(11) Not applicable.

(12) No. However, an ancillary program funded by the WA Drug Abuse Strategy and known as Triple P is designed to engage prisoners prior to release and support them in treatment in the community.

(13) (a) Currently any prisoners in metropolitan or near metropolitan prisons can apply to be assessed to participate in Triple P.
(b) 89.

(14) (a) Individual counselling only.
(b) No service provision by Unit to juveniles.
(c) No. Aboriginal prisoners are included in mainstream programs.

(15) See point 14(a).

(16) 1993.

EDUCATION AND VOCATIONAL TRAINING UNIT, BUDGET

1027. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

(1) With reference to the Education and Vocational Training Unit (the Unit) run by the Ministry of Justice in relation to adult offenders, will the Minister provide details of the budget funding for the Unit for each of the financial years -

(a) 1998-1999;
(b) 1997-1998; and
(c) 1996-1997?

(2) Will the Minister list the programs run by the Unit?

(3) Are any of these programs outsourced to service providers external to the Ministry of Justice?

(4) If yes to (3) above, will the Minister provide details?

(5) What category of prisoners are entitled to access the programs run by the Unit?

(6) What is the purpose of the different programs offered by the Unit?

(7) For each prison that offers a program run by the Unit, will the Minister specify -

(a) the programs that are offered;
(b) the purpose of the programs; and
(c) the number of prisoners that accessed the program in the financial years -

(i) 1996-1997;
(ii) 1997-1998; and
(iii) 1 July 1998 to date,

(d) the frequency and duration of the programs;
(e) whether there is a waiting time before prisoners are able to participate in a program;
(f) if so, for how long; and
(g) whether programs are able to be specifically designed to meet the needs of individual prisoners?

(8) In the past five years, have there been any assessments of the effectiveness of the programs offered by the Unit?

(9) If yes to (8) above -

(a) when was this assessment undertaken;
(b) who conducted the assessment; and
(c) what was its conclusion?

(10) Can prisoners, held in prisons where the Unit's programs are not offered, access the programs by alternative means?

(11) If yes to (10) above -

(a) by what means; and
(b) how many prisoners are currently participating in programs by these alternative means?

(12) On release from prison, can former prisoners continue to access the Unit's programs?

(13) If yes to (12) above -

(a) in what circumstances; and
(b) how many former prisoners are currently participating in programs?

(14) Does the Unit provide specifically designed programs to meet the needs of -

(a) female prisoners;
(b) juveniles held in juvenile detention centres; and
(c) Aboriginal prisoners?

(15) If yes to (14) above, will the Minister provide details?

(16) When was the Unit established?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1)
(a)	1998/99	$2,570,000
(b)	1997/98	$2,600,000
(c)	1996/97	$2,471,000

(2) The Education & Vocational Training Unit offers programs under the broad heading of:

Adult Basic Education	Literacy, numeracy and oracy skills
Vocational Training	Trade skills covering both on and off the job skills
Aboriginal Education	Culturally based courses
General Education eg	Computer
	Business
	Personal Development
	Art

Secondary Education Year 11 and 12
Bridging Tertiary Education
Tertiary Education

Driver Education and Training
Pre-Release and Community Transition

The Ministry of Justice is registered to provide the following nationally accredited modules and certificates.

(3) Yes.

(4) The Education and Vocational Training Unit outsources approximately 90% of the program delivery to individual private contractors who provide the tuition. To complement delivery, Ministry employees teach a small portion of program delivery.

(5) All offenders have access to education services.

(6) To enable and encourage all offenders acquire further skills and knowledge in the areas of academic, vocational and personal development in order to develop skills necessary to participate as constructive members of the community.

(7) (a) *Albany Regional Prison*
Fully Face to Face Classes
Certificate of General Education for Adults (Levels 1 2 3 4)
Certificate 1 in Initial Adult Literacy & Numeracy
Certificate 1 in Art & Design
Certificate in Small Business Management
Certificate 2 & 3 in Information Technology
Furniture Trades (Cabinet Making)
Certificate 1 in Upholstery
Senior First Aid

Partially Face to Face Classes
Preparation for Employment
Traineeship & Certificate 11 in Automotive Serviceperson
Certificate 1 in Industrial Skills
Certificate 1 in Horticultural Skills

Under Negotiation
Certificate 1 in Kitchen Attending

Bandyup Women's Prison
Fully Face to Face Classes
Certificate of General Education for Adults (Levels 1 2 3 4)
Certificate 1 in Initial Adult Literacy & Numeracy
New Opportunities for Women
Certificate 1 in Art & Design
Senior First Aid

Partially Face to Face Classes
Preparation for Employment
Certificate 1 in Kitchen Attending
Certificate 1,2 & 3 in Office Skills
Certificate 2 & 3 in Information Technology
Certificate 1 in Industrial Skills
Engineering Production 1
Certificate 1 in Horticultural Skills

External
Certificate in Small Business Management

Under Negotiation
Certificate 1 in Commercial Cooking

Broome Regional Prison
Face to Face Fully
Certificate of General Education for Adults (Level 1,2,3,4)
Certificate 1 in Initial Adult Literacy & Numeracy
Senior First Aid
Certificate 1 in Horticultural Skills

Face to Face Partially
Preparation for Employment
Certificate 1 in Community Recreation
Certificate 1,2 & 3 in Office Skills
Certificate 2 & 3 in Information Technology
Certificate 1 in Industrial Skills

External
Certificate in Small Business Management

Under Negotiation
Certificate 1 in Kitchen Attending
Certificate 2 in Aquaculture

Bunbury Regional Prison
Face to Face Fully
Certificate of General Education for Adults (Levels 1 2 3 4)
Certificate 1 in Initial Adult Literacy & Numeracy
Certificate in Small Business Management
Certificate 2 & 3 in Information Technology
Furniture Trades (Cabinet Making)
Senior First Aid
Certificate 1 in Industrial Skills
Engineering Production 1
Certificate 1 in Horticultural Skills
Certificate 3 in Human Services

Face to Face Partially
Preparation for Employment
Certificate 1 in Kitchen Attending
Certificate 1, 2 & 3 in Office Skills

Under Negotiation
Certificate 1 in Commercial Cooking

Casuarina Prison
Face to Face Fully
Certificate of General Education for Adults (Levels 1 2 3 4)
Certificate 1 in Initial Adult Literacy & Numeracy
Certificate 1 in Art & Design
Visual Arts Advanced Certificate
Visual Arts Diploma
Visual Arts Associateship BA
Certificate 1 in Community Recreation
Certificate 1 in Commercial Cooking
Certificate in Small Business Management
Certificate 2 & 3 in Information Technology
Certificate 1 in Building Construction
Furniture Trades (Cabinet Making)
Senior First Aid
Certificate 3 in Human Services

Face to Face Partially
Preparation for Employment
Certificate 1 in Kitchen Attending
Certificate 1 in Industrial Skills
Engineering Production 1
Certificate 1 in Horticultural Skills

Canning Vale Prison
Face to Face Fully
Certificate of General Education for Adults (Levels 1 2 3 4)
Certificate 1 in Initial Adult Literacy & Numeracy
Certificate 1 in Art & Design
Certificate 2 & 3 in Information Technology
Furniture Trades (Cabinet Making)
Senior First Aid
Traineeship & Certificate 11 in Automotive Serviceperson

Face to Face Partially
Preparation for Employment
Certificate 1 in Community Recreation
Certificate 1 in Kitchen Attending
Certificate 1 in Commercial Cooking
Certificate in Small Business Management
Certificate 1 in Industrial Skills
Engineering Production 1
Certificate 1 in Horticultural Skills
Certificate 3 in Human Services

CW Campbell Remand
Face to Face Fully
Certificate of General Education for Adults (Levels 1 2 3 4)
Certificate 1 in Initial Adult Literacy & Numeracy
Senior First Aid

Face to Face Partially
Preparation for Employment
Certificate 2 & 3 in Information Technology
Certificate 1 in Industrial Skills

External
Certificate in Small Business Management

Eastern Goldfields Regional Prison
Face to Face Fully
Certificate of General Education for Adult (Levels 1 2 3 4)
Certificate 1 in Initial Adult Literacy & Numeracy
Senior First Aid

Face to Face Partially
Preparation for Employment
Certificate 1 in Kitchen Attending
Certificate 1 in Commercial Cooking
Certificate 1,2 & 3 in Office Skills
Certificate 1 in Building Construction
Certificate 1 in Industrial Skills
Certificate 1 in Horticultural Skills

External
Certificate in Small Business Management

Under Negotiation
New Opportunities for Women

Greenough Regional Prison
Face to Face Fully
Certificate of General Education for Adults (Levels 1 2 3 4)
Certificate 1 in Building Construction
Senior First Aid

Face to Face Partially
Preparation for Employment
Certificate 1 in Kitchen Attending
Certificate 1 in Commercial Cooking
Certificate 2 & 3 in Information Technology
Certificate 1 in Industrial Skills
Engineering Production 1
Certificate 1 in Horticultural Skills

External
Certificate in Small Business Management

Under Negotiation
New Opportunities for Women
Certificate 1 in Community Recreation

Karnet Prison Farm
Face to Face Fully
Certificate of General Education for Adults (Levels 1 2 3 4)
Meat Handling & Retail
Senior First Aid

Face to Face Partially
Preparation for Employment
Certificate 2 & 3 in Information Technology
Furniture Trades (Cabinet Making)
Certificate 1 in Industrial Skills
Engineering Production 1
Certificate 1 in Horticultural Skills
Certificate 1 in Farm/Pastoral Skills

External
Certificate in Small Business Management

Pardelup Prison Farm
Face to Face Fully
Certificate of General Education for Adults (Levels 1 2 3 4)
Senior First Aid

Face to Face Partially
Preparation for Employment

Certificate 1 in Art & Design
Certificate 2 & 3 in Information Technology
Certificate 1 in Industrial Skills
Engineering Production 1
Certificate 1 in Horticultural Skills
Certificate 1 in Farm/Pastoral Skills
Certificate 2 in Aquaculture

External
Certificate 1 in Commercial Cooking
Certificate in Small Business Management

Under Negotiation
Certificate 1 in Kitchen Attending

Roebourne Regional Prison
Face to Face Fully
Certificate of General Education for Adults (Levels 1 2 3 4)
Certificate 1 in Initial Adult Literacy & Numeracy
New Opportunities for Women
Senior First Aid

Face to Face Partially
Preparation for Employment
Certificate 1 in Art & Design
Certificate 1 in Kitchen Attending
Certificate 1 in Industrial Skills
Certificate 1 in Horticultural Skills
Certificate 1 in Farm/Pastoral Skills

External
Certificate 1,2 & 3 in Office Skills
Certificate in Small Business Management
Certificate 2 & 3 in Information Technology
Certificate 3 in Human Services

Wooroloo Prison Farm
Face to Face Fully
Certificate of General Education for Adult (Levels 1 2 3 4)
Certificate 1 in Initial Adult Literacy & Numeracy
Certificate 2 & 3 in Information Technology
Senior First Aid
Certificate 1 in Industrial Skills
Certificate 1 in Horticultural Skills
Certificate 1 in Farm/Pastoral Skills

Face to Face Partially
Preparation for Employment
Certificate 1 in Kitchen Attending
Certificate 1 in Commercial Cooking
Certificate in Small Business Management
Certificate 1 in Building Construction
Engineering Production 1

Under Negotiation
Traineeship & Certificate 11 in Automotive Serviceperson

(b) See (6).

(c) Information is only readily available for all prisons:
(i) 1,900
(ii) 2,400 offenders accessed education programs
(iii) Approximately 900 offenders per week access education programs

(d) The frequency of delivery is dependent on the needs of the offenders and so each prison is subject to change though the majority of programs are ongoing. The duration of the courses are flexible and modularised to cater for a transient population.

(e) Nominal waiting lists which vary from time to time.

(f) If a waiting time exists or the course is not offered as a face to face class in the prison then external delivery is facilitated.

(g) Yes.

(8) Yes.

(9) (a) August 1996.

(b) A joint Western Australian Department of Training and Ministry of Justice Taskforce.

(c) A list of 18 recommendations of which 90% have been implemented or in the process of being implemented throughout all prisons.

(10) Yes.

(11) (a) Education and Vocational Training programs are offered in a range of delivery modes:

Open Learning	-	Flexible access
	-	Self paced
Individual Tuition	-	Class Tuition
	-	Technologically assisted learning
	-	Computer assisted
	-	Video technology

External correspondence
Recognition of Prior Learning
On the job training in industry
Collaborative learning

(b) No set statistical collation kept on this breakdown.

(12) Partially (see (13)).

(13) (a) The Driver Education and Training Program is offered to offenders across the state both in custody and upon release through Community Correction Centres. Eligible offenders have access to Warminda Intensive Intervention Centre where education and training can be continued. Programs offered by the Unit are nationally accredited and so are recognised and transferable to mainstream adult educational institutions.

(14) (a)-(c) Yes.

(15) *Female Offenders*: Female offenders are currently being offered non-traditional vocational training programs, parenting skills and an accredited program specifically designed to cater for women's needs, New Opportunities For Women. This program encompasses assertiveness training, literacy and numeracy skills, lifeskills, personal presentation and employment and education opportunities.

Juvenile Offenders: I refer the member to my answer to Question On Notice 1028.

Aboriginal Offenders: The Unit recognises the diverse needs of the Aboriginal offenders and delivers programs that are culturally relevant and appropriate to this client group. Currently courses are being offered in local indigenous languages, indigenous cultural awareness, Aboriginal history and art, specific vocational trade preparation, bridging tertiary courses and transitional courses to support offenders with coping with release from prison.

(16) June of 1996 although the Adult Education Team has been providing education to adults in custody for over 20 years.

EDUCATION AND VOCATIONAL TRAINING UNIT, BUDGET

1028. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

(1) With reference to the Education and Vocational Training Unit (the Unit) run by the Ministry of Justice in relation to juveniles held in juvenile detention centres, will the Minister provide details of the budget funding for the Unit for each of the financial years -

(a) 1998-1999;
(b) 1997-1998; and
(c) 1996-1997?

(2) Will the Minister list the programs run by the Unit?

(3) Are any of these programs outsourced to service providers external to the Ministry of Justice?

(4) If yes to (3) above, will the Minister provide details?

(5) What category of juvenile offenders entitled to access the programs run by the Unit?

(6) What is the purpose of the different programs offered by the Unit?

(7) For each juvenile detention centre that offers a program run by the Unit, will the Minister specify -

(a) the programs that are offered;
(b) the purpose of the programs; and
(c) the number of juvenile offenders that accessed the program in the financial years -

(i) 1996-1997;
(ii) 1997-1998; and
(iii) 1 July 1998 to date,

(d) the frequency and duration of the programs;
(e) whether there is a waiting time before juvenile offenders are able to participate in a program;
(f) if so, for how long; and
(g) whether programs are able to be specifically designed to meet the needs of individual juvenile offenders;

(8) In the past 5 years, have there been any assessments of the effectiveness of the programs offered by the Unit?

(9) If yes to (8) above -

(a) when was this assessment undertaken;
(b) who conducted the assessment; and
(c) what was its conclusion?

(10) Can juvenile offenders, held in juvenile detention centres where the Unit's programs are not offered, access the programs by alternative means?

(11) If yes to (10) above -

(a) by what means; and
(b) how many

(l2) On release from juvenile detention, can offenders continue to access the Unit's programs?

(13) If yes to (12) above -

(a) in what circumstances; and
(b) how many offenders are currently participating in programs?

(14) Does the Unit provide specifically designed programs to meet the needs of -

(i) female juvenile offenders; and
(ii) Aboriginal juvenile offenders;

(15) If yes to (14) above, will the Minister provide details?

(16) When was the Unit established?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1) (a) $1,417,000
(b) $1,252,052
(c) $985,000

(2) All juveniles in detention have an Individual Education Plan (IEP) developed according to their ability level and interests. The Juvenile Education & Vocation Training Unit (Education Services) delivers the following education programs:

- Mainstream School curriculum - School of Isolated and Distance Education (EDWA).
- Portable education programs coordinated with detainees' mainstream schools (EDWA and Independent Schools).
- Individually developed remedial Literacy & Numeracy programs.
- Introductory Communications - Ministry of Justice developed nationally accredited literacy program.
- Vocational Training - On the job.
- Vocational Training - Off the job.
- Aboriginal Studies.
- General Education
  - Computer Studies
  - Business Studies
  - Personal Development
  - Art & Design
- Secondary Education Year 8 to 12.
- Trade Education - Traineeships and Apprenticeships
- Driver Education and Training.
- Pre-Release and Community Transition.

The Ministry of Justice also provides a number of nationally accredited modules and certificates.

(3) No.

(4) Not applicable.

(5) Daily education and vocational training participation is compulsory for all detainees for the duration of their custodial sentence.

(6) To maximise the education potential of all detainees. The goal for each individual is to acquire further skills and knowledge in the academic, vocational and personal development fields in order to participate as responsible,

constructive members of the community. This includes basic literacy and numeracy, employment and life skills to improve the juveniles' alternatives when re-entering society.

(7) Education Services provides educational programs for Banksia Hill Detention Centre and Rangeview Remand Centre.

Banksia Hill Detention Centre

(a)
* Mainstream School curriculum - School of Isolated and Distance Education (EDWA)
* Portable education programs coordinated with detainees' mainstream schools (EDWA and Independent Schools)
* Individually developed remedial Literacy & Numeracy programs
* Introductory Communications - Ministry of Justice developed nationally accredited literacy program
* Vocational Training - On the job
* Vocational Training - Off the job
* Aboriginal Studies
* General Education - Computer Studies
  - Business Studies
  - Personal Development
  - Art & Design
* Secondary Education Year 8 to 12
* Trade Education - Traineeships and Apprenticeships
* Driver Education and Training
* Pre-Release and Community Transition

In addition the Ministry of Justice can also provide a number of nationally accredited modules and certificates.

(b) See 6.

(c) (i) 277 (Longmore, Nyandi & Riverbank)
(ii) 303 (Longmore, Nyandi, Riverbank & Banksia Hill)
(iii) 88 (Banksia Hill) - to date

(d) Education programs are run from 9.00am - 3.00pm Monday to Friday except public holidays, 52 weeks of the year.

(e) Detainees access the program from their admission day - there is no waiting period.

(f) Not applicable.

(g) All detainees operate on individually designed education plans.

Rangeview Remand Centre

(a)-(b) See *Banksia Hill*.

(c) (i) 2192
(ii) 2245
(iii) 606 - to date

(d) See *Banksia Hill*.

(e) Remandees' access the program from their admission day – there is no waiting period.

(f) Not applicable.

(g) All remandees operate on individually designed education plans.

(8) The provision of Education Services has been reviewed twice in the past five years.

(9) (a) 1995 and 1997.
(b) A joint Education Department of WA & Ministry of Justice panel.
(c) Following both reviews it was recommended that Education Services (Ministry of Justice) retain the role of education provision for juveniles in detention and remand, due to the specialist requirements of the detainees and the staff to teach in the centres.

(10) See 7.

(11) (a) Daily attendance at academic and vocational classes and workshops with teacher directed tuition, self-paced computer or correspondence based learning and individual tutoring.
(b) All.

(12) Yes.

(13) (a) All released metropolitan juvenile offenders access the Education Services Community Based Education Officers service for education, training and labour market program enrolments and ongoing support.
(b) All released compulsory school aged juvenile offenders and from January 1999 this will also include all post-compulsory aged juvenile offenders who have been released.

(14) (i)-(ii) Yes.

(15) (i) Female juvenile offenders can access all programs offered and have individually designed programs delivered according to their needs and interests. Groups of female juvenile offenders have received gender specific classes in parenting, healthcare, employment options and grooming and deportment.

(ii) Aboriginal Juvenile offenders access a range of Aboriginal cultural programs including Aboriginal art, Aboriginal history and Aboriginal studies.

(16) 1987.

MINISTRY OF JUSTICE, PSYCHOLOGICAL SERVICES, BUDGET

1029. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

(1) With reference to Psychological Services (the Service) that is part of the Policy, Programs and Projects Directorate of the Ministry of Justice, will the Minister provide details of the budget funding for the Service for each of the financial years -

(a) 1998-1999;
(b) 1997-1998; and
(c) 1996-1997?

(2) Does the Service only operate for the benefit of juvenile offenders (in the community and in juvenile detention centres)?

(3) If yes to (2) above -

(a) are any other psychological services made available for adult offenders in custody; and
(b) what services are made so available?

(4) What is the purpose of the Service?

(5) In the past 5 years, have there been any assessments of the effectiveness of the Service?

(6) If yes to (5) above -

(a) when was this assessment undertaken;
(b) who conducted the assessment; and
(c) what was its conclusion?

(7) How many psychologists work in the Service?

(8) Is any part of the Service outsourced to service providers external to the Ministry of Justice?

(9) If yes to (8) above, will the Minister provide details?

(10) For each of the financial years -

(a) 1996-1997;
(b) 1997-1998; and
(c) 1 July 1998 to date,

how many juveniles -

(i) in the community who have come into contact with the justice system; and
(ii) in juvenile detention centres,

have had access to the Service?

(11) When was the Service established?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1) (a) $565,000
(b) $510,000
(c) $459,000

(2) Yes.

(3) (a) Yes.
(b) *Forensic Case Management Team*: Provides assessment of, counselling for and advice on the management of "at risk" prisoners (at risk of self harm or suicide).
Sex Offender Treatment Unit: Provides assessment and treatment services to adult sex offenders in prison.
Alternatives to Violence Unit: Provides programs to adult offenders in both community and prison based settings.
Substance Use Resource Unit: Provides assessments, interventions and coordinates several non government treatment (such as Palmerston, Holyoake etc).

(4) Amongst other things:
- Provides psychological assessment of young offenders for the Courts, Juvenile Justice Officers, detention centre management and the Supervised Release Board.
- Provides psychological interventions (at individual, family and group levels) to young offenders.
- Provides staff support and after hours emergency interventions aimed at helping staff cope with critical incidents that arise in custodial settings.

(5) Targeted components of the service have been evaluated and assessed.

(6) (a) Psychological Services are continuously assessed and monitored.
(b) Ministry of Justice Psychological Services staff.
(c) Evaluations and outcomes have generally been positive and utilised in refining programs and services further.

(7) The Psychological Services (Juvenile) branch employs 9 specialist trained psychologists (either Clinical or Forensic Psychologists).

(8) Yes.

(9) In rural areas private psychologists are contracted to provide Psychological Reports for Courts.

(10) (a) (i) 360
(ii) 590 (Includes remandees)
(b) (i) 403
(ii) 640 (Includes remandees)
(c) (i) 154
(ii) 165 (Includes remandees)

(11) 1992 (an extension/re-organisation as part of the then Department of Community Development).

MINISTRY OF JUSITCE, DISABILITY SERVICES SECTION, BUDGET

1030. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

(1) With reference to the Disability Services Section (the Section) that is part of the Policy, Programs and Projects Directorate of the Ministry of Justice, will the Minister provide details of the budget funding for the Section for each of the financial years -

(a) 1998-1999;
(b) 1997-1998; and
(c) 1996-1997?

(2) What is the purpose of the Section?

(3) Will the Minister list the services and programs addressed by the Section?

(4) Are any of these programs outsourced to service providers external to the Ministry of Justice?

(5) If yes to (4) above, will the Minister provide details?

(6) What category of prisoners are entitled to access the programs run by the Section?

(7) For each prison that offers a program run by the Section, will the Minister specify -

(a) the programs that are offered;
(b) the purpose of the programs; and
(c) the number of prisoners that accessed the program in the financial years -

(i) 1996-1997;
(ii) 1997-1998; and
(iii) 1 July 1998 to date;

(d) the frequency and duration of the programs;
(e) whether there is a waiting time before prisoners are able to participate in a program;
(f) and if so, for how long; and

(g) whether programs are able to be specifically designed to meet the needs of individual prisoners?

(8) In the past 5 years, have there been any assessments of the effectiveness of the programs offered by the Section?

(9) If yes to (8) above -

(a) when was this assessment undertaken;
(b) who conducted the assessment; and
(c) what was its conclusion?

(10) Can prisoners, held in prisons where the Section's programs are not offered, access the programs by alternative means;

(11) If yes to (10) above -

(a) by what means; and
(b) how many prisoners are currently participating in programs by these alternative means?

(l2) On release from prison, can former prisoners continue to access the Section's programs?

(13) If yes to (12) above -

(a) in what circumstances; and
(b) how many former prisoners are currently participating in programs?

(14) Does the Section have specifically designed programs to meet the needs of -

(a) female prisoners;
(b) juveniles held in juvenile detention centres; and
(c) Aboriginal prisoners?

(15) If yes to (14) above, will the Minister provide details?

(16) When was the Section established?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1) (a) $130,000
(b) $140,000
(c) $102,000

(2) - To adapt existing services to ensure they meet the needs of people with disabilities.
- The establishment of a system of identification and monitoring of prisoners with disabilities.
- To ensure that the Ministry of Justice fulfils its legislative requirements.

(3) *Referral Program*
- To identify and link with Disability Services Commission (DSC) case managers.
- To assist in referral for assessment, prisoners who are suspected of having an intellectual disability.
- Assist staff and offenders in accessing support services.

Prison Program
- To improve programs for prisoners with intellectual disabilities, both in the short and long term.

Sex Offender Treatment Program
- Community based sexual offenders who have intellectual disabilities.

Diversion Program
- This is a Police Service, Ministry of Justice, Disability Services Commission and Health Department program to divert people with decision-making difficulties from the criminal justice system into a case management response which more appropriately targets their offending behaviour.

Frequent Offenders Program
- A joint Homeswest, Ministry of Justice, Outcare (prisoners' support organisation) and Disability Services Commission initiative which offers furnished emergency housing.

Post Release Mentor Program
- Support program for offenders with intellectual disabilities and Acquired Brain Damage. This focuses upon re-establishing links to the community.

(4) Yes.

(5) Service providers external to the Ministry of Justice:
- Evaluation Report – Fremantle Diversion Project.
- Teacher/Tutor – Life Skills Program.
- Teacher aide – Life Skills Program.
- Psychological Assessments.
Professionals with expertise in the intellectual disability field complete assessments for program needs.
- Mentor - Post release support program.

Those with a recognised intellectual disability, autism or acquired brain damage.

(7) *All Prisons*
(a) Referral Program.
(b) See (3).
(c) (i) 21
(ii) 35
(iii) 4

(d) Ongoing as required.
(e) No.
(f) Not applicable.
(g) Yes.

Casuarina Prison
(a) Life Skills Program.
(b) To provide life skills and communication skills to people with intellectual disabilities.
(c) (i) Nil
(ii) 6
(iii) 8
(d) One day per week - 6.5 hours.
(e) No.
(f) Not applicable.
(g) Yes.

Bandyup and Casuarina Prisons
(a) Mentor Program.
(b) See (3).
(c) (i) Nil
(ii)-(iii) 2
(d) Daily - 15 hours per week for 6 weeks.
(e) No.
(f) Not applicable.
(g) Yes.

(8) Yes.

(9) (a) January 1997 - Evaluation report completed on the Fremantle Police Diversion Pilot Project.
(b) Jo Stanton Consultancy.
(c) That the project showed promising signs of being an effective means of preventing minor offenders from re-offending but stated that the numbers involved and the timeframe considered needed to be greater, in order to be conclusive.

(10) Referral Program - Yes. Prison staff can access this program in all prisons in WA.
Life Skills Program - No.
Post Release Mentor Support - Not in prisons other than Bandyup and Casuarina.

(11) (a) Referral and liaison with staff of Ministry of Justice and Disability Services Commission.
(b) 8.

(12) Yes.

(13) (a) *Prisoners with Intellectual Disabilities*
Some eligible for:
- Sex Offenders Treatment Program for the cognitively impaired - a community based program.
- Frequent Offenders Program - available to some (Level 3 classification) clients of DSC.
- Post Release Mentor Support Program.

Prisoners with Acquired Brain Injury
- Post Release Mentor Support Program. This program is only available to individuals who have no other agency support or who are assessed as "high-risk" of reoffending.

(b)

Sex Offender Treatment Program - Community Group	-	2
Frequent Offenders Program	-	3
Mentor Support	-	2

(14) (a) Yes.
(b) Currently being piloted by Disability Services Commission - Aggression Control.
(c) Yes.

(15) (a) Female Prisoners - individual programs available dependent upon needs.
(b) Juveniles - referral program available
- mentor support available.
(c) Aboriginal prisoners - those eligible for Level 3 Disability Services Commission services are linked with DSC case managers.

(16) June 1996.

GOVERNMENT DEPARTMENTS AND AGENCIES

Use of Private Investigation Agency

1043. Mr RIEBELING to the Minister representing the Attorney General:

(1) Have any of the Government Departments or Agencies under the Attorney General's jurisdiction used the services of a private investigation agency since 1 January 1996?

(2) If yes, why was the investigation agency used?

(3) What was the name of the investigation agency?

(4) How much was the investigation agency paid?

Mr PRINCE replied:

The Attorney General has provided the following reply:

Legal Aid Commission
(1) Yes.

(2) The Legal Aid Commission uses private investigators to serve documents, to obtain statements and/or locate potential witnesses on behalf of its clients.

(3)-(4)

Gracie Collections and Investigations	-	$1,997.00
Australian Investigation Corp	-	$1,286.55
Private Investigation and Process Servers	-	$ 254.10

Ministry of Justice (incorporating the Crown Solicitors Office)
(1) Yes, on two occasions.

(2) To assist in locating debtors and determining the viability of recovery of amounts of money awarded under the *Criminal Injuries Compensation Act 1985*.

(3) Repcol Commercial Investigators.

(4) $130.00

Director of Public Prosecutions, Equal Opportunity Commission, Law Reform Commission, Office of the Information Commissioner, Solicitor General
(1) No.

(2)-(4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Use of Private Investigation Agency

1044. Mr RIEBELING to the Minister for Resources Development; Energy; Education:

(1) Have any of the Government Departments or Agencies under the Minister's jurisdiction used the services of a private investigation agency since 1 January 1996?

(2) If yes, why was the investigation agency used?

(3) What was the name of the investigation agency?

(4) How much was the investigation agency paid?

Mr BARNETT replied:

Department of Resources Development
(1) No.
(2)-(4) Not applicable.

Office of Energy
(1) No.
(2)-(4) Not applicable.

AlintaGas
(1) No.
(2)-(4) Not applicable.

Western Power
(1) No.
(2)-(4) Not applicable.

Education Department of Western Australia
(1) No.
(2)-(4) Not applicable.

Department of Education Services
(1) No.
(2)-(4) Not applicable.

Curriculum Council
(1) No.
(2)-(4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Use of Private Investigation Agency

1059. Mr RIEBELING to the Minister representing the Minister for Transport:

(1) Have any of the Government Departments or Agencies under the Minister's jurisdiction used the services of a private investigation agency since 1 January 1996?

(2) If yes, why was the investigation agency used?

(3) What was the name of the investigation agency?

(4) How much was the investigation agency paid?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

Main Roads Western Australia
(1) Yes.

(2) To assist in the investigation of the unauthorised release of information.

(3) International Investigation Agency Pty Ltd.

(4) $76 670.

Westrail
(1) Yes.

(2) An investigation agency was used on two occasions for a Workers' Compensation settlement and in connection with a court case.

(3) Round the Clock Investigations.

(4) $2 908 in total.

SEA FREIGHT COUNCIL OF WESTERN AUSTRALIA

1089. Ms MacTIERNAN to the Minister representing the Minister for Transport:

With reference to the Sea Freight Council of Western Australia -

(a) when was it established;
(b) why was it established;
(c) when did the former Minister for Transport's adviser, Greg Trenberth, join the Council;
(d) why is the Executive Officer located in the Department of Transport's Fremantle offices;
(e) what direct and indirect Government funding does the Council receive; and
(f) how are members appointed to the Council?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) September 1996.

(b) With the objective of removing impediments to adequate, reliable and competitive seaborne trade for Western Australian industry.

(c) 1 August 1998.

(d) Through its Maritime Policy Directorate, the Department of Transport provides administrative, research and other levels of support for the Executive Officer of the Sea Freight Council. This is most effectively achieved in the Fremantle office of the Department, where Maritime Policy is based.

(e) The Council currently has an annual budget of $300 000. The bulk of this amount is from the Department of Transport, with other State contributions from the Departments of Commerce and Trade, Resources Development and Agriculture, together with input from Port Authorities. The Commonwealth also makes an annual grant to the Council.

(f) Membership of the Council is predominantly from the private sector. It is on a representative basis, to facilitate the maximum exchange of information between Government and industry. The Minister for Transport approved the initial membership of the Council at the time of its establishment.

GREEN HEAD BOAT LAUNCHING FACILITY

1090. Ms MacTIERNAN to the Minister representing the Minister for Transport:

With reference to the proposed boat launching facility at Green Head -

(a) why was the application for Capital Works funding for this project unsuccessful in the 1998-99 budget;

(b) what was the recommendation of the 1996 report on the need for boating facilities within the Shire of Coorow;

(c) what was the original estimate of the total cost of constructing this facility;

(d) what is the forward estimate for the total cost of constructing this facility in 1999-2000; and

(e) will the Minister explain the reason for the increase in estimated construction costs?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) Other projects were rated as a higher priority.

(b) With reference to Green Head, the report states in the Summary that "... the number of boats launched during holiday periods at Green Head and South Bay compare favourably with those launched from most boat ramps in the Peel Region." The report also states, Recommendation 2: "Boating facilities at Green Head be progressively upgraded to Level 3 Standard, as defined in this report and as shown on Drawing 849-1-1, with work commencing as soon as financial resources allow."

(c) $300 000.

(d) $600 000.

(e) The original cost estimates were compiled some time ago. The cost of maritime construction has noticeably increased in recent times.

BUNBURY PORT AUTHORITY - PRIVATISATION

1091. Ms MacTIERNAN to the Minister representing the Minister for Transport:

With reference to the Bunbury Port Authority's intention to invite tenders for the provision of port services -

(a) what will be the role of the Port Authority if services are contracted out; and
(b) what impact would this have on the Chief Executive Officer and administrative staff?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a)
- Facilitation of Trade.
- Asset Management and Maintenance.
- Statutory Duties.
- Contract Management.

(b) Minimum effect, other than reduction in payroll functions.

BUS DRIVER'S BEHAVIOUR

1094. Ms MacTIERNAN to the Minister representing the Minister for Transport:

(1) Is the Department of Transport aware that on 16 September 1998 -

(a) bus No 155 from Fremantle to Booragoon left at 0920 instead of 0900;

(b) the driver is alleged to have screamed at passengers; and

(c) the driver forced passengers to pay for another ticket even though the ticket would not have expired had the bus been on time?

(2) What action has been taken by the Department in respect of this matter?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) (a) Yes. Southern Coast Transit advised the Department of Transport that the route 155 service on the 16 September 1998 departed 15 minutes late. This late departure was caused as a result of theft of monies from the bus driver just prior to departing. The time taken for the driver to report this theft and await the arrival of police caused the bus to leave 15 minutes late whilst the matter was attended to.

(b)-(c) No. Transport's investigation revealed no inappropriate behaviour on the part of the driver and a complaint has not been received.

(2) See above.

FREMANTLE PORT AUTHORITY'S ANNUAL REPORT 1998

1095. Ms MacTIERNAN to the Minister representing the Minister for Transport:

As the Fremantle Port Authority Annual Report 1998 refers to a performance examination of the operations of the Board which was undertaken by the Auditor General, will the Minister advise -

(a) when will this report be tabled;
(b) what feedback does it give on membership profiles and appointment methods; and
(c) what concerns were raised by the Auditor General's report?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) The Auditor General is understood to be preparing Corporate Governance Guidelines based upon studies of a range of Public Sector Organisations, including the Fremantle Port Authority.

(b) I am advised that the Auditor General's assessment of the Public Sector has not been completed.

(c) Issues raised informally for the Board to consider were:

- a formalised self assessment process
- formally detailing a policy with regard to members obtaining advice from external sources
- ongoing training needs of Board members.

BATTYE LIBRARY, ORAL HISTORY UNIT

1096. Ms McHALE to the Minister representing the Minister for the Arts:

I refer to the scaling down of the Oral History Unit, Battye Library and ask -

(a) how many letters of concern including Email correspondence, have been received by the Minister for the Arts, the Chief Executive Officer of the Library and Information Service of Western Australia and the Director General of the Ministry of Culture and the Arts from -

(i) organisations;
(ii) what are the organisations referred to in (i); and
(iii) individuals?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following reply:

I would not accept that there has been a scaling down.

(a) 19.

(b) Australian Society for the Study of Labour History, Perth Branch
Curtin University of Technology, WA
Fremantle History Society
History Subject Group, England
Minda De Guzburg Center for European Studies, Harvard University (USA)
Office of Multicultural Interests
Oral History Association of Australia (5)
Oral History Society (Department of Sociology), England
Professional Historians & Researchers Association
Royal West Australian Historical Society
South West Oral History Support Group
Trades & Labour Council of WA

University of Western Australia (Department of English) (2)
UWA Press

(c) Eight. There have also been 12 individuals who have expressed support or understanding.

ROADS - FLASHING LIGHTS AT INTERSECTIONS

1104. Ms MacTIERNAN to the Minister representing the Minister for Transport:

With reference to the flashing lights that warn drivers when they are approaching amber or red traffic signals -

(a) at which intersections are they currently located;

(b) is there any evidence that they have reduced accidents;

(c) has there been a reduction in the number of drivers being issued with infringement notices for passing through red traffic lights at these intersections;

(d) does the Minister plan to place these flashing lights at other intersections;

(e) if yes to (d) above, which ones; and

(f) if no to (d) above, why not?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) Albany Highway approaches to Armadale Road.
Albany Highway approaches to Brookton Highway.
Elanora Drive/Ennis Avenue approaches to Grange Drive.
Fremantle Road approaches to Gordon Road.
Fremantle Road approaches to Pinjarra Road.
Great Eastern Highway Bypass approaches to Roe Highway.
Great Eastern Highway Bypass approaches to Kalamunda Road.
Great Eastern Bypass approaches to Stirling Crescent.
Great Eastern Highway Bypass approaches to Roe Highway.
Great Eastern Highway approaches to Roe Highway.
Kwinana Freeway approaches to Berrigan Drive.
Kwinana Freeway approaches to Forrest Road.
Kwinana Freeway approaches to Hope Valley Road.
Kwinana Freeway approaches to Rowley Road.
Kwinana Freeway approaches to Russell/Gibbs Road.
Kwinana Freeway approaches to Thomas Road.
Kwinana Freeway approaches to Anketell Road.
Leach Highway approaches to North Lake Road.
Leach Highway approaches to Stock Road.
Roe Highway approaches to Berkshire Road.
Roe Highway approaches to Kalamunda Road.
Roe Highway approaches to Morrison Road.
Roe Highway approaches to Toodyay Road.
Stock Road approaches to Spearwood Road.
Tonkin Highway approaches to Collier Road.
Tonkin Highway approaches to Hale Road.
Tonkin Highway approaches to Horrie Miller Drive/Kewdale Road.
Tonkin Highway approaches to Kelvin Road.
Tonkin Highway approaches to Welshpool Road.
Tonkin Highway approaches to Mills Road.

(b) Yes. An analysis of accident data at seventeen sites before and after flashing amber warning lights were installed found a 16 per cent reduction in crashes.

(c) Traffic infringements are the responsibility of the WA Police Service.

(d) The placement of flashing amber warning lights is the responsibility of Main Roads not myself. Main Roads plans to increase the number of warning lights.

(e) Anketell Road approaches to the Kwinana Freeway.
Stock Road approaches to Yangebup Road.
Stock Road approaches to Phoenix Road.
Stock Road approaches to South Street.
Stock Road approaches to Barrington Street.
Stock Road approaches to Forrest Road.

(f) Not applicable.

VICTORIA STREET-STIRLING HIGHWAY TRAFFIC SIGNALS

1105. Ms MacTIERNAN to the Minister representing the Minister for Transport:

With reference to the risk that pedestrians using Victoria Street Railway Station face when crossing the Stirling Highway -

(a) when was the design completed for the installation of traffic signals at the intersection of Victoria Street with Stirling Highway;

(b) why has this important road safety improvement project not been completed yet; and

(c) when does the Minister intend that these signals will be installed?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) Late July 1998.

(b) Works are programmed on a priority basis with the most hazardous locations being treated first.

(c) The installation of traffic signals is scheduled to commence in December 1998 and take approximately three weeks to complete.

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS WITH EMPLOYER ORGANISATIONS

1128. Mr KOBELKE to the Minister representing the Minister for the Arts:

(1) Have any departments or agencies within the Minister's portfolios, let or made contracts, grants, or secondments, since 1 July 1997 to the Western Australian Chamber of Commerce and Industry, or any other employer organisations or bodies controlled by an employer or industry organisation?

(2) If yes, what are the details of each case including -

(a) the department or agency involved;
(b) the recipient of the contract, grant or secondment;
(c) a description of the purpose for the contract, grant or secondment; and
(d) the value or cost of the contract, grant or secondment?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following reply:

(1) The Ministry for Culture & the Arts has not let or made contracts, grants or secondments since 1 July 1997 to the Western Australian Chamber of Commerce and Industry or any other employer organisations or bodies controlled by an employer or industry organisation.

(2) Not applicable.

SUICIDES - NUMBER

1133. Ms ANWYL to the Minister for Health:

(1) Will the Minister provide details of the number of suicides occurring in Western Australia for the following years -

(a) 1990;
(b) 1991;
(c) 1992;
(d) 1993;
(e) 1994;
(f) 1995;
(g) 1996;
(h) 1997; and
(i) 1998 to date?

(2) Will the Minister provide details of attempted self-harm or suicide attempts for the same periods in Western Australia?

(3) Will the Minister provide age and gender breakdown for each of the years referred to in (1) above?

(4) Will the Minister provide details of the number of suicides occurring in each postcode area of Western Australia for each of the years referred to in (1) above?

(5) What mental health resources are being applied in the Perth and regional areas in the current financial year and what planning is being undertaken for the future?

(6) Will the Minister provide costings and details of each non-metro service and state the number of FTE's employed in each?

(7) Will the Minister provide details of what research is being undertaken by the Health Department on the causes of suicide in this State?

(8) Will the Minister provide details of what research is being undertaken by the Health Department on the prevention of suicide in this State?

(9) (a) What data is available from 1997 to date on the reasons supplied in suicide notes and so on for the actions of the deceased; and

(b) will the Minister categorise these and list the most frequent reasons supplied and allocate a percentage to each?

(10) Will the Minister provide the data requested in (9) above for each of the years 1990 to 1996?

(11) Is relationship breakdown a cause detailed?

(12) If so, what resources are allocated to relationship counselling in each of the State regions?

Mr DAY replied:

(1)

(a)	1990:	Males:	161	Females:	39	Total:	200
(b)	1991:	Males:	164	Females:	45	Total:	209
(c)	1992:	Males:	162	Females:	50	Total:	212
(d)	1993:	Males:	168	Females:	45	Total:	213
(e)	1994:	Males:	183	Females:	27	Total:	210
(f)	1995:	Males:	176	Females:	35	Total:	211
(g)	1996:	Males:	180	Females:	45	Total:	225

Note: These are total raw figures and not rates per 100,000 and may therefore be misleading if total population increases are not taken into account.

Please also note that there are no figures available for 1997 and 1998. Suicides are not registered in the coronial database until the coronial inquiry has been completed and the coroner has handed down a verdict of suicide – a process which takes 18 months or more.

Male and Female Completed Suicide, Age Standardised Rate (per 100 000 population), 1990-1996, in WA

Year	ASR (m)	ASR (f)
1990	18.1	4.2
1991	17.9	4.8
1992	17.8	5.4
1993	17.9	4.6
1994	18.7	2.7
1995	18	3.3
1996	17.9	4.5

NB: World Standard Population

(2) See paper No 457.

(3) See paper No 457. Please note that the data are from the ABS Mortality database and do not correspond exactly with data from the Coroner's database provided in question 1.

(4) See paper No 457. Please note that the breakdown of suicide figures by postcode will result in figures that may be meaningless when transformed into rates or percentages. The tables and maps show the rate of completed suicide per 100 000 population in Western Australia by Health Services for 1986-1995. The second table shows the same distribution but for those completed suicides between the ages of 15 and 24 years. Further analysis of data may be available in the future.

As seen from the youth suicide (15-24yrs) table, the highest distribution of completed suicides in WA occurred in the West Kimberley, Murchison, South East Coastal, Fremantle, Rockingham-Kwinana and Peel Health Service area and Inner City Health Services.

As seen from the all ages table, the highest distribution of completed suicide in WA occurred in the West Kimberley, Northern Goldfields, Murchison, Gascoyne, Fremantle, Rockingham-Kwinana and Peel Health Service area and Inner City Health Services.

(5) $1,243,800 of state funds is being spent on specific suicide prevention and intervention services in 1998/99. Another $270,000 of Commonwealth funds is being used to provide counselling services for suicidal youth. All public mental health services provide support and treatment for suicidal individuals. A total of approximately $137 million is allocated for these services. Ongoing planning is occurring with regional mental health services about needs for future service development and this includes needs for specific suicide intervention services.

Primary mental health services, ie General Practitioners and local hospitals are available in all rural areas of WA and are usually the first port of call. The Mental Health Division allocates funding to the Fremantle Division of General Practice for a training programme on suicide prevention. The General Practitioners themselves also provide training in this area.

Non-metropolitan suicide specific services are:

South West ($140,000/4 FTE) and Great Southern ($60,000/1 FTE) Early Intervention Services

The services target people who present at hospital or other health service because of suicide attempts, severe self-harm or serious suicidal thoughts or fantasies, or people otherwise known to health professionals. Features of the services are emergency assessment and treatment available 24 hours per day at health sites, a person's home or other appropriate location, consultation with trained mental health professionals to be provided within 24 hours of the emergency contact, and on-going consultations offered for a minimum of 6 months after the initial contact.

Albany Samaritan Befrienders ($5,000)

Mental health funds support the cost of the telephone service, which is staffed by an unknown number of trained volunteers.

East Kimberley Aboriginal Medical Service ($90,000) and Bega Garnbirringu-Goldfields ($90,000)

These services have been contracted under the National Youth Suicide Prevention Strategy to provide counselling services for youth at risk of suicide. Both services focus on Aboriginal youth.

As yet the East Kimberley service has been unable to employ suitably qualified personnel. Bega Garnbirringu employs 2 FTE.

(7) WA Coroners Database

The HDWA purchasing agreement with the TVW Telethon Institute for Child Health Research includes funding for the Ministerial Youth Suicide Advisory Committee to employ a research officer to collect and record clinical and demographic data from the WA State Coroner's records. This covers all cases in which the Coroner has returned a finding of suicide. The database contains information on all consecutive suicides recorded in Western Australia between 1986 and 1996. Complete annual data for 1997 is not yet available due to there still being a significant proportion of cases for whom the Coronial process is still underway. The Coroner's database is an important information source for monitoring trends, identifying risk factors and for producing official reports for the Coroner and other government agencies. A monograph summarising trends and regional variation in suicide over the decade 1986-95 is at an advanced stage of preparation and is expected to be published as a Health Department occasional paper early in the new year. Following an initiative of the States' Coroners Association, plans are currently underway for the establishment of a nationally compatible computerised coronial data system in all States and Territories. This initiative has been supported by the Western Australian Government and the Commonwealth's National Youth Suicide Prevention Strategy and is expected to be developed and implemented in the next few years.

(8) Perth Hospitals Database on Deliberate Self-harm

The Health Department through the Youth Suicide Advisory Committee has funded the provision of additional clinical services to support an NH&MRC funded project to prospectively follow-up 547 consecutive teenage deliberate self-harm in presentations to Perth hospitals during 1992/3. This study is evaluating the short and longer term impact of providing an improved level of hospital and follow-up care to young people presenting with deliberate self-harm. The findings from the second year of post-discharge follow-up were reported in March 1996 at the XIII Congress of the International Association for Suicide Prevention held in Adelaide. This showed the intervention to have produced a significant reduction in rates of re-attempt and improved attendance at post-hospital mental health follow-up care. It also showed that this group has a high level of subsequent mortality with 17 of the original 547 having died within four years of their index admission. The findings have been used by the Health Department to develop recommendations in the State's Mental Health Plan for the development of practice guidelines for the management of deliberate self-harm in all publicly funded hospitals in WA. The Commonwealth has also used the findings to support the further development of practice guidelines elsewhere in Australia as part

of the National Suicide Prevention Strategy. The fourth year of study follow up has just recently been completed and is currently being analysed for reporting to government and in the scientific literature.

Deliberate Self-harm Databases at QEII, RPH and Fremantle Hospitals

The Health Department purchasing agreements with the three adult teaching hospitals in Perth included funding for deliberate self-harm social work services. In addition to providing direct patient liaison and referral services, these officers are required to routinely record epidemiological information, levels of service provision and follow-up arrangements for all young people under the age of 25 attending these hospital emergency departments. These data are being used by the hospitals and the Youth Suicide Advisory Committee to monitor the introduction of clinical practice guidelines for improving the hospital care and community follow-up care received by youth admitted following deliberate self-harm.

(9) No data is available for 1997 and 1998. Suicides are not registered in the database until the coronial inquiry has been completed and the coroner has handed down a verdict of suicide – a process which takes 18 months or more.

(10) The stresses identified by family and friends of those who completed suicide are aggregated for the period 1986-1996 (more than one category could be nominated in each case):

Relationship breakdown	39%
Psychiatric illness	28%
Physical illness	22%
Financial problems	20%
Drug Use	17%
Unemployment	14%
Death of someone close	14%
Trouble with the law	13%
Family problems	12%
Loneliness	11%
Chronic pain	8%
Old age	2%

(11) Yes.

(12) The health program does not fund general relationship counselling programs. This falls within other portfolios. Mental health services address relationship issues as part of their overall involvement with service recipients.

WESTERN POWER - SOUTH WEST INTERCONNECTED GRID, CONTESTABLE SITES

1144. Mr THOMAS to the Minister for Energy:

(1) In answer to a question asked on 12 August 1998 you stated that 63 customer sites were contestable under Western Power's South West interconnected grid under the access regime applicable from 1 July 1997 including customers deregulated under the Goldfields Gas Pipeline Agreement Act 1994 -

(a) how many were contestable because of the Goldfields Gas Pipeline Agreement Act 1994 and how many because of the general access regime; and

(b) in each case, what were the sites?

(2) In answer to the same question you stated that 16 of the 63 contestable sites purchased power from independent power producers using the Western Power transmission system -

(a) how many were contestable because of the Goldfields Gas Pipeline Agreement Act 1994 and how many because of the wider access regime; and

(b) in each case what were the sites?

Mr BARNETT replied:

I am advised:

(1) (a) Of the 63 customer sites contestable under Western Power's South West interconnected grid, 41 were contestable under the Goldfields Gas Pipeline Agreement Act and 22 were contestable due to the general access regime.

(b)

Goldfields Deregulated Sites	General Access Deregulated Sites
Bardoc Gold	AIS (BHP/HiSmelt)
Burbanks Gold Mine	Alcoa of Australia
Black Swan Nickel Pty Ltd	Australian Fused Materials
Burmine Ops (Fraser 415V)	BHP Titanium

Centaur Mining (Mt Pleasant)
Centaur Mining (Ora Banda)
Consolidated Gold NL
Croesus (Hannans South Borefields)
Croesus (Hannans South Mine)
GMC (Coolgardie Gold NL)
GMC (Goldfan Three Mile Hill)
GMC (Goldfan Tindals)
Hampton Jubilee Mine
Kalgoorlie Mining Associates
Kaltails
KCGM (Chaffers Mine)
KCGM (Decant Dam #3)
KCGM (Decant Tank)
KCGM (Fimiston)
KCGM (Gidgi Roaster)
KCGM (Hannans Borefield)
KCGM (Mt Percy)
KCGM (Southern Borefield)
KCGM (SWSS Tank)
Kundana Gold Mine
Loongana Lime
Newcrest Mining (NCGM)
North & Delta Gold (Kanowna Belle)
Paddington Gold Project
Resolute Ltd (Bullabulling)
Sons of Gwalia (Burmine Fraser Pit)
Sons of Gwalia (Copperhead)
Sons of Gwalia (Marvel Loch)
Sons of Gwalia (Nevoria)
Sons of Gwalia (Southern Cross Mill)
Sons of Gwalia (Three Boys/G Pig)
Sons of Gwalia (Transvaal)
Sons of Gwalia (Yilgarn Star)
White Hope Gold Mine
WMC (Blair Nickel Mine)
WMC (Boulder)

BP Refinery
Burswood Resort Casino
Cockburn Cement (South Coogee)
CSBP and Farmers (Kwinana)
Millennium Inorganic Chemical (Kemerton)
National Castings
Normandy Golden Grove
Simcoa Operations Pty Ltd
Swan Portland Cement
Tiwest (Cooljarloo)
Tiwest (Kwinana)
Tiwest (Muchea)
Wesfarmers Coal
Westrail (Claisebrook)
Westrail (Edgewater)
Westralian Sands (Capel)
WMC (Kwinana)
Worsley Alumina

(2) (a) Of the 16 customer sites that purchased power from independent power producers using Western Power's transmission system, 14 were contestable because of the Goldfields Gas Pipeline Agreement Act and 2 were contestable due to the general access regime.

(b)

Goldfields Deregulated
Hampton Jubilee Mine
Kalgoorlie Mining Associates
Kaltails
KCGM (Chaffers Mine)
KCGM (Decant Dam #3)
KCGM (Decant Tank)
KCGM (Fimiston)
KCGM (Gidgi Roaster)
KCGM (Hannans Borefield)
KCGM (Mt Percy)
KCGM (Southern Borefield)
KCGM (SWSS Tank)
WMC (Blair Nickel Mine)
WMC (Boulder)

Open Access Deregulated Sites
BP Refinery
WMC (Kwinana)

PARKESTON POWER STATION

1145. Mr THOMAS to the Minister for Energy:

(1) Were representations made by Mr Charles Martelli of Western Power to representatives of North Gold (WA) Ltd and Delta Gold NL in 1995 about the technical feasibility of connecting Parkeston Power Station to Western Power's integrated system, instability that would result in the integrated system if Parkeston were connected that would interfere with the continuous supply of electricity through the system, that Western Power did not have an agreement with the proponents of Parkeston for access to the integrated system and that the proponents of Parkeston for access to the integrated system and that the proponents would not be able to conclude an agreement?

(2) Were representations made to North Gold (WA) Ltd and Delta Gold NL in 1995 by other officers of Western Power, either with Mr Martelli or separately, about the capacity, technical or contractual, of Parkeston to supply electricity to those companies?

(3) If yes to 2, who were the officers?

(4) What were the positions of Mr Martelli and the other officers, if any, in Western Power in 1995?

Mr BARNETT replied:

I am advised:

(1) No. The topic of technical interconnection of the Parkeston Power Station to Western Power's integrated system was discussed after representatives from North Gold Ltd and Delta Gold NL queried the situation. Mr Charles Martelli from Western Power did respond truthfully to those questions by mentioning that there were some technical difficulties associated with the proposed method of interconnection of the Parkeston Power Station at the time. At no time did Mr Charles Martelli or other officers of Western Power suggest that the proponents of Parkeston Power Station would not be able to conclude an access agreement for access of its power station to Western Power's interconnected grid.

(2) No. (see above).

(3) Not applicable.

(4) Charles Martelli held the position of Contracts Segment Manager in the Marketing Branch of Western Power in 1995.

LANE POOLE RESERVE - DATE OF GAZETTAL

1159. Dr EDWARDS to the Minister for the Environment:

In relation to Lane Poole reserve, how many hectares -

(a) have been gazetted, and

(b) remain to be gazetted, as -

(i) nature reserve;
(ii) national park;
(iii) conservation park; and
(iv) 5(g) reserve;

(c) for each of the areas gazetted, what was the date of the gazettal; and

(d) for each of the areas that remain to be gazetted, when will the Government finalise the gazettal?

Mrs EDWARDES replied:

(a) 51,643 hectares

(b) (i) 0
(ii) 37,418 [29,331 ha of the 37,418 ha has been set aside as a conservation reserve under Section 5(g) of the Conservation and Land Management Act]
(iii) 3,140 hectares
(iv) 399 hectares

(c) All the areas were originally gazetted on 6/2/87.

(d) The Government will work towards finalizing the creation of areas for appropriate purposes and vestings to comprise Lane-Poole reserve once the Regional Forest Agreement has been concluded.

BUS CONTRACTORS - GOLD PASSES

1168. Dr GALLOP to the Minister representing the Minister for Transport:

(1) Is it true that the companies now contracted to deliver bus and other public transport services in metropolitan Perth are refusing to accept Gold Passes given to former bus drivers with over 35 years service?

(2) Was it the case that these Gold Passes were given as part of the driver's conditions of employment?

(3) What is the Minister going to do about restoring the rights of these former employees of the State Government?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) Transperth has a policy that the Gold Passes are accepted by all operators.

(2) Yes.

(3) Not applicable.

WESTRAIL, MIDLAND AND FORRESTFIELD WORKSHOPS - MEDICAL CHECKS OF EMPLOYEES

1181. Ms MacTIERNAN to the Minister representing the Minister for Transport:

Between approximately 1985 and 1993 medical checks were made of employees of the Westrail Midland and Forrestfield workshops -

(a) will the Minister advise whether or not these medical records resulting from these checks have been retained;

(b) if yes, where are they held and from whom may they be accessed; and

(c) if they have not been retained, why were they not retained?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) The records have been retained.

(b) The records are held at Westrail Centre, West Parade, Perth. Present and former employees are able to access their medical records by providing a written request to Westrail's Manager Occupational Safety and Health.

(c) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - ANNUAL REPORTS, COSTS

1201. Mr BROWN to the Minister representing the Minister for the Arts:

(1) For each department or agency under the Minister's control, what was the cost of producing the 1997-98 annual report, including -

(a) artwork;
(b) publication;
(c) distribution; and
(d) writing?

(2) What were the equivalent costs for the 1996-97 annual report?

(3) Was the 1997-98 annual report produced wholly within the department or agency?

(4) If not -

(a) what services were provided by contractors; and
(b) at what cost?

(5) Was the 1996-97 annual report produced wholly within the department or agency?

(6) If not -

(a) what services were provided by contractors; and
(b) at what cost?

(7) Who printed the 1997-98 annual report?

(8) Who printed the 1996-97 annual report?

(9) How many copies of the 1997-98 annual report were printed?

(10) How many copies of the 1996-97 annual report were printed?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following reply:

Ministry for Culture & the Arts

The Ministry for Culture & the Arts produced its first annual report for 1997-98.

(1) (a) $5,200
(b) $13,600
(c) $1,260
(d) Writing prepared by the Ministry.

(2) (a)-(d) Nil.

(3) No.

(4) (a) Artwork, design and publication.
(b) $18,800

(5) Not applicable.

(6) (a)-(b) Not applicable.

(7) Frank Daniels Pty Ltd.

(8) Not applicable.

(9) 800 copies.

(10) Not applicable.

Department for the Arts

The Department for the Arts produced its final annual report in 1996-97

(1) (a)-(d) Nil.

(2) (a) $5,205
(b) $13,919
(c) $1,070
(d) Writing prepared by the Department.

(3) Not applicable.

(4) (a)-(b) Not applicable.

(5) No.

(6) (a) Artwork, design and publication.
(b) $19,124

(7) Not applicable.

(8) Muhlings Pty Ltd.

(9) Nil.

(10) 2,000 copies.

Library and Information Service of Western Australia

(1) 1997-98 Library Board of WA annual report:
(a) Cost for artwork not yet known - annual report still in production.
(b) Cost of publication not yet known - annual report still in production.
(c) Cost of distribution not yet known - annual report still in production.
(d) Writing of the 1997-98 annual report took approximately 210 hours of LISWA staff time.

(2) 1996-97 Library Board of WA annual report:
(a) Cost of artwork $1,200.
(b) Cost of production and printing $11,000.
(c) Cost of distribution approximately $1,215.
(d) Writing of the 1996-97 annual report took approximately 210 hours of LISWA staff time.

(3) The 1997-98 Library Board of WA annual report is expected to be produced wholly with the agency.

(4) Not applicable.

(5) No.

(6) (a) The cover artwork for the 1996-97 report was contracted out and the desktop publishing was contracted in.
(b) The artwork cost $1,200 and the formatting of the report $2,178

(7) The 1997-98 report has not yet been printed.

(8) The 1996-97 report was printed by Optima Press.

(9) It is anticipated the 500 copies of the 1997-98 report will be produced.

(10) 1,000 copies of the 1996-97 report were printed.

Western Australian Museum

(1) (a) $1,200
(b) $7,500 approximately - not published yet
(c) $400 approximately - not distributed yet
(d) $400 for writing/editing/proofing

(2) (a) $1,000
(b) $7,500
(c) $414
(d) $600 for writing/editing/proofing.

(3) No.

(4)

(a)	Printing cover & design	$2,443
(b)	Editing/writing/proofing	$4,000
(c)	Finishing	$740

(5) No.

(6)

(a)	Printing cover	$1,700
(b)	Editing/proofing	$600
(c)	Finishing	$740

(7) Western Australian Museum

(8) Western Australian Museum

(9) 900 copies.

(10) 850 copies.

Art Gallery of Western Australia

(1) The Art Gallery of Western Australia 1997/98 annual report is in draft form awaiting the outcome of the audit. The cost of producing the 1997/98 annual report are estimated to be:

(a) Artwork is prepared by the Art Gallery of Western Australia. No costs are available.
(b) Publication is estimated at approximately $5,000.
(c) Distribution is estimated at approximately $350.
(d) Writing is prepared by the Art Gallery. No costs are available.

(2) (a) Artwork for the 1996/97 annual report was prepared by the Art Gallery.
(b) Publication of the 1996/97 annual report cost $4,591
(c) Distribution of the 1996/97 annual report cost approximately $330.
(d) The 1996/97 annual report was written by the Art Gallery.

(3) The 1997/98 annual report was not produced wholly within the Art Gallery.

(4) (a) A contract secretarial service was engaged for the preparation of the 1997/98 draft annual report and an editor was contracted to edit the report.
(b) The cost of secretarial services for the preparation of the 1997/98 annual report was $5,000 and for editing $525.

(5) The 1996/97 annual report was not produced wholly within the Art Gallery.

(6) (a) A contract secretarial service was engaged for the preparation of the 1996/97 annual report and an editor was contracted to edit the report.

(b) The costs of secretarial services for the preparation of the 1996/97 annual report was $5,400 and for editing $675.

(7) Quotations for printing the 1997/98 annual report have not yet been obtained.

(8) Lamb Printers Pty Ltd printed the 1996/97 annual report.

(9) It is estimated that 350 copies of the 1997/98 annual report will be printed.

(10) 350 copies of the 1996/97 annual report were printed.

Perth Theatre Trust

(1) The cost of producing the Perth Theatre Trust 1997/98 annual report will be $16,675.96 which includes:

(a) Artwork
(b) Publication costs of $11,713.46
(c) Distribution costs $162.50
(d) Writing costs $4,800.00

(2) The total cost of the 1996/97 annual report was $14,325.85.

(3) The 1997/98 annual report will not be produced wholly by the Perth Theatre Trust.

(4) (a) The writing for 1997/98 annual report was provided by Turnbull Fox Phillips. The artwork and publication will be provided by Peter Bevan Advertising.
(b) Total costs of contractors for the 1997/98 annual report will be $16,513.46.

(5) The 1996/97 annual report was not wholly produced within the Perth Theatre Trust.

(6) (a) The writing for the 1996/97 annual report was provided by Janette Murray Public Relations. The artwork and publication was by Dmark Pty Ltd.
(b) The total cost of contractors for the 1996/97 annual report was $14,163.35.

(7) Peter Bevan Advertising will be printing the 1997/98 Perth Theatre Trust annual report.

(8) Dmark Pty Ltd printed the 1996/97 Perth Theatre Trust annual report.

(9) 500 copies of the 1997/98 annual report will be printed.

(10) 500 copies of the 1996/97 annual report were printed.

Screen West

(1) The costs of producing the 1997/98 annual report are as follows:

(a)	Artwork	$2,600
(b)	Publication	$7,118.
(c)	Distribution	yet to be incurred, but estimated at $500
(d)	Writing	no costs incurred.

(2) The cost of producing the 1996/97 annual report was as follows:

(a)	Artwork	$2,100.
(b)	Publication	$3,180.
(c)	Distribution	$500.
(d)	Writing	no costs incurred.

(3) The 1997/98 annual report was not wholly produced within Screen West.

(4) (a) Design and production services were provided by contractors for the 1997/98 annual report.
(b) The cost of those services was $9,718.

(5) The 1996/97 annual report was not wholly produced within Screen West.

(6) (a) The contractors provided artwork and publication services.
(b) The artwork and publication services cost $5,280.

(7) The 1997/98 annual report was printed by Perpetual Motion Design Services.

(8) The 1996/97 annual report was printed by Design Design.

(9) 1000 copies of the 1997/98 annual report were printed.

(10) 500 copies of the 1996/97 annual report were printed.

MINISTRY OF JUSTICE - EMPLOYEES ON WORKPLACE AGREEMENTS

1216. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

(1) What is the total number of employees for each division of the Ministry of Justice?

(2) For each division how many workers have signed Workplace Agreements?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

Area	(1) *Total No Of Of Employees*	*No Employees Eligible to Sign*	(2) *No Employees Who Have Signed*
Offender Management	2741	731	62
Crown Solicitors Office	152	144	72
Policy & Legislation	15	14	8
Corporate Services	266	260	145
Parliamentary Counsel Office	27	24	19
Office of the Public Advocate	22	21	9
Public Trust Office	141	139	7
Courts (ex Family Court)	719	609	84
Aboriginal Policy & Services	79	9	3
Registrar Generals Office	50	49	1
Executive Support	4	3	3
Internal Audit	4	4	3
Public Affairs	5	5	4
Total No of Employees	4225	2012	420

MINISTRY OF JUSTICE - ENTERPRISE BARGAINING AGREEMENT

1217. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

(1) When did the Enterprise Bargaining Agreement signed by workers at the Ministry of Justice in November 1995 expire?

(2) Have negotiations been finalised to sign a new Enterprise Bargaining Agreement?

(3) If no to (2) above, why not?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1) 31 December 1997.

(2) No. See (3).

(3) After several months of negotiation, the Ministry formally offered an Enterprise Agreement to the CSA on 28 August 1998. This offer was formally rejected by the Civil Service Association on 3 September 1998. The matter has been referred to the Western Australian Industrial Relations Commission to be arbitrated as a special case.

FINES ENFORCEMENT CONTRACTORS - COMPLAINTS

1218. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

(1) Has the Ministry received any complaints in relation to the behaviour of fines enforcement contractors?

(2) If yes, have they investigated these complaints?

(3) Have any actions been taken as a result of these investigations?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1)-(3) Yes.

FINES ENFORCEMENT CONTRACTORS - MISUSE OF SHERIFF BADGES

1219. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

(1) Has the Minister received any complaints in relation to the misuse of sheriff badges by fines enforcement contractors?

(2) If yes, what action has the Minister taken on this matter?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1) The Ministry of Justice has received a complaint.

(2) The Ministry of Justice has investigated the matter and the complaint could not be substantiated.

FINES ENFORCEMENT CONTRACT - EASTERN REGION

1220. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

In relation to the region known as the "Eastern Region" in which collection of fines and penalties were contracted out under the Fines, Penalties and Infringement Notices Enforcement Act 1994 -

(a) has the area as defined in the original contract changed since the awarding of the contract; and

(b) if yes, how has it changed and why has it changed?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(a) No.

(b) Not applicable.

BATTYE LIBRARY - ORAL HISTORY UNIT

1225. Ms McHALE to the Minister representing the Minister for the Arts:

Will the Minister indicate -

(a) what kind of material is donated to the Battye Library;

(b) how many donors made contributions in each of the previous five years;

(c) for each of the previous financial years, how many donations were oral history tapes;

(d) how many of the oral history tapes were transcribed;

(e) for each of the previous financial years -

(i) how many training sessions were offered to assist individuals, groups and organisations with one management of oral history collection; and
(ii) how many individuals attended the training in each year; and

(f) have the terms of reference been finalised for the review of the Oral History Unit -

(i) if so, when were they finalised;
(ii) what are they;
(iii) if not, why not; and
(iv) who will be conducting the review?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following reply:

(a) The type of materials donated to the Battye Library are:

- Original materials relating to Western Australian heritage. Examples are non-government archival records, private papers of individuals, companies and organisations, pictorial material (chiefly black and white photographs and negatives), film and videocassettes, oral history cassette tapes, transcripts and synopses.

- Published materials relating to Western Australian heritage such as monographs (books and reports), serials, newspapers, maps and ephemera.

(b) The number of donors who have made contributions to the Battye Library in the previous five years are as follows:

- Private archives: 241 donors since 1 July 1996. Prior to this date Private Archives was part of the State Archives of Australia.
- Pictorial Collection: 359 donors with 4,252 items donated.
- State Film Archives: 43 donors with 1,280 film titles donated.
- Oral History: figures have only been kept for the number of hours of tape donated, not on the number of donors. 2,594 hours have been donated.
- Monograph volumes: 24,478 donors.
- Serial titles: 3,394 donors.

- Newspapers: 75 titles donated.
- Maps: 6,532 donated.
- Ephemera: 10,578 items donated.

(c) Figures for number of hours donated only are kept:

1993/94 - 635 hours
1994/95 - 670 hours
1995/96 - 489 hours
1996/97 - 422 hours
1997/98 - 378 hours

(d) 1993/94 - 217 transcripts
1994/95 - 70 transcripts
1995/96 - 32 transcripts
1996/97 - 136 transcripts
1997/98 - 80 transcripts

(e) (i)-(ii) Statistics were not kept for the number of people who attended oral history training courses for the past five years. However, the Library and Information Service of Western Australia estimate that it would be approximately 150-200 people.

(f) (i) No.
(ii) Not applicable.
(iii) These are currently in process.
(iv) This has not yet been decided.

PORT KENNEDY DEVELOPMENT - DAMAGE TO ENVIRONMENT

1263. Dr EDWARDS to the Minister for the Environment:

With regards to claims by Port Kennedy residents, reported on page 41 of *The West Australian* on 14 October 1998, that LandCorp and North Whitfords Estates workers have damaged a wetland near Becher Point and illegally cleared blackboys and removed a sand dune -

(a) have any departments or agencies under the Minister's control investigated these claims;

(b) if not, why not; and

(c) if yes, have LandCorp and/or North Whitfords Estates breached any environmental stipulations put on the project?

Mrs EDWARDES replied:

(a) Yes.

(b) Not applicable.

(c) No.

"HEY MINISTER" COLUMN - RESPONSIBILITY

1287. Ms ANWYL to the Minister for Youth:

I refer to the "Hey Minister" column published in the *Community Newspaper* of 22 to 28 September 1998 and ask -

(a) which State Government agency is responsible for this column; and

(b) how is the public able to identify the column as being a legitimate Government initiative?

Mr BOARD replied:

(a) As Minister for Youth, I provide the copy for the Hey Minister column each fortnight to the Community Newspaper Group.

(b) My name and photograph in the column, plus the presence of the “Dot.U” web site logo all identify the column as a legitimate Government initiative.

"HEY MINISTER" COLUMN - PUBLICATION DATES AND COST

1288. Ms ANWYL to the Minister for Youth:

I refer to the "Hey Minister" column published in the *Community Newspaper* and ask -

(a) on what dates has the column been published;

(b) what is the expected frequency of future publication;

(c) list the different regions of the *Community Newspaper* in which the column is published;

(d) for each time the column has been published, what has been its:

(i) cost of production; and
(ii) cost of placement;

(e) in addition to placement in the *Community Newspapers*, is the column published in any other local newspaper; and

(f) if the answer to (e) above is yes, will the Minister provide details as to -

(i) which other local newspapers;
(ii) the dates on which the column has been published;
(iii) the expected frequency of future publication; and
(iv) for each time the column has been published, the cost of its placement?

Mr BOARD replied:

(a) The column has appeared on September 8, September 22, October 6 and October 20 1998-11-12.

(b) It will appear on November 24, December 12 and December 22 1998 and then fortnightly from a date early in 1999 yet to be decided.

(c) Subject to unavoidable scheduling difficulties, the column appears in all Community newspapers, except weekend editions.

(d) (i) My office paid a once-only fee of $332.50, to a graphic artist, for design work to create the masthead and produce camera ready artwork.

(ii) There have been no costs associated with placement of the column. Space has been provided free of charge by the Community Newspaper Group as a community service.

(e) The column appears only in newspapers which are a part of the Community Newspaper Group.

(f) Not applicable.

"HEY MINISTER" COLUMN - RESPONSES

1289. Ms ANWYL to the Minister for Youth:

I refer to the "Hey Minister" column in the *Southern Gazette* of September 22 to 28 and the statement referring to the "enthusiastic response to our first column - especially those who e-mailed me" and ask -

(a) how many people responded to the first column -

(i) by e-mail; and
(ii) by other means; and

(b) how many people have responded to subsequent columns -

(i) by e-mail; and
(ii) by other means?

Mr BOARD replied:

(a)-(b) (i) It is not possible to attribute a response to a particular week's column because responses usually do not refer to a specific column. There are now web sites for the Office of Youth Affairs, Dot.U youth site, Cadets WA and Minister for Youth, with several others under development. The Hey Minister column is encouraging visits to all of those sites. "Hits" on the Dot.U site have increased markedly since the Hey Minister column has been running, with the logo and web address displayed (from 42,016 in August, to 55,013 in September to 64,659 in October and projections for 80,000 in November). More than 130 visitors have accessed the feedback form on the Dot.U web site in the period since the Hey Minister column began.

(ii) It is not possible to attribute a response to a particular column because correspondence usually does not refer to a specific column.

PRISONS - FEASIBILITY STUDY TENDERS

1290. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

(1) With reference to question on notice 785 of 1998, which eight companies submitted tenders for the purpose of carrying out a feasibility study of future prison requirements in WA?

(2) On what date(s) did the Ministry of Justice (MOJ) advertise for tenders?

(3) On what date did the tender process close?

(4) On what date did Australasian Correctional Services (ACS) submit its tender?

(5) On what date was the contract awarded to ACS?

(6) What was the completion date for the contract?

(7) What was the -

(a) contracted price; and
(b) what was the final cost?

(8) Which MOJ officers were responsible for awarding the tender to ACS?

(9) Did all eight companies that submitted tenders for the contract provide quotations that conformed with the contract's requirements?

(10) If not, how many companies submitted conforming quotations?

(11) Of the companies that submitted conforming quotations -

(a) what was the amount of the lowest priced quotation; and
(b) what was the amount of the highest priced quotation?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1) The eight companies were:
Australasian Correctional Services
Department of Public Works NSW
Medford Marshall Management Consultants
Price Waterhouse Urwick
Data Analysis Australia Pty Ltd
Foley-Jones Pty. Ltd
John Walker Consulting Service
CGA Consulting Services.

(2) The Ministry advertised for tenders in the West Australian on Saturday, 31st August 1996.

(3) The closing time for responses was 11 am, Friday 27th September, 1996.

(4) Australasian Correctional Services (ACS) submitted their tender before the closing date and time for submissions.

(5) ACS were awarded the contract by letter on 4th October to commence on 7th October 1996.

(6) The completion date was Friday 29th November 1996.

(7) (a) The contract price was $15,000.
(b) The final cost was $15,000 plus approximately $600 for additional copies of the reports at completion.

(8) The evaluation panel consisted of:
G. Zimmer – Acting Director Asset Management
R. Stacey – Acting Superintendent Canning Vale Prison
R. Donovan – Superintendent Greenough Regional Prison
P. Jones – Acting Contracts Manager

(9) Of the eight submissions received, three were non-complying.

(10) Five companies submitted conforming quotations.

(11) (a) $15,000
(b) $23,500

PRISONS - FEASIBILITY STUDY TENDERS

1291. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

(1) With reference to question on notice 785 of 1998, did Ministry of Justice (MOJ) staff have any contact with the Australasian Correctional Services (ACS) prior to the calling of the tender?

(2) If yes to the above, will the Minister provide details of -

(a) the dates of contact;
(b) the MOJ officers involved;
(c) who initiated each contact; and
(d) the purpose of each contact?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1) Yes.

(2) (a) Specific dates are not available.
(b) Dr McCall, Acting Director General
Kevin McGill, Acting Director, Asset Management
Geoff Zimmer, Manager Building (Institutions)
(c) Australasian Correctional Services (ACS) initiated the contact.
(d) Simply to advise the Ministry of projects that ACS were undertaking in the Eastern States.

HEALTH - MEN'S HEALTH PORTFOLIO

1293. Mr McGINTY to the Minister for Health:

(1) I refer the Minister to the Men's Health Policy and Discussion Paper launched at the second National Men's Health Conference in Fremantle last year and ask, will the Minister confirm that a men's health portfolio is operating in the Western Australian Health Department?

(2) If the answer to (1) above is yes -

(a) when did this portfolio start operating;

(b) in which office or section of the Western Australian Health Department is this portfolio included;

(c) who is the officer in charge of the portfolio and what is the level at which they are employed;

(d) how many FTEs are employed in the portfolio;

(e) what is the role of the portfolio;

(f) what programs has the portfolio instigated or adapted to address the issues which effect men's health ;

(g) does the men's health portfolio have its own budget allocation and, if yes -

(i) what was the budget allocation for the 1997-98 financial year;
(ii) what is the budget allocation for the 1998-99 financial year; and

(h) if the men's health portfolio does not have its own budget allocation and is being funded by other sections, what is the reason for this?

Mr DAY replied:

(1) Yes.

(2) There is a men’s health planning portfolio in the Purchasing Branch of the Department’s Operations Division.

(a)-(h) It is not a formally structured entity. Men’s health as a portfolio is assigned along with portfolios for women’s health, child health and youth health to various officers in the Branch. The Purchasing Branch produced a discussion paper on men’s health issues in 1997. The intention of the paper was to facilitate debate and interest among consumers and service providers on the issue of men’s health. Aside from this, a number of initiatives across the health system have occurred in the area of men’s health. These initiatives have not been driven out of the planning portfolio, but rather have been generated from portfolios such as:

Health promotion
Health education

Other government departments and non government agencies
General Practice Divisions
Public Health Division
Emergency Departments, eg in Broome and Kalgoorlie Hospitals.

Men's health is part of the core business of government agencies and departments, government and non-government and private sector providers.

POLYCYCLIC AROMATIC HYDROCARBONS - VELA-LUKA PARK, COCKBURN

1319. Dr EDWARDS to the Minister for Health:

(1) In relation to the contamination by polycyclic aromatic hydrocarbons (PAHs) of residential properties in the vicinity of Vela-Luka Park, Cockburn, has the Health Department received any indication from residents as to when the tar like material was first noticed?

(2) If so, when was this material first observed?

(3) Is it assumed by the Health Department that it is most likely that the tar like material has risen to the surface in recent years?

(4) If not, why not?

(5) Can the Health Department provide an assurance that no subsurface deposits of the tar like material remain in the residential properties which have been sampled?

(6) Given that the tar like material is likely to have risen to the surface in recent years and that subsurface deposits may remain, does the Health Department accept that further contaminated material could also rise to the surface?

(7) If not, why not?

(8) Given the propensity for young children to ingest soil material directly or through finger sucking why does the Health Department consider that a PAH level of over twenty eight times the health investigation guideline proposed by the National Health and Medical Council is insufficient to warrant further investigation?

Mr DAY replied:

(1) Yes.

(2) From responses to a survey conducted on 7 January 1998, individual residents reported that they were aware of contamination from coal or tar in the area up to sixteen years prior.

(3) No.

(4) A preliminary site contamination assessment of Vela Luka Park, conducted by independent consultants, provides no evidence for significant migration of contaminants either to the surface or into the groundwater.

(5)-(6) No.

(7) There is no evidence to suggest any contaminated material has migrated to the surface through natural processes. If any sub-surface deposits were present they would most likely only be exposed by digging the soil.

(8) The Health Department of Western Australia (HDWA) has recognised the PAH contamination at the site. The HDWA in conjunction with the Department of Environmental Protection, Water and Rivers Commission and the City of Cockburn have conducted a series of investigations and instigated strategies at this site which may be summarised as follows :

Ground water has been analysed.
Vegetables grown by residents have been analysed.
Exposed coal tar deposits and surrounding soil samples have been analysed to assess leaching through the soil.
Vela Luka Park has been fenced since this appears to be the main area of surface contamination.
Residents have been notified of the results as they come to hand.
Medical officers from the HDWA have provided advice on health issues.
Residents have been requested to notify the Department of Environmental Protection of any exposed material on their properties so that it may be disposed of appropriately.

A consultant has been employed to explore options for remediation at Vela Luka Park. The PAHs are confined to clearly evident coal tar material and there appears to be no significant leaching to surrounding soil or groundwater at the site and no significant uptake in vegetable samples. Management options for remediation of Vela Luka Park have been explored by the consultant and are under investigation by the Department of Environmental Protection.

MR D.C. MILLAR - COMPLAINT

1330. Ms MacTIERNAN to the Minister representing the Attorney General:

(1) Has the complaint against Mr D C Millar been dealt with by -

(a) the Legal Practice Complaints Committee; or
(b) The Legal Practice Board tribunal?

(2) If so, which of these bodies have dealt with the matter?

(3) What has been the outcome of the deliberations?

(4) Have the decisions of either of these bodies in respect to Mr Millar been made public?

(5) If not, why not?

(6) If yes, will the Minister table those?

Mr PRINCE replied:

The Attorney General has provided the following reply:

(1)-(6) Section 31C of the *Legal Practitioners Act* provides that unless the Complaints Committee or the Disciplinary Tribunal otherwise determines and orders, an enquiry or hearing under Part IV of the Act is not to be held in public. The Chair of the Complaints Committee reports to me under Section 25 and Section 31G in relation generally to its activities, and the Chair of the Disciplinary Tribunal reports to me under Section 31G generally as to the Tribunal's activities but otherwise I have no part to play in the proceedings or practice of the Committee or Tribunal. Might I suggest that if you seek information in respect of a complaint and wish the Committee, or the Tribunal to give the appropriate directions or make the appropriate order under Section 31C, or Part D of Schedule 2, you write to the respective Chairpersons of the Committee and Tribunal. Generally speaking, in the event that there are proceedings before the Tribunal and there is an adverse finding the Tribunal publishes the name of the practitioner involved, the nature of the finding, the penalty imposed and a summary of its findings. It is required to do so under Section 31C(5) of the Act unless it is of the opinion that the circumstances are of such minor nature as not to so warrant.

HEALTH - MEN'S HEALTH PROJECTS, FUNDING

1377. Mr McGINTY to the Minister for Health:

(1) Will the Minister provide details of men's health community initiatives which have been funded by the Health Department that have been undertaken in Western Australia?

(2) Will the Minister provide an estimate of the amount of money spent on specific men's health projects in Western Australia during 1998?

(3) Will the Minister provide an estimate of the amount of money spent on suicide prevention programs for men during 1998?

(4) Will the Minister advise what impact the money spent on suicide prevention programs for men is having on young men, aged 15 to 25, and middle-aged men, aged 35 to 55, in comparison with other states and territories in Australia?

(5) What is the Minister planning to do as a State-wide initiative to -

(a) address health inequalities for men;
(b) reduce men's health risk behaviour; and
(c) improve men's take-up rate of health resources?

(6) Will the Minister outline what the Government is doing to encourage research into men's health issues in Western Australia?

Mr DAY replied:

(1) The Health Department funds a number of public health initiatives that focus on men's health issues. These initiatives include :

The distribution of an education kit on Prostate and Testicular Cancer.
The continued promotion of the RESPECT YOURSELF and QUIT Campaigns which target at risk males.
The distribution of DRUG AWARE pamphlets that focus on illicit drug use within the community.
The provision of Injury Control Training Workshops to men through regional public health units.

(2) Men's health issues are addressed in health service provision throughout the State. Where there is demonstrated need, men are targeted, along with other at risk groups, through the use of specific health promotion campaigns. It is difficult to provide an estimate of the amount of money spent on men's health within the context of overall program budgets.

(3) $1.2 million has been allocated in 1998/99 for specific suicide intervention projects. An additional $270,000 from the National Youth Suicide Prevention Strategy also provides counselling services in Western Australia. All programs cater for both men and women.

(4) There is evidence that the hospitalisation rate for attempted suicide by young men aged 15 to 19 years has significantly declined in Western Australia since 1990. Hospitalisation rates of attempted suicide have remained the same for young men aged 20 to 24 years. Rates of suicide for young men aged 15 to 24 years have remained constant since 1990. Information for men aged 35 to 55 is unavailable due to the short notice of this question.

(5) The Health Department remains committed to addressing issues associated with men's risk behaviours and access to health services through Statewide public health campaigns and programs. Specifically, crisis services for men have been identified as a priority and a metropolitan service is to be developed.

(6) The Health Department has provided funds to support the Curtin University Men's Health Teaching and Research Unit.

DENTAL HEALTH - WAITING LIST

1476. Dr CONSTABLE to the Minister for Health:

Further to your answer to question on notice No. 765 of 1998, in each of the last three years -

(a) how many patients were treated for urgent dental problems;

(b) how many patients are currently awaiting appointments for non-urgent treatment at the Perth Dental Hospital; and

(c) does your answer to part (1) (a) and (b), and part (2) (ii) of question on notice No. 765 of 1998 mean that the 3500 patients on the waiting list for non-urgent treatment will be treated within 9 months?

Mr DAY replied:

(a)

1995/96	12,200
1996/97	11,900
1997/98	12,100

(b)

September '95	6,300 approx
September '96	5,500 approx
September '97	2,100 approx

(c) No. It means that it is expected that the 3,500 patients will come off the waiting list and have the opportunity to commence non-urgent treatment within 9 months.

CULTURAL CENTRE DEVELOPMENT COMMITTEE - FEMALE MEMBERS

1487. Ms McHALE to the Minister representing the Minister for Arts:

I refer to the Cultural Centre Development Committee and ask -

(a) why, as at 30 June 1998, were there no women appointed to that committee; and

(b) when will you redress this gender inequality?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following reply:

(a) There is in fact a woman on the Cultural Centre Development Committee, Ms Lindsay Baxter of the Ministry for Planning. Ms Baxter replaced Mr Ray Stokes.

(b) The majority of members of the Cultural Centre Development Committee are ex officio, representing government departments such as the Department of Land Administration and the Ministry of Planning. Should a vacancy occur with one of the appointed positions I will request the Director General of the Ministry for Culture & the Arts to recommend to me a woman replacement.

QUESTIONS WITHOUT NOTICE

ANTI-CORRUPTION COMMISSION, REVIEW

452. Dr GALLOP to the Premier:

I refer to the fact that both the Joint Standing Committee on the Anti-Corruption Commission of the Parliament and the Boucher report which the Premier has tabled have called for an external review of the Anti-Corruption Commission. Why will the Government not change the Parliamentary Commissioner Act to give the Ombudsman jurisdiction over the Anti-Corruption Commission when the Ombudsman is ideally equipped to do the job?

Mr COURT replied:

I have just read a statement to the Parliament relating to the report of Mr Boucher. It is true that recommendations have come from the joint standing committee and it was also mentioned by Mr Boucher. However, we have established a very powerful, independent Anti-Corruption Commission. It is overseen by three people who are appointed under a process that does not involve a political direction. Those people are very reputable. We believe that they are doing a good job. We are reluctant to put a watcher on the watcher so early in the life of the agency. It is true that some other jurisdictions have appointed some form of watcher of the watcher but that does not necessarily mean it has been effective. The Government has kept an open mind on the issue. We are not ruling it out. I think that the report I tabled a moment ago is an indication that merely because allegations are made does not mean it is the case in that agency's operations.

ANTI-CORRUPTION COMMISSION, BOUCHER REPORT

453. Dr GALLOP to the Premier:

As a supplementary question, does it concern the Premier that the Boucher report has indicated that the ACC did not follow the formalities required under its own legislation?

Mr COURT replied:

It said it could improve the processes that it follows.

Dr Gallop: That means it was not doing it properly.

Mr COURT: It was asked to investigate serious allegations which were found to be without foundation. In the process, the ACC said that some of its processes could be improved. That is the beauty of having such an inquiry.

Dr Gallop: The Ombudsman does that every day. Why can he not do it in relation to the ACC?

Mr COURT: The Leader of the Opposition has come up with a reasonable suggestion, but who watches the Ombudsman?

TOTALISATOR CROSS-CODE BETTING

454. Mr TRENORDEN to the minister representing the Minister for Racing and Gaming:

I direct my question to the minister in view of his knowledge of the industry!

(1) Who has the power to decide whether totalisator cross-code betting is available in Western Australia?

(2) For example, recently the Northam Greyhounds and the Northam Race Club held meetings on the same day. Who makes the decision to allow or refuse cross-code betting to occur on such occasions?

Mr COWAN replied:

I thank the member for some notice of this question as it enabled the Minister for Racing and Gaming to provide the following reply -

(1)-(2) In relation to Western Australian racing events, regulation 70 of the Betting Control Regulations stipulates that the club conducting the racing event, and not the principal club, is required to consent to cross-code betting. Therefore, in the case of Northam Greyhounds and the Northam Race Club each conducting a race meeting at the same time, the Northam Race Club would be required to authorise the Northam Greyhounds to transmit any bets it receives in relation to a race being conducted at the Northam Race Club.

POLICE, CALL CHARGE RECORDS

455. Mrs ROBERTS to the Minister for Police:

(1) Does the Police Service use CCR - namely, call charge records - to monitor whom its staff are telephoning?

(2) Does the professional standards unit contact the media to obtain updated phone numbers of journalists to check against CCRs?

(3) Does the Police Service use reverse CCR?

(4) If so, does it use reverse CCR to determine which police officers journalists may have called?

(5) If so, which journalists have been monitored?

(6) On how many occasions has the Police Service used reverse CCR this calendar year, and at what cost?

The SPEAKER: Order! The six-part question is unduly long. Surely the member could have asked two questions.

Mr PRINCE replied:

(1)-(6) In answering the question I give the House a brief outline of the professional standards portfolio, which was established in 1996. It compromises the internal investigations unit, which investigates matters of discipline; the internal affairs unit, which investigates alleged corruption and major misconduct; the public sector investigation unit, which investigates alleged corruption and major misconduct in the public sector; the management audit unit, which, as its names implies, provides an audit function for the Police Service; and the standards development unit, which, again as its name implies, develops strategies for the improvement of ethics, integrity and professional conduct within the Police Service.

Since it was established in 1996, over the two financial years of 1996-97 and 1997-98 the professional standards portfolio has had a total of 2 764 inquiries on 4 694 allegations, of which 3 934 were finalised and 715 sustained. That resulted in 79 statutory charges against 41 police officers, 123 disciplinary charges against 72 officers, 40 officers resigning during the course of internal investigations, and 26 officers being served notices of intention to dismiss under section 8 of the Police Act, of whom five were re-instated and nine resigned. Those numbers relate to a police strength of some 4 800 sworn officers. As the Morgan poll demonstrated, we now have the second highest rating in Australia for integrity; that is, 70 per cent, which is 10 per cent above the national average.

What the professional standards portfolio uses as investigative tools is for it to determine. I will neither confirm nor deny that it uses call charge records.

POLICE, CALL CHARGE RECORDS

456. Mrs ROBERTS to the Minister for Police:

As a supplementary question, on what basis is the minister refusing to say whether the Police Service is using CCR or reverse CCR?

Mr PRINCE replied:

I thought I had answered that question. The professional standards portfolio has been responsible, in part, for lifting the integrity of the Police Service in the past two years to have the second highest integrity rating in Australia. It is very effective and does a superb job. I will not prejudice the work of the unit by confirming or denying any of the methods used to inquire into complaints made to the unit, the vast majority of which are dismissed, and some of which are sustained. The Police Service and the public are better for the work of the unit. That result, not the member's little questions, is a measure of the effectiveness of the portfolio.

ABUSED CHILDREN, IMPROVED SERVICE DELIVERY

457. Mr BLOFFWITCH to the Minister for Family and Children's Services:

Given the community's and the Government's commitment to families and children, what has the Government done to ensure the improved coordination of service delivery to children who have been abused?

Mrs PARKER replied:

I thank the member for that question. As I have often stated, the Government is unequivocally committed to continuously improving its response to the tragedy of child abuse. It has not only increased by 38 per cent funding to Family and Children's Services over the past five years, but also established several programs and initiatives, including New Directions in Child Protection and Support; the Child Victim Witness Service; reciprocal child protection procedures; and the joint interviewing of child abuse victims by the police and Family and Children's Services, which was well received when it was launched recently. We have established the Western Australian Child Protection Council and the child protection services register as a pilot project. We have also introduced legislation to make the child protection services register more effective. The legislation will further improve the coordination of service delivery across government to children who have been abused and it will also improve the accountability of government agencies in responding to the problems of child abuse and to particular cases.

I note in the newspaper today that the member for Kalgoorlie has said that she intends to introduce a private member's Bill to establish an office for children and a children's commissioner to coordinate an interdepartmental approach to child protection. The child protection services register has been doing that through its pilot phase. If we had had the Opposition's support, that Bill would have been able to pass through this place by now and we would have the coordination that those children and families so desperately need. We have had no clear indication from the Opposition of any difficulties that it has with the legislation.

The Government does not support the establishment of an office for children. The best interests of the majority of children are served in the context of considering the interests of their families. We have said that we will establish a family and children's policy office to ensure that children's interests are prioritised and coordinated across government and in the family context.

BUS CONTRACT, MERCEDES-BENZ

458. Ms MacTIERNAN to the Premier and Treasurer:

The Government announced more than seven months ago that Mercedes-Benz had won the $320m-plus contract for the supply of 840 buses, yet no formal contracts have been signed.

(1) Have Treasury officials expressed concern over the proposed funding arrangements for the purchase of the buses?

(2) Have the final funding arrangements for the purchase of the buses been settled yet and, if so, what are they?

(3) Has the final form of the contracts been settled and when will they be signed?

(4) Has the construction of the buses already commenced and when will the first buses be delivered?

Mr COURT replied:

(1)-(2) No, a conditional mandate has been awarded to Matrix group. That mandate is conditional on a number of issues being satisfied, including Matrix group securing a final, binding tax ruling from the Australian Taxation Office on the funding arrangement. Pending the satisfaction of those conditions, which must be completed prior to 30 June 1999, budget provision exists for the acquisition of the buses in 1998-99.

(3) It is expected that the final form of the contracts will be settled at a meeting between the Crown Solicitor, Transport and Mercedes-Benz Australia Ltd, to be held on 8 December 1998. The contracts are expected to be signed within two weeks of that meeting.

(4) Construction of the buses has commenced, as per a letter of intent between the Department of Transport and Mercedes-Benz in June this year.

Ms MacTiernan: So you have started constructing the buses even though you do not have a signed contract. What a joke!

Mr COURT: Far from its being a joke, the buses are very much on their way. With regard to the issue of financing with the Matrix group, I said in my answer that budget provision exists for the 1998-99 program; and if the Matrix deal goes ahead, it will be an even more attractive financing deal.

ADVISORY BODIES, NUMBER

459. Mr JOHNSON to the Premier:

Can the Premier advise the House when he will be in a position to table the Government's records on boards and committees?

Mr COURT replied:

I thank the member for Hillarys for the question. I was asked a question last week with regard to tabling the information on the advisory boards.

Mr Ripper: On all of them, not just the advisory boards.

Mr COURT: Yes. I refer to an answer to the same question that was given in the dying days of the Labor Government. The now Deputy Premier, the member for Merredin, asked the then Premier, Dr Lawrence -

(1) How many -

(a) advisory boards;

(b) advisory councils;

(c) advisory committees;

currently exist?

(2) What is each called?

(3) What is its purpose?

The reply was as follows -

I am not prepared to instruct departmental officers to devote the considerable time and resources necessary to respond to the member's question. However, if he has any specific concerns and raises them with me, I will have them investigated.

I table that information.

[See paper No 461.]

Mr COURT: That is a very clear example of the difference between this Government and the former Government.

Mr Brown interjected.

The SPEAKER: Order, member for Bassendean!

Mr COURT: The details about those committees are approximately five weeks out of date, because the program under which they were operating is currently being made year 2000 compliant. Members can use their imagination as to what that means!

Mr Brown interjected.

The SPEAKER: Order! I formally call the member for Bassendean to order for the first time.

Mr Brown interjected.

The SPEAKER: Order! I formally call the member for Bassendean to order for the second time. Perhaps he will learn.

HOSPITALS, EXPENDITURE

460. Mr McGINTY to the Minister for Health:

Notice of this question was given yesterday.

(1) What was the expenditure or draw down by each hospital covered by the Metropolitan Health Service Board for the September quarter 1998, and what proportion did that represent of the 1998-99 annual financial allocation to each hospital?

(2) What was the expenditure or draw down by the Metropolitan Health Service Board for the September quarter 1998, and what percentage of the annual financial allocation does this represent?

Mr DAY replied:

(1) Fremantle Hospital $35.058m, or 26.5 per cent of its allocation; Princess Margaret Hospital for Children and King Edward Memorial Hospital, $35.9m, or about 25.7 per cent; Royal Perth Hospital, $68.9m, or 26.6 per cent; Sir Charles Gairdner Hospital, $45.749m, or 25.3 per cent; Armadale Health Service, $7.6m, or 24.3 per cent; Bentley Health Service, $9.3m, or 24.1 per cent; Kalamunda Health Service, $2.263m, or 24.7 per cent; North Metropolitan Health Service, $11.847m, or 25.7 per cent; Rockingham-Kwinana Health Service, $5.969m, or 29.8 per cent; Swan Health Service, $9.486m, or 27.7 per cent; Graylands Selby Lemnos $11.973m, or 24 per cent; and Dental Health Service, $7.056m, which is about 21.8 per cent. The overall average is about 25 per cent, or one-quarter of their allocation, which is as would be expected.

(2) The total draw down by the Metropolitan Health Service Board for that period, which includes all of the hospitals and health services that I have mentioned, and the secretariat of the Metropolitan Health Service Board, is $251.381m, which I am advised is 25.5 per cent of its allocation.

PRIVATE HEALTH INSURANCE, NUMBERS

461. Mr OSBORNE to the Minister for Health:

What proportion of Western Australians are covered by private health insurance and how much has this figure declined in recent years?

Mr DAY replied:

I thank the member for some notice of the question. It is a very significant issue because one of the substantial challenges which faces the health system, not only in Western Australia but also across Australia, is the declining number of people

who are covered by private health insurance. That decline has been substantial over the past 14 or 15 years. In Western Australia in 1984 approximately 55 per cent of people were covered by private health insurance; as at September this year only 35 per cent were covered. It is self-evident that more and more people are relying on the public health system. That explains to a large extent the additional pressure which has been placed on our public health system in Western Australia, including the pressure which has been placed on elective surgery waiting lists. More and more funds have been contributed by the Government on a continuing basis. An additional $100m a year has been contributed by the Government since we took office. There is also an ever-increasing demand for funds, largely as a result of the declining proportion of people who are covered by private health insurance and, therefore, who rely entirely on the public system.

There is a good argument for those who can afford it to pay for their health care and take that responsibility. Quite clearly not everyone in the community who is able to pay for that cover does so at the moment. This has the effect of pushing out of our public hospital system people on low incomes, or of delaying the provision of the treatment which they need and which otherwise they would be able to access earlier.

Dr Gallop: You are as dishonest about this as you were about the Health budget last week.

Mr DAY: What have I said that is dishonest?

Dr Gallop: What is the analysis of the impact of declining rates of private health insurance on Western Australian public hospitals? I have that material and you are presenting it dishonestly.

Mr DAY: It is entirely appropriate that the Federal Government is offering -

Dr Gallop: You are dishonest about this.

Mr DAY: The Leader of the Opposition does not like this. It is embarrassing to him. He does not like what I am about to say.

The SPEAKER: Order! Members must be careful when they reflect on the characters of other members in this place. One way I could take the interjection is to assume that the Leader of the Opposition was referring to the minister's character. The other way I could take it is to assume that the Leader of the Opposition was referring to the way in which the facts were or were not presented. I will give the Leader of the Opposition the benefit of the doubt. However, he has come very close to being asked to withdraw that comment.

Mr DAY: It is entirely appropriate that the Federal Government is offering a 30 per cent rebate to anyone in this country who has private health insurance. It is seeking to push that legislation through the Senate this week. If the non-government parties in the Senate obstruct that legislation, it will be an attack on all of those people in Australia, and in our case Western Australia, who are taking responsibility for their health needs by paying private insurance premiums and thereby relieving the pressure on the public system. That includes the approximately 70 000 Western Australians who are on an income of $20 000 a year or less, have private health insurance and are accepting that responsibility. Does the Leader of the Opposition support that 30 per cent rebate?

Dr Gallop: No, I do not. I want to spend money on public hospitals. It is about time the Minister for Health came to terms with that.

Mr DAY: The Government is spending more than it ever has on public hospitals. It is interesting to hear directly from the Leader of the Opposition that the Labor Party in this State does not support making available that assistance to all people who have private health insurance.

Dr Gallop: We have more votes on that proposition than you.

Mr DAY: That will come back to haunt the Leader of the Opposition. I suggest that the members of the Opposition look at the editorial in this morning's *The West Australian.* It states, among other things -

> The opposition parties in the Senate will exceed their proper role if they try to block the Government's legislation for its proposed private health insurance subsidy.

Dr Gallop: You were caught out last week.

Mr DAY: I was not caught out. I suggest the Leader of the Opposition look at the personal explanation I made.

Mr McGinty: You had to come in here and make a personal explanation because you didn't tell the truth in the first place.

Mr DAY: Rubbish!

Dr Gallop: You were dishonest last week and dishonest this week.

The SPEAKER: Order! I ask the minister to wind up his answer because he is into the fifth minute. I ask members to stop interjecting.

Mr DAY: I draw the attention of members to what the former Labor Minister for Health in this State said about this issue. Keith Wilson resigned as Minister for Health from the Labor Government over this issue in late 1992. Among other things he stated -

> Ignored also is the majority of Labor supporters with private health insurance and the need to encourage people who could afford it to see the membership of private health funds as a means of supplementing scarce public funds needed to maintain high quality public hospital services.

I suggest the Opposition reflect on those comments and change its attitude to this issue.

CHILD PROTECTION RESOURCES, REVIEW

462. Ms ANWYL to the Minister for Family and Children's Services:

I refer to the "Australians Against Child Abuse" report finding of a lack of political will to improve protective support services to abused children in this State.

(1) Will the minister commission an inquiry into child protection resources as was recommended by her own independent experts in the Midland report over a year ago?

(2) Will the minister concede that there is a resourcing problem with child protection workers in Family and Children's Services?

Mrs PARKER replied:

(1)-(2) The member's reference to the call for an inquiry into resourcing problems relating to child abuse dates back to the report which has become known as the Midland report. The member for Kalgoorlie has repeatedly misquoted that report as saying that the problems which arose in that case were a result of resourcing issues. That report categorically stated that the problems in that case were not a result of resourcing problems. As I have already said in this place today, this Government has an unequivocal commitment to constantly improving its response to the tragedy of child abuse in our community. That is shown by the significant funding increases and the range of new practical initiatives designed to better coordinate services across government to ensure that the children who need the support most have it delivered in the best possible way. The Government is doing that and it will continue to do that. There is great hypocrisy in the member for Kalgoorlie asking this question and in her making a statement to the media today. The Government has introduced legislation into this place which will formally improve the coordination across government of delivery of services to children who have been victims of child abuse. That was a key recommendation of the Wood Royal Commission into the New South Wales Police Service. When the Government introduced the legislation into this place, the Labor Party and the member for Kalgoorlie played games with it. The Bill is on the Notice Paper and I will be keen to see the member for Kalgoorlie's response as we proceed to the third reading stage.

BUSINESS, BARRIERS TO EMPLOYMENT

463. Mr BARRON-SULLIVAN to the Minister for Employment and Training:

In view of the Government's commitment to provide the best possible environment to encourage businesses to hire additional staff, is the minister aware of any particular concern which is actively discouraging employers from hiring extra staff?

Mr KIERATH replied:

At most of the forums I have attended I have asked employers about the biggest barrier to employment. Interestingly, they have told me that the unfair dismissal laws are one of the biggest barriers to employment. Unfairness does not seem to be a criterion; it simply makes them unwilling to hire people. In their words, it is almost impossible to dismiss an unsatisfactory employee. Opposition members in this State are bereft of ideas. However, I will acknowledge that one of their federal colleagues has seen the light. He is the shadow Minister for Small Business and Tourism, Mr Joel Fitzgibbon. On the *Small Business Show* on Channel 9 television recently, he said that he was concerned about unfair dismissal. He said that it was not just a perception but a cold, hard reality. He said that his wife constantly tells him that she would like to employ one more person in her business but is fearful of unfair dismissal actions.

Several members interjected.

The SPEAKER: Order! Two people are interjecting across the Chamber almost at each other and not necessarily concerning the question. All members realise that I allow some interjecting, particularly from the member who asked the question and who might be trying to get to the bottom of something. It is inappropriate for members to be interjecting across the Chamber.

Mr KIERATH: Last Friday I launched a program to encourage people to establish businesses at home. I am sure the House

will be interested in some statistics. In this State 63 000 businesses are based at home, yet there are 67 000 unemployed people. If every small business in this State employed one person, we would resolve the unemployment problem in this State; we would reduce it to less than 4 000.

Several members interjected.

The SPEAKER: Order! There are some members who do not want question time to continue.

Mr KIERATH: That federal Labor shadow minister said that the lack of unfair dismissal provisions will not only be an incentive to employment, but also will lower both unemployment and the welfare bill. I am sure all members support those sentiments because I am sure that every single member wants to do everything possible to encourage employment of Western Australians. I congratulate the federal member for Hunter for his views on what, unfortunately, is a depressing reality and I encourage all who genuinely care about employment to do something about those provisions.

Several members interjected.

SEXUAL ASSAULT REFERRAL CENTRE

464. Mrs ROBERTS to the Minister for Police:

Can the minister assure the House that the Sexual Assault Referral Centre will not be broken up in a similar way to the armed robbery squad; and that there is no plan to send detectives from the centre to suburban locations?

Mr PRINCE replied:

I cannot give any assurance and I cannot give any comment currently on that matter.

Mrs Roberts: You should, because it is very important.

Mr PRINCE: The member for Midland has raised it, therefore I will make some inquiries.

Mr Ripper: "I will neither confirm nor deny." Is that your answer?

Mr PRINCE: No, I never said that. I do not know. I will find out. The armed robbery squad has not been broken up; however, a number of its officers have gone to the district offices, which have more manpower and expertise these days. The results of moving to a district office orientation, to problem policing and to intelligence-based policing gives a much better clearance rate in many areas.

Mrs Roberts: It did not work out that way in Sydney, did it?

Mr PRINCE: It just so happens that the Australian Institute of Police Management uses Delta as the example of the best reform process in any police service in the western world. This is the best and it is happening better here than anywhere else.

Mr Marlborough interjected.

Mr PRINCE: Goodness me, the member for Peel is a waste of space. I will find out the answer to the question on the Sexual Assault Referral Centre and get back to the member for Midland.

WESTERN POWER, AERIAL BUNDLED CABLES

465. Mrs van de KLASHORST to the Minister for Energy:

What progress has been made in the provision of aerial bundled cabling to very dangerous, fire susceptible areas in the hills?

Mr BARNETT replied:

I thank the member for some notice of this question.

Local governments in the member's electorate and Darling Range have been promoting the use of aerial bundled cables rather than open, exposed cables. Following the storms in May 1994, as part of its underground power project the Government allocated $1m to Western Power for installing aerial bundled cabling in the hills area. That program has now been completed.

Ms MacTiernan: You are actually taking some money out of Peppermint Grove, are you?

Mr BARNETT: No. That program is being completed. Any new low-voltage extensions to the system are ABC now as a matter of course. Where opportunities for redevelopment occur and people are willing to pay, we will also do that. In some cases, the cost of maintenance, pruning and removal of trees makes it economical. I support the continued use of ABC and the replacement of ABC, not only for avoiding fires, which is the main risk, but also for avoiding loss of power supply during storms.

SMOKING LAWS

466. Mr McGOWAN to the Minister for Health:

(1) Why was local government not consulted about the new smoking laws that it will be expected to enforce?

(2) What resources does the State Government intend to provide to local government authorities to allow them to police the new smoking laws properly?

Mr DAY replied:

(1)-(2) The member for Rockingham is assuming that local government was not consulted about this issue. That assumption is wrong. A letter was sent from the Health Department of Western Australia to Mr Tim Shanahan, the Executive Director of the Western Australian Municipal Association, on 21 September in which a meeting was sought with representatives of WAMA to discuss the proposed regulations. I reject any assertion that there has not been consultation or the offer of consultation with WAMA. In addition, a meeting was held -

Dr Gallop interjected.

The SPEAKER: Order! The Leader of the Opposition will come to order.

Mr DAY: Following that letter being sent on 21 September, a meeting was held with WAMA representatives at WAMA's office on 12 October. Since that time, further discussions have been held with other people involved in local government. As I said, I reject any assertion that there has not been consultation with local government. Clearly there has been and there will be further -

Dr Gallop: It would be nice to get a bit of honesty from government speakers.

Mr DAY: You will get total honesty from me. I will be involved in further discussions with representatives of the Australian Institute of Environmental Health and WAMA later this week during which we will go through the issues. I do not expect that a large amount will need to be allocated by local governments to enforce this legislation. It should be self-regulating, and if training or other support is required, the Health Department will provide it.

ARMADALE HEALTH SERVICE

Confidentiality Provisions

467. Ms MacTIERNAN to the Minister for Health:

Pursuant to Standing Order 110, I ask the Minister for Health to explain why he has not answered my question concerning the confidentiality provisions of the Armadale Health Service request for proposal document, which I requested on 19 August 1998.

Mr DAY replied:

That question has been answered and put into the system. I assume the member will receive it soon.
